

Analysis of Child Pornography Offenses

INTRODUCTION

This section analyzes sentencing data for offenses involving child pornography, which include the production, trafficking, receipt, and possession of child pornography. After a brief overview of the applicable statutes and relevant guideline for child pornography production offenses, this section provides data and analyses concerning percentage of the federal docket, geographic distribution, demographics of offenders, and sentencing trends across the *Koon*, PROTECT Act, *Booker*, and *Gall* periods. It then provides the same data and analyses for child pornography non-production offenses, which include the trafficking, receipt, and possession of child pornography.

As used in this section, the term “child pornography production offenses” refers to offenses in which the court imposed a sentence applying USSG §2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material; Custodian Permitting Minor to Engage in Sexually Explicit Conduct; Advertisement for Minors to Engage in Production) as the primary sentencing guideline.¹ The term “child

¹ The primary sentencing guideline is the last Chapter Two guideline used in the computation to either increase or decrease the offense level. It is the Chapter Two guideline that ultimately controls a given computation and thus, the final offense level. A Chapter Four guideline, such as §4B1.1 (Career Offender) or §4B1.5 (Repeat and Dangerous Sex Offender Against Minors), is never the primary sentencing guideline, even if it results in a higher penalty than that prescribed by the Chapter Two guideline.

pornography production offenders” refers to offenders whose primary sentencing guideline was §2G2.1.

The term “child pornography non-production offenses” refers to offenses in which the court imposed a sentence applying USSG §2G2.2 (Trafficking in Material Involving the Sexual Exploitation of a Minor; Receiving, Transporting, Shipping, Soliciting, or Advertising Material Involving the Sexual Exploitation of a Minor; Possessing Material Involving the Sexual Exploitation of a Minor) or former USSG §2G2.4 (Possession of Materials Depicting a Minor Engaged in Sexually Explicit Conduct) as the primary sentencing guideline. Section 2G2.4 was deleted effective November 1, 2004, when the Commission consolidated it with §2G2.2.² The term “child pornography non-production offenders” refers to offenders whose primary sentencing guideline was §2G2.2 or the former §2G2.4.

Average sentences for child pornography production offenses have more than doubled between the *Koon* and *Gall* periods, increasing from an average sentence of 133 months during *Koon* to an average of 272 months during *Gall*. Similarly, average sentences for child pornography non-production offenses have almost tripled between the *Koon* and *Gall* periods, increasing from an average sentence of 34 months during *Koon* to an average of 93 months during *Gall*. This is due in part to the fact that the statutory and guideline penalties for both categories of offenses increased significantly over the years examined in this report. In particular, the Protection of Children from Sexual Predators Act of 1998³ and the PROTECT Act⁴, which took effect in 2003, each contained significant statutory penalty increases, and were followed by significant increases in applicable guideline penalties.⁵

² USSG App. C., amend. 664 (effective Nov. 1, 2004).

³ Pub. L. No. 105–314, § 502, 112 Stat. 2974 (1998).

⁴ Pub. L. No. 108–21, §§ 103, 401, 117 Stat. 650 (2003).

⁵ For a detailed discussion of the history of these guidelines, see U.S. SENT’G COMM’N, THE HISTORY OF THE CHILD PORNOGRAPHY GUIDELINES (Oct. 2009). For child pornography non-production offenses, Congress recently passed the Child Protection Act of 2012, which increased the statutory maximum term of imprisonment from ten to 20 years if an offender possessed child pornography depicting a minor under 12 years of age or who was prepubescent. See Pub. L. No. 112–206, 126 Stat. 1490 (2012).

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Statutory mandatory minimum penalties have influenced the average guideline minimums and average sentences to some degree for these offenses.

These changes to the guidelines increased average guideline minimums for both child pornography production and non-production offenses. An analysis of the relationship between the average guideline minimums and the average sentences imposed suggests that the influence of the guidelines diminished during the *Booker* and *Gall* periods for child pornography non-production offenses, and has diminished within the past few years for child pornography production offenses.

For both child pornography production and non-production offenses, the rate of within range sentences decreased post-*Booker*, while the rate of non-government sponsored below range sentences increased. The decrease in within range sentences was largely attributable to the increase in the rates of non-government sponsored below range sentences. However, there has also been an increase in the rates of government sponsored below range sentences in the *Booker* and *Gall* periods for both categories of offenses. In the *Gall* period, non-government sponsored below range sentences were imposed in 20.3 percent of child pornography production offenses and in 44.0 percent of child pornography non-production offenses.

In child pornography production offenses, post-*Booker*, more districts have reported both government sponsored below range sentences and non-government sponsored below range sentences, and the rates of both have increased. While more districts have imposed such sentences and have done so at higher rates, the extent of the reduction below the guideline minimum has remained similar for both government sponsored below range sentences and non-government sponsored below range sentences in every period except the PROTECT Act period. In the PROTECT Act period, the extent of the reduction was greater for non-government sponsored below range sentences.

Similarly, in child pornography non-production offenses, more districts have reported non-government sponsored below range sentences, and the rates have increased. While more districts have imposed such sentences, and have done so at higher rates, the extent of the reduction below the guideline minimum for both government sponsored below range sentences and non-government sponsored below range sentences decreased steadily from the *Koon* period to the *Booker* period before starting to increase again in the *Gall* period.

Child Pornography Offenses and USSG §2G2.1 (Production)

Applicable Statutes

Statutes referenced to §2G2.1 include 18 U.S.C. §§ 1591, 2237(b)(4), 2251(a)-(c), 2251(d)(1)(B), and 2260(a).

Definition of child pornography

Section 2256(8) of title 18 of the U.S. Code defines child pornography as:

any visual depiction, including any photograph, film, video, picture or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where –

- (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or
- (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

a. 18 U.S.C. § 1591

Section 1591 prohibits, among other things, trafficking of minors with the knowledge that the minor will engage in a sex act, as a result of which any person will receive anything of value. If force was used or a minor was under 14 years of age, the statutory minimum penalty is 15 years in prison and the statutory maximum penalty is life; if no force was used and the minor was older than 14, the statutory minimum penalty is ten years in prison and the statutory maximum penalty is life.

b. 18 U.S.C. § 2251(a)-(c) and (d)(1)(B)

Section 2251 prohibits various acts related to the production of child pornography. The prohibited acts include: using or enticing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct; a parent or other legal guardian knowingly permitting a minor to engage in such conduct; and advertising in search of others to engage in the production of visual depictions of such conduct. The statutory minimum penalty for the offense is 15 years of imprisonment and the statutory maximum penalty for the offense is 30 years of imprisonment. These statutory penalties increase to a range of 25-50 years if the defendant has previously committed a sex offense and 35 years to life if the defendant has previously committed two or more sex offenses.

c. 18 U.S.C. § 2260(a)

Section 2260 prohibits the production of child pornography outside the United States where the defendant intends that the pornography be imported into the United States. The statutory penalty range is the same as that described above for violations of section 2251.

USSG §2G2.1 Child Pornography Production Guideline

Section 2G2.1 assigns a base offense level of 32.⁶ Specific offense characteristics may increase the offense level based on the conduct involved, including the age of the child or children involved in the offense, the types of acts or conduct depicted in the image, the relationship between the defendant and the child, and whether the offense involved other aggravating conduct such as distributing the child pornography that was produced or knowingly misrepresenting the identity of a participant or using a computer or the Internet in order to facilitate a minor's participation in the production.⁷ A cross reference to the murder guideline applies if the victim of the offense was killed in circumstances that would constitute murder under federal law if federal jurisdiction attached.⁸

In recent years, Congress has focused attention on the scope of child pornography offenses and the severity of penalties for child pornography offenders. Through directives and statutory changes, Congress has specifically expressed its intent to increase penalties associated with certain child pornography offenses. As a result of these directives, as well as Commission-initiated changes, §2G2.1 has been amended 13 times since it first became effective on November 1, 1987, with several amendments resulting in an increase in the minimum of the applicable guideline range. For example, in 1996, the Commission implemented directives in the Sex Crimes Against Children Prevention Act of 1995⁹ by increasing the base offense level in §2G2.1 from 25 to 27 and adding a 2-level increase if the offense involved the use of a computer.¹⁰ As another example, in 2004, the Commission implemented the directives in the PROTECT Act¹¹ by

increasing the base offense level from 27 to 32, and by adding separate enhancements for offenses that involved the commission of a sexual act or contact, aggravated sexual abuse, or material that portrays sadistic or masochistic conduct or other depictions of violence.¹²

STATISTICAL OVERVIEW: FISCAL YEAR 2011

In fiscal year 2011, federal courts sentenced 226 child pornography production offenders. The number of child pornography production offenses varied from circuit to circuit and district to district. Judges in the Eighth Circuit led in the number of child pornography production offenses, with 37 in fiscal year 2011 (16.4% of all child pornography production offenses), followed by the Fourth Circuit with 35 offenses (15.5% of child pornography production offenses nationwide). Judges in each of the Sixth, Seventh, and Eleventh circuits had 23 offenses (10.2% of child pornography production offenses nationwide per circuit, totaling 30.6% nationwide), followed by the Fifth Circuit with 20 offenses (8.8% of child pornography production offenses nationwide), the Second Circuit with 14 offenses (6.2% of child pornography production offenses nationwide), and the Tenth Circuit with 12 offenses (5.3% of child pornography production offenses nationwide).¹³ In all circuits, child pornography production offenses were less than one percent of the circuit's caseload. As depicted in the table below, the proportion of a circuit's caseload comprised of child pornography production offenders ranged from a low of 0.1 percent in the Fifth and Ninth Circuits to a high of 0.8 percent in the Seventh and Eighth Circuits.

⁶ USSG §2G2.1(a).

⁷ USSG §2G2.1(b)(1)–(6).

⁸ USSG §2G2.1(c). In such a case the offense would not be a “child pornography production offense” as defined in this report.

⁹ Pub. L. No. 104–71, §§ 2–3, 109 Stat. 774 (1995).

¹⁰ USSG App. C., amend. 537 (effective Nov. 1, 1996).

¹¹ Pub. L. No. 108–21, §§ 103, 401, 117 Stat. 650 (2003)

¹² USSG App. C., amend. 66 4(effective Nov. 1, 2004).

¹³ See “National Distribution of Offenses by Circuit and District, Child Pornography Production Offenses, FY 2011” Appendix Table. By way of comparison, 70.4% of all federal criminal offenses in fiscal year 2011 came from the district courts in those eight circuits. See “National Distribution of Offenses by Circuit and District, All Offenses, FY 2011” Appendix Table.

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Proportion of Caseload by Circuit
Child Pornography Production Offenses
Fiscal Year 2011

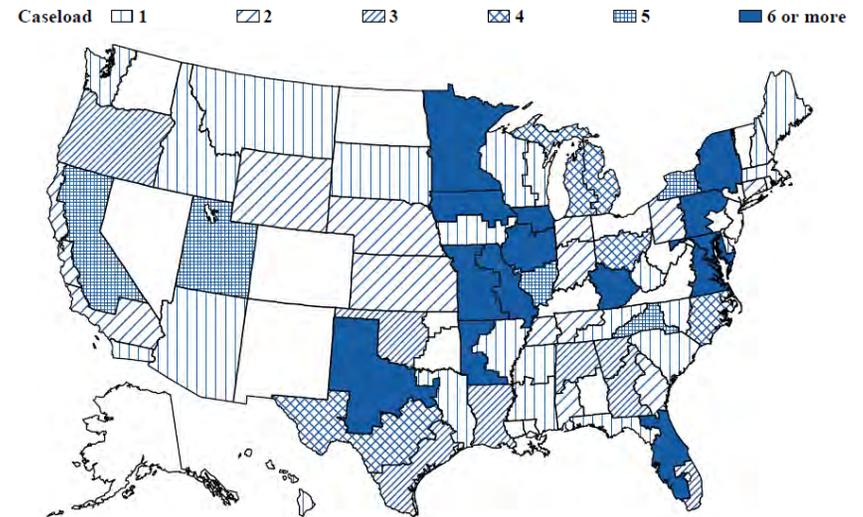
Circuit	Number of Child Pornography Production Offenses	Percent of Total Caseload
TOTAL	226	0.3
Fifth Circuit	20	0.1
Ninth Circuit	18	0.1
Tenth Circuit	12	0.2
Second Circuit	14	0.3
Third Circuit	9	0.3
Sixth Circuit	23	0.4
Eleventh Circuit	23	0.4
First Circuit	10	0.5
D.C. Circuit	2	0.6
Fourth Circuit	35	0.6
Seventh Circuit	23	0.8
Eighth Circuit	37	0.8

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

When viewed at the district level, judges in 24 of the 94 judicial districts did not sentence any child pornography production offenders. Among those 70 districts that had at least one child pornography production offense, judges in 23 districts reported sentencing only one offender and judges in 20 districts reported sentencing five or more offenders. Judges in the District of Maryland sentenced the greatest number of child pornography production offenders at 15 offenders, which represented 6.6 percent of child pornography production offenders sentenced nationwide in fiscal year 2011. Judges in Eastern Virginia sentenced eight offenders (3.5% of child pornography production offenders nationwide), and judges in Northern Texas, Puerto Rico, Eastern Missouri, Western Missouri, and Northern New York sentenced seven offenders per district (3.1% of child pornography

production offenders nationwide per district, totaling 15.5% nationwide).¹⁴ Judges in the 20 districts that sentenced five or more child pornography production offenders sentenced 58.2 percent of the child pornography production offenders nationwide.

Number of Child Pornography Production Offenders by District
Fiscal Year 2011



Note: Districts displayed in white had no offenders convicted of the specified offense.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

Consistent with the circuit level data, child pornography production offenses generally comprised very small percentages of the districts' criminal case dockets. Among those districts with at least one child pornography production offender, the proportion of those offenders relative to the overall caseload ranged from a low of less than 0.1 percent (Southern Texas; n=3; Arizona, n=1; Southern California, n=1) to a high of 1.9 percent (Western Arkansas; n=6; Maryland, n=15). In only 11 districts did child pornography

¹⁴ See "National Distribution of Offenses by Circuit and District, Child Pornography Production Offenses, FY 2011" Appendix Table. By comparison, 7.6% of all federal criminal offenses in fiscal year 2011 came from those seven districts. See "National Distribution of Offenses by Circuit and District, All Offenses, FY 2011" Appendix Table.

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PRODUCTION**

production offenses represent one percent or greater of the district's overall criminal docket: Western Arkansas (1.9% of offenders in the district; n=6), Maryland (1.9% of offenders in the district; n=15), Central Illinois (1.7% of offenders in the district; n=6), Southern Illinois (1.5% of offenders in the district; n=5), Minnesota (1.4% of offenders in the district; n=6), Northern New York (1.4% of offenders in the district; n=7), Northern Iowa (1.2% of offenders in the district; n=6), Middle Pennsylvania (1.2% of offenders in the district; n=6), Western Missouri (1.1% of offenders in the district; n=7), Western Louisiana (1.1% of offenders in the district; n=3), and Eastern Kentucky (1.0% of offenders in the district; n=6).¹⁵

¹⁵ See "Proportion of Caseload in Each Circuit and District for Selected Offenses, Child Pornography Production Offenses, FY 2011" Appendix Table.

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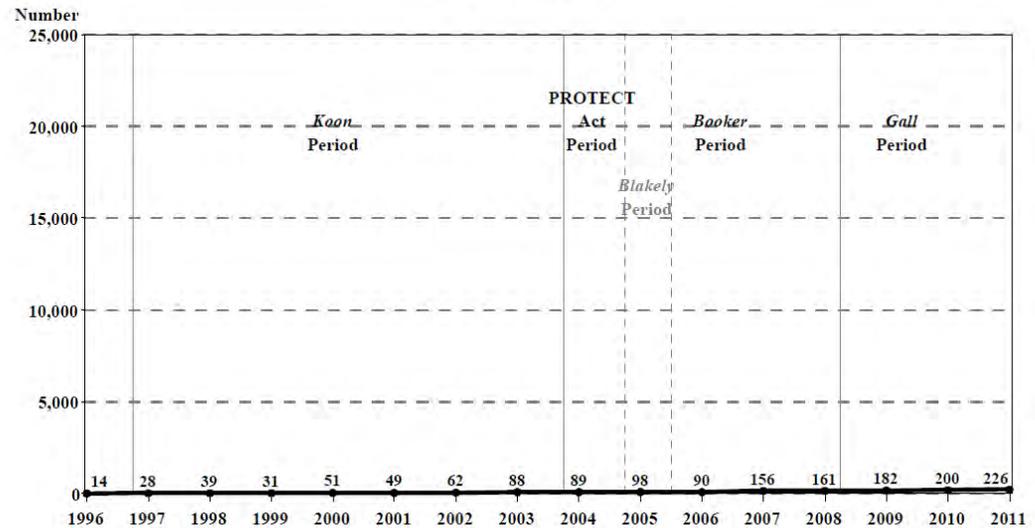
NATIONAL TREND ANALYSIS

This section addresses federal sentencing trends for child pornography production offenses over time. Much of the analysis uses time periods that are based on major changes in the legal framework governing federal sentencing rather than time periods divided by fiscal or calendar year. These four periods, the *Koon*, PROTECT Act, *Booker*, and *Gall* periods, and their significance, are discussed more fully in Part A.

The number of federal child pornography production offenders has increased slowly but steadily across the four periods, ranging from a low of 14 offenders in fiscal year 1996 to a high of 226 offenders in fiscal year 2011.

The percentage of child pornography production offenses relative to the overall federal case-load has increased slightly, from 0.1 percent of all federal offenses during the *Koon* period to 0.2 percent in the PROTECT Act and *Booker* periods, to 0.3 percent in the *Gall* period.

Number of Offenders by Fiscal Year
Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

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PRODUCTION**

**NATIONAL TREND ANALYSIS
OFFENDER AND OFFENSE CHARACTERISTICS**

The majority of child pornography production offenders have been United States citizens. In addition, approximately 95 percent of child pornography production offenders have been male. White offenders have comprised the largest percentage of child pornography production offenders in all of the periods.

During all four periods, the majority of child pornography production offenders have been in Criminal History Category I.

**Selected Offender Characteristics
Child Pornography Production Offenses
Koon Period through Gall Period**

	<i>Koon</i> Period (6/13/96 - 4/30/03) Percent	PROTECT Act Period (5/1/03 - 6/24/04) Percent	<i>Booker</i> Period (1/12/05 - 12/10/07) Percent	<i>Gall</i> Period (12/11/07-9/30/11) Percent
RACE/ETHNICITY				
White	89.8	89.9	85.4	84.4
Black	3.8	4.6	5.7	6.4
Hispanic	5.1	3.7	6.3	7.5
Other	1.3	1.8	2.6	1.8
GENDER				
Male	94.6	95.4	96.3	95.4
Female	5.4	4.6	3.7	4.6
CITIZENSHIP				
U.S. Citizen	99.0	98.2	96.9	97.0
Non-U.S. Citizen	1.0	1.8	3.2	3.0
CRIMINAL HISTORY CATEGORY				
I	71.1	71.6	65.9	73.9
II	12.4	11.0	10.3	8.9
III	8.9	11.0	8.3	7.2
IV	2.5	1.8	4.3	3.0
V	1.3	2.8	6.3	5.3
VI	3.8	1.8	4.9	1.8

Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

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NATIONAL TREND ANALYSIS

OFFENDER AND OFFENSE CHARACTERISTICS

The overwhelming majority of child pornography production offenders have been sentenced to prison only in each period. Only a very small number of offenders have been sentenced to a split sentence of prison and community confinement or a split sentence of probation and confinement, and no offenders have been sentenced to probation only during any of the four periods.

**Types of Sentences Imposed
Child Pornography Production Offenses
Koon Period through Gall Period**

SENTENCE IMPOSED	Koon Period (6/13/96 - 4/30/03)		PROTECT Act Period (5/1/03 - 6/24/04)		Booker Period (1/12/05 - 12/10/07)		Gall Period (12/11/07-9/30/11)	
	N	%	N	%	N	%	N	%
Prison Only	307	97.8	107	99.1	348	99.7	731	99.1
Prison/Community Split	4	1.3	1	0.9	1	0.3	6	0.8
Probation and Confinement	3	1.0	0	0.0	0	0.0	1	0.1
Probation Only	0	0.0	0	0.0	0	0.0	0	0.0

Cases in which the offender received no prison or probation and cases with missing sentencing information were excluded from the analysis. Prison and Community Split includes all cases in which offenders received prison and conditions of confinement as described in USSC §5C1.1.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

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NATIONAL TREND ANALYSIS

OFFENDER AND OFFENSE CHARACTERISTICS

The overall rate of government sponsored below range sentences for child pornography production offenses has nearly doubled since the *Koon* period. This increase was largely due to the increase in those government sponsored below range sentences due to reasons other than substantial assistance or Early Disposition Programs (EDP).

Although the rate of government sponsored below range sentences for child pornography production offenses increased during the *Gall* period, the rate of non-government sponsored below range sentences increased more markedly.

The average guideline minimum and average sentence has more than doubled over the four periods. Only in the *Gall* period did the average sentence fall below the average guideline minimum.

The extent of the reduction below the guideline minimum has varied depending on the type of below range sentence.

**Selected Sentencing Characteristics
Child Pornography Production Offenses
Koon Period through *Gall* Period**

	<i>Koon</i> Period (6/13/96 - 4/30/03)	PROTECT Act Period (5/1/03 - 6/24/04)	<i>Booker</i> Period (1/12/05 - 12/10/07)	<i>Gall</i> Period (12/11/07-9/30/11)
	Percent	Percent	Percent	Percent
GUILTY PLEA	93.0	93.6	91.1	90.0
WEAPON	1.0	0.0	0.3	0.1
GUIDELINE ADJUSTMENTS				
Aggravating Role (USSG §3B1.1)	6.0	3.7	1.7	1.0
Mitigating Role (USSG §3B1.2)	1.6	0.9	1.7	0.0
SENTENCE RELATIVE TO GUIDELINE RANGE				
Within Range	72.5	84.0	64.5	58.0
Above Range	10.2	6.6	11.2	5.7
All Gov't Sponsored Below Range	7.3	7.5	13.2	16.0
Substantial Assistance (USSG §5K1.1)	7.0	5.7	5.7	4.2
Early Disposition Program (USSG §5K3.1)	n/a	0.0	0.0	0.1
Other Gov't Sponsored Below Range	n/a	1.9	7.4	11.7
Non-Gov't Sponsored Below Range	9.9	1.9	11.2	20.3
	Months	Months	Months	Months
AVERAGE GUIDELINE MINIMUM	119	142	240	282
AVERAGE SENTENCE	133	164	244	272
Within Range	132	160	257	285
Above Range	245	259	296	335
All Gov't Sponsored Below Range	79	154	176	221
Substantial Assistance (USSG §5K1.1)	77	102	156	197
Early Disposition Program (USSG §5K3.1)	n/a	-	-	120
Other Gov't Sponsored Below Range	n/a	310	192	230
Non-Gov't Sponsored Below Range	63	67	200	257
AVERAGE EXTENT OF REDUCTION	Percent (Months)	Percent (Months)	Percent (Months)	Percent (Months)
All Gov't Sponsored Below Range	38.3 (41)	19.5 (25)	29.5 (72)	28.7 (71)
Substantial Assistance (USSG §5K1.1)	39.3 (41)	22.6 (29)	33.1 (71)	35.2 (83)
Early Disposition Program (USSG §5K3.1)	n/a (n/a)	-	-	0.8 (1)
Other Gov't Sponsored Below Range	n/a (n/a)	0.7 (1)	26.4 (73)	26.6 (67)
Non-Gov't Sponsored Below Range	38.2 (35)	40.9 (42)	27.2 (49)	27.6 (63)

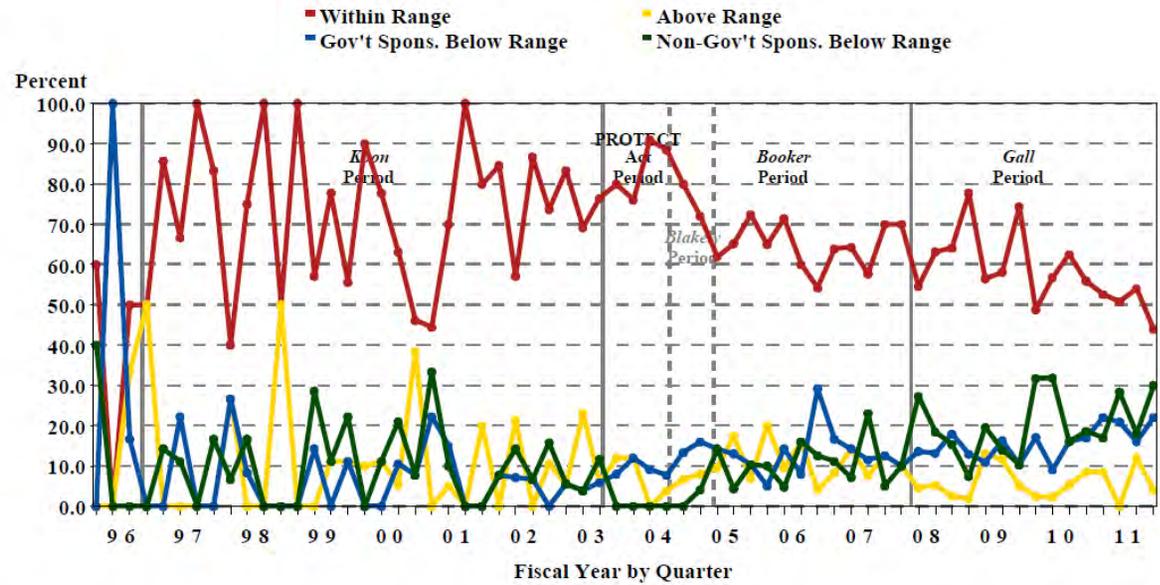
Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

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NATIONAL TREND ANALYSIS INFLUENCE OF THE GUIDELINES

The rates of all types of sentences have fluctuated noticeably because of the small number of child pornography production offenses. However, focusing on the past five years, the rate of within range sentences has generally decreased over time. In contrast, the rates of both government sponsored and non-government sponsored below range sentences have generally increased.

**Quarterly Data for Within-Range and Out-of-Range Sentences
Child Pornography Production Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

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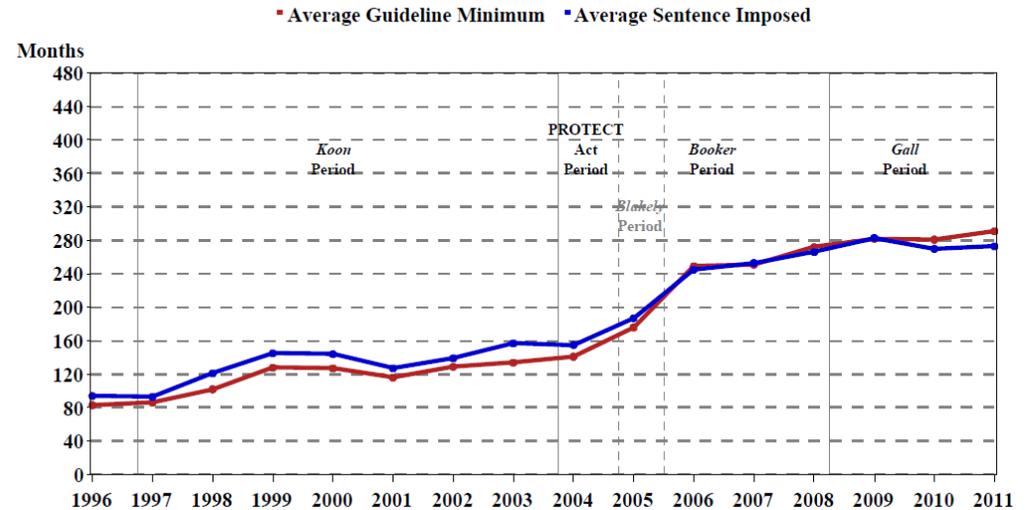
NATIONAL TREND ANALYSIS INFLUENCE OF THE GUIDELINES

When the average guideline minimum has increased, the average sentence has also tended to increase, as evidenced by the tracking between the blue and red lines. Average sentences have closely paralleled average guideline minimums until recently when an increasing gap emerged. This increasing divergence may indicate a diminishing influence of the guidelines in child pornography production offenses.

The percentage difference between the average guideline minimum and the average sentence for child pornography production offenses has generally been above zero, indicating that for much of the past 16 years, the average sentence has been higher than the average guideline minimum. In fiscal year 2006, the difference was negative for the first time and has grown slowly since then. This suggests that the influence of the guidelines may have diminished in child pornography production offenses.

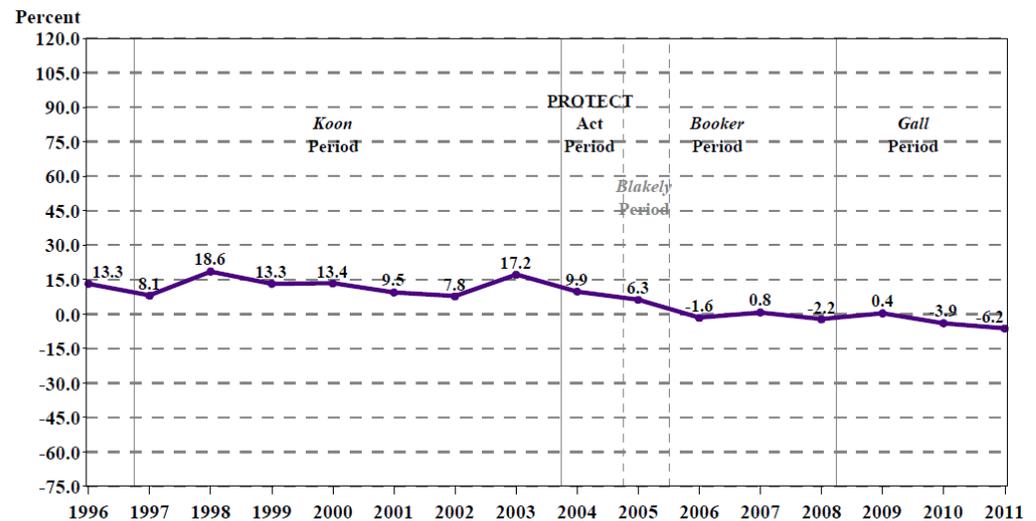
**Click on chart for corresponding table by period.*

Average Guideline Minimum and Sentence Imposed
Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

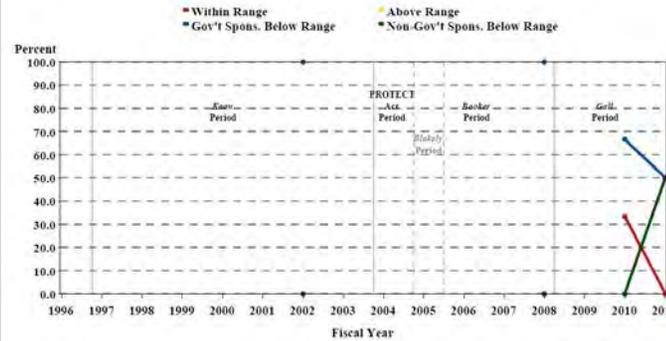
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CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

The rates of all types of sentences fluctuated noticeably because of the small number of child pornography production offenses. However, focusing on the past five years, the rate of within range sentences has generally decreased for many of the circuits.

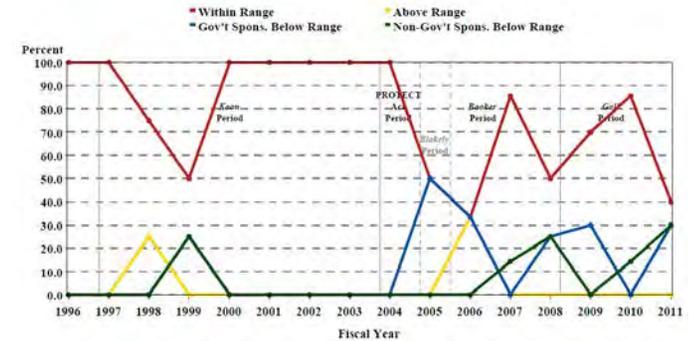
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
D.C. Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



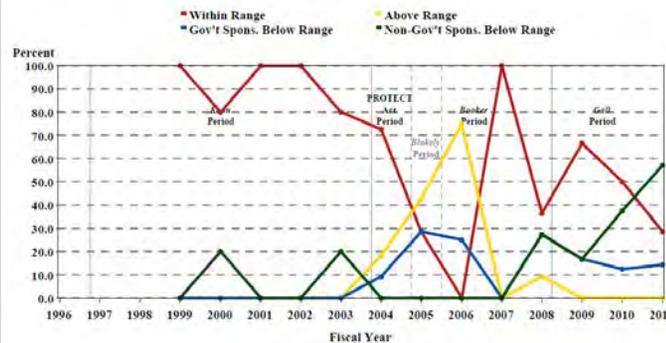
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
First Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



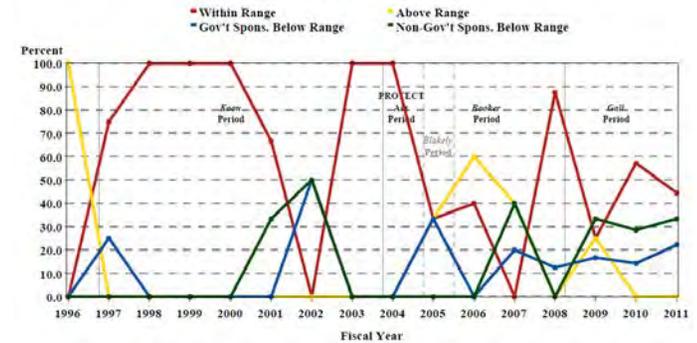
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Second Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Third Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

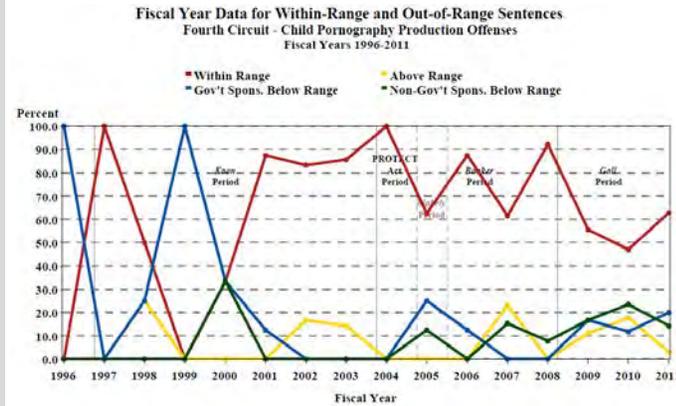
PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

CIRCUIT TREND ANALYSIS

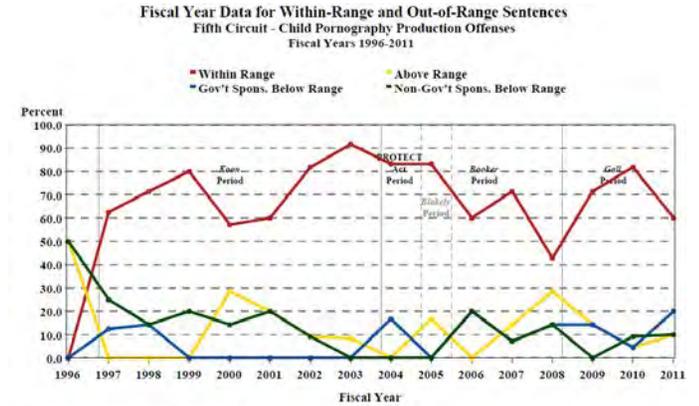
INFLUENCE OF THE GUIDELINES

The rates of all types of sentences fluctuated noticeably because of the small number of child pornography production offenses. However, focusing on the past five years, the rate of within range sentences has generally decreased for many of the circuits.

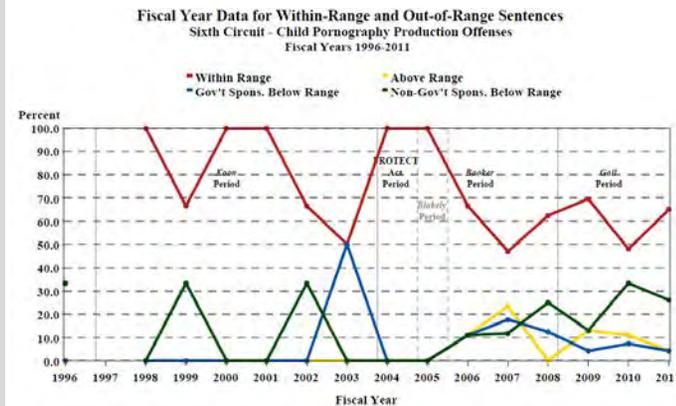
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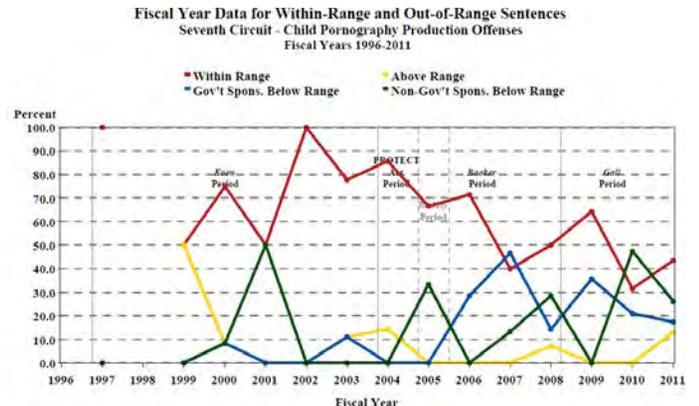
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

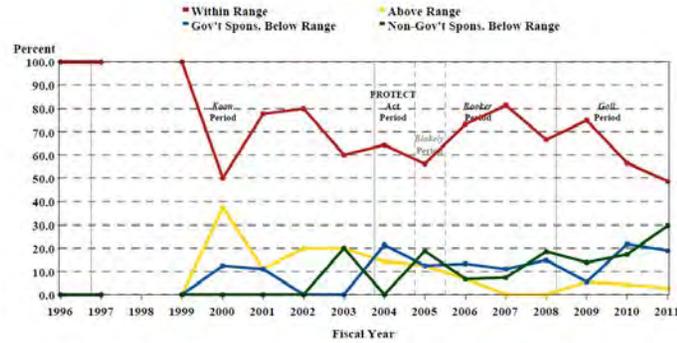
PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

The rates of all types of sentences fluctuated noticeably because of the small number of child pornography production offenses. However, focusing on the past five years, the rate of within range sentences has generally decreased for many of the circuits.

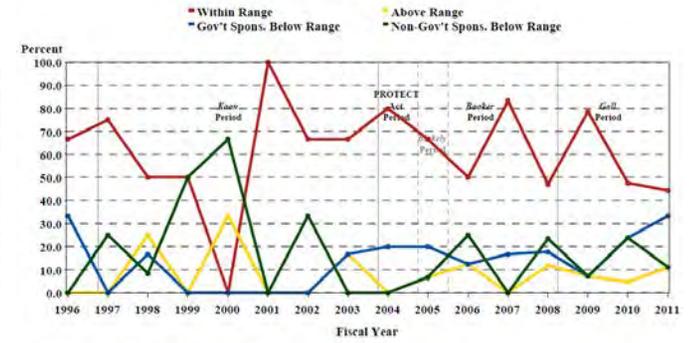
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Eighth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



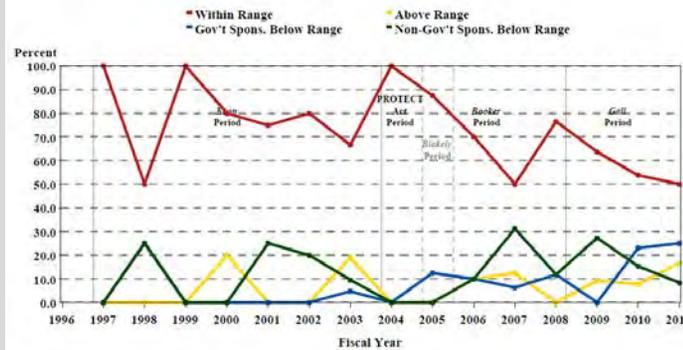
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Ninth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



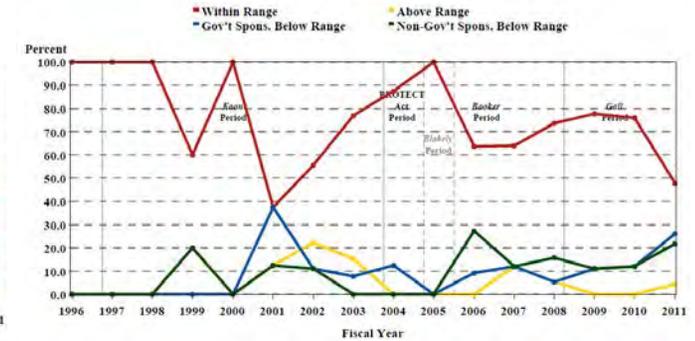
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Tenth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Eleventh Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

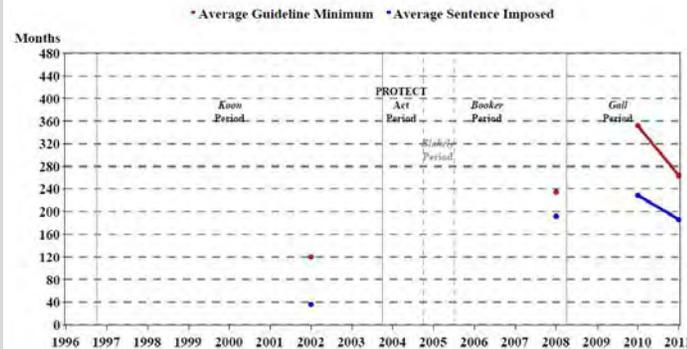
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

When the average guideline minimum has increased in child pornography production offenses, the average sentence also has tended to increase. Average sentences have closely paralleled average guideline minimums until recently, when a gap emerged in some circuits.

The percentage difference between the average guideline minimum and the average sentence has fluctuated over time and should be read cautiously due to the small number of child pornography production cases within circuits. However, these figures demonstrate that the influence of the guidelines may have diminished in some circuits in child pornography production offenses.

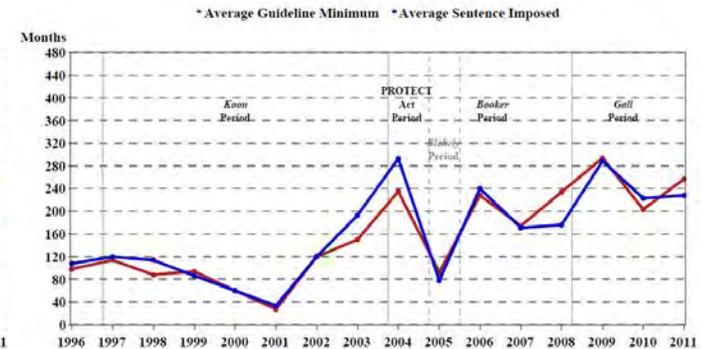
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



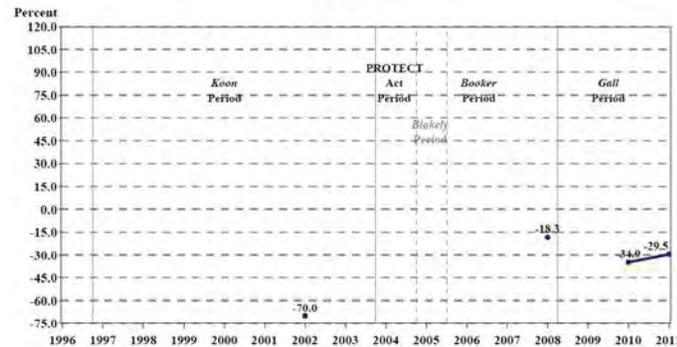
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

Average Guideline Minimum and Sentence Imposed
First Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



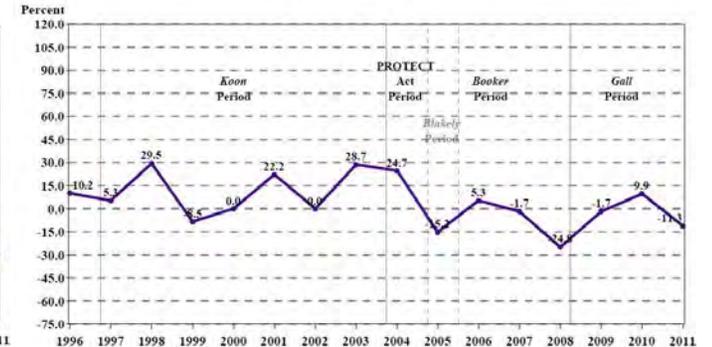
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
First Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

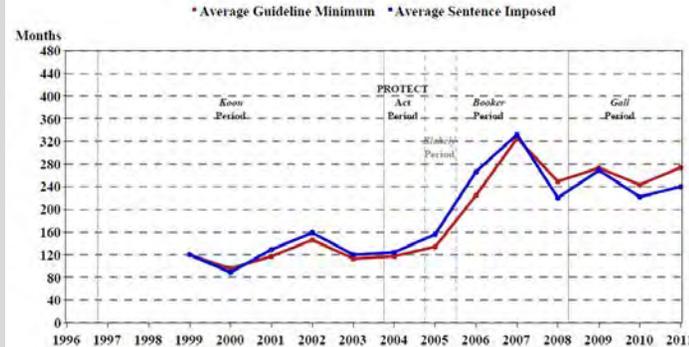
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

When the average guideline minimum has increased in child pornography production offenses, the average sentence also has tended to increase. Average sentences have closely paralleled average guideline minimums until recently, when a gap emerged in some circuits.

The percentage difference between the average guideline minimum and the average sentence has fluctuated over time and should be read cautiously due to the small number of child pornography production cases within circuits. However, these figures demonstrate that the influence of the guidelines may have diminished in some circuits in child pornography production offenses.

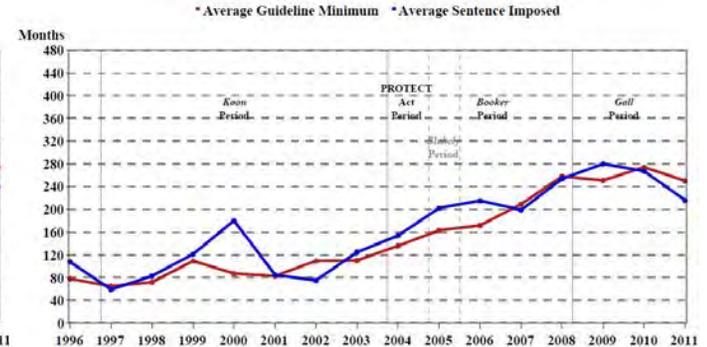
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Average Guideline Minimum and Sentence Imposed
Second Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



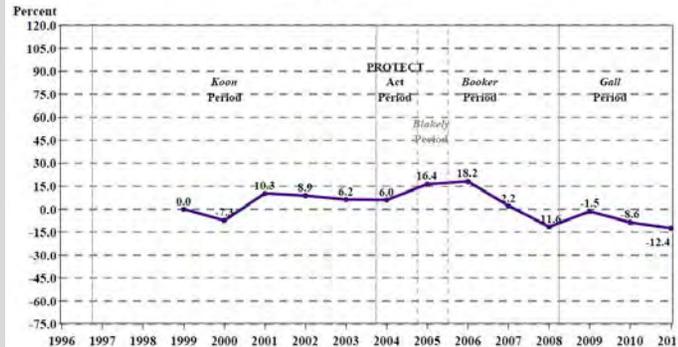
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
Third Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



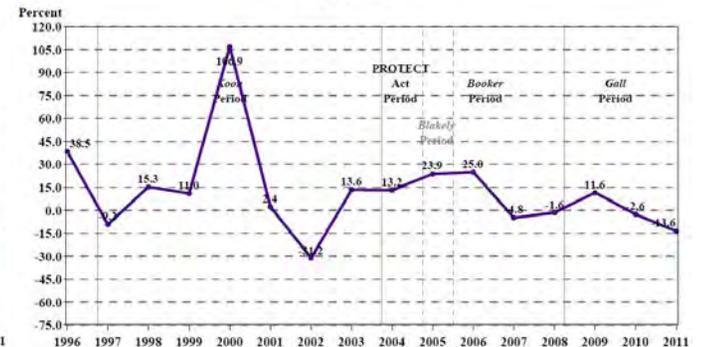
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Second Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Third Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

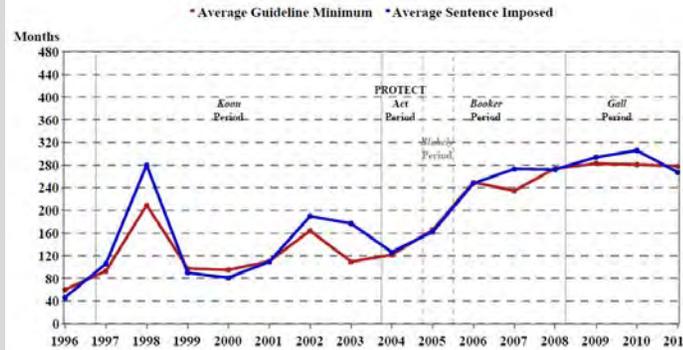
PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

When the average guideline minimum has increased in child pornography production offenses, the average sentence also has tended to increase. Average sentences have closely paralleled average guideline minimums until recently, when a gap emerged in some circuits.

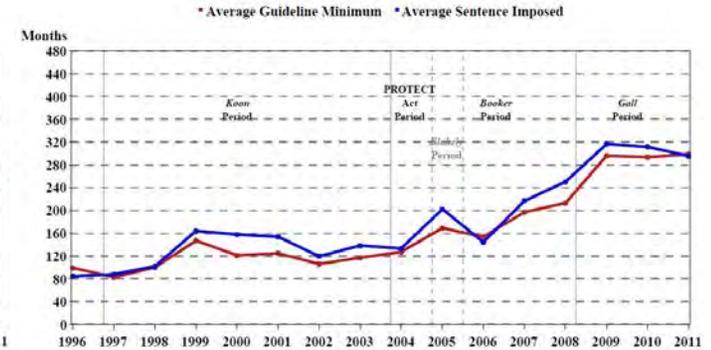
The percentage difference between the average guideline minimum and the average sentence has fluctuated over time and should be read cautiously due to the small number of child pornography production cases within circuits. However, these figures demonstrate that the influence of the guidelines may have diminished in some circuits in child pornography production offenses.

Average Guideline Minimum and Sentence Imposed
Fourth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



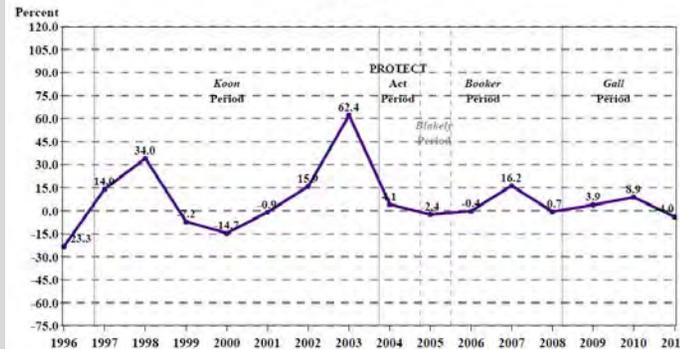
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

Average Guideline Minimum and Sentence Imposed
Fifth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Fourth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Fifth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Details.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

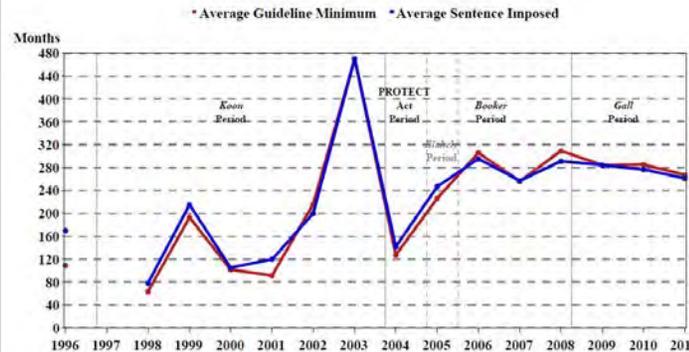
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

When the average guideline minimum has increased in child pornography production offenses, the average sentence also has tended to increase. Average sentences have closely paralleled average guideline minimums until recently, when a gap emerged in some circuits.

The percentage difference between the average guideline minimum and the average sentence has fluctuated over time and should be read cautiously due to the small number of child pornography production cases within circuits. However, these figures demonstrate that the influence of the guidelines may have diminished in some circuits in child pornography production offenses.

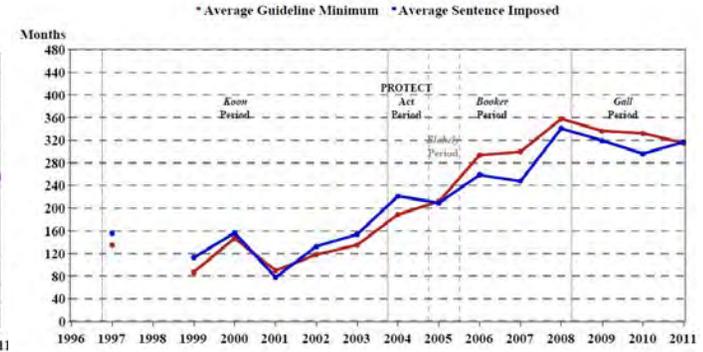
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



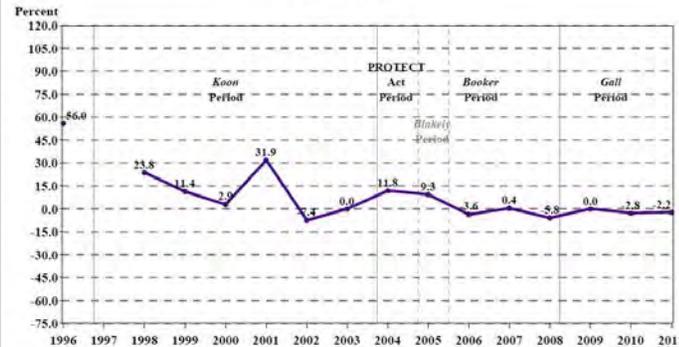
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



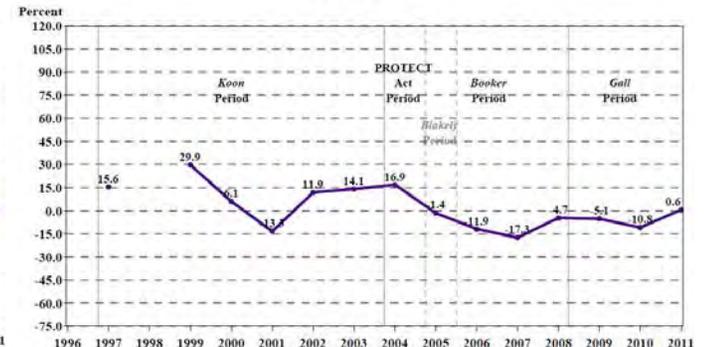
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

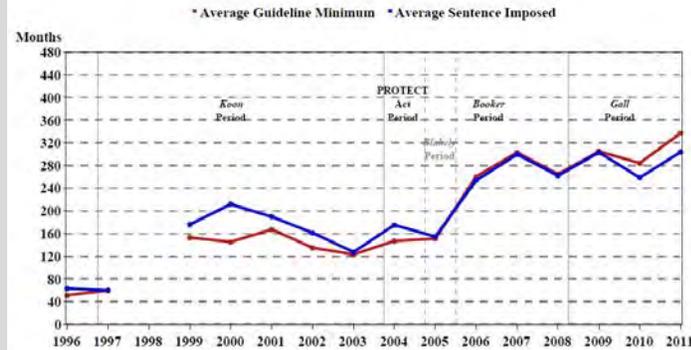
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

When the average guideline minimum has increased in child pornography production offenses, the average sentence also has tended to increase. Average sentences have closely paralleled average guideline minimums until recently, when a gap emerged in some circuits.

The percentage difference between the average guideline minimum and the average sentence has fluctuated over time and should be read cautiously due to the small number of child pornography production cases within circuits. However, these figures demonstrate that the influence of the guidelines may have diminished in some circuits in child pornography production offenses.

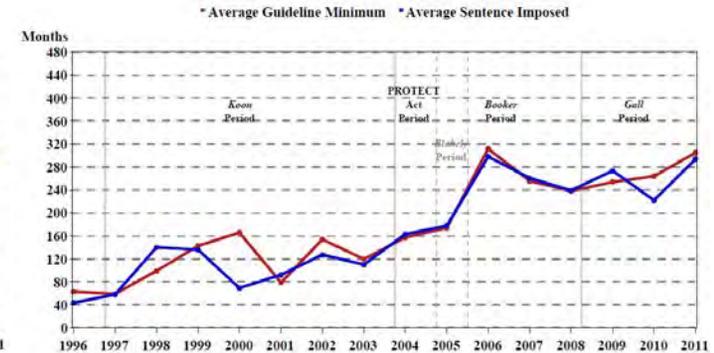
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



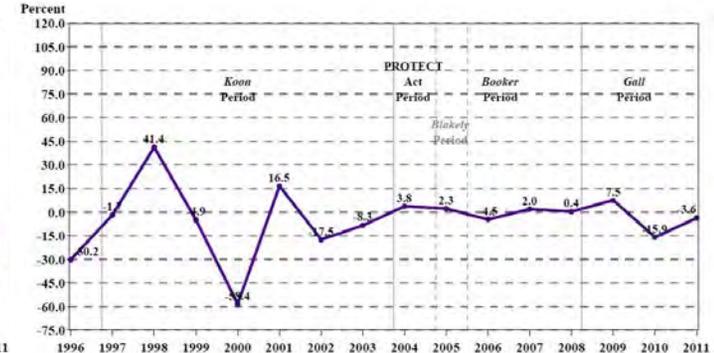
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

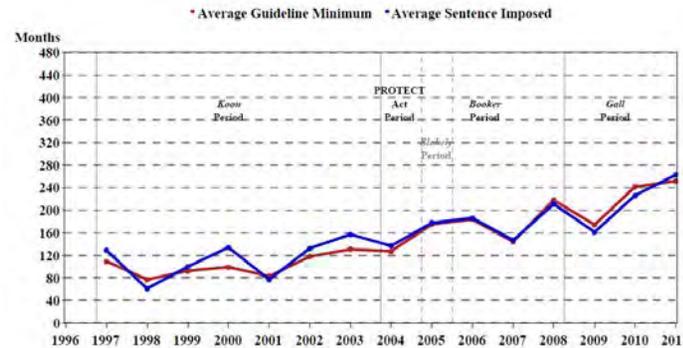
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

When the average guideline minimum has increased in child pornography production offenses, the average sentence also has tended to increase. Average sentences have closely paralleled average guideline minimums until recently, when a gap emerged in some circuits.

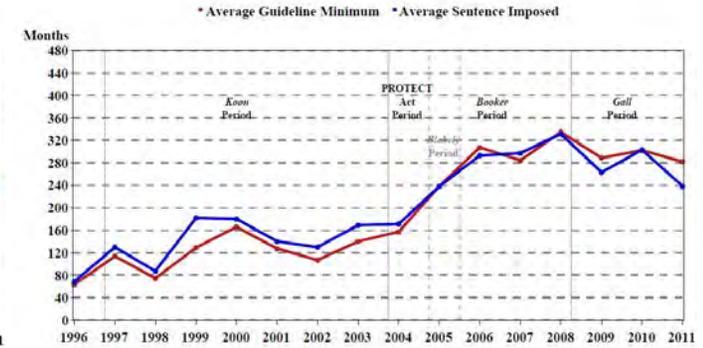
The percentage difference between the average guideline minimum and the average sentence has fluctuated over time and should be read cautiously due to the small number of child pornography production cases within circuits. However, these figures demonstrate that the influence of the guidelines may have diminished in some circuits in child pornography production offenses.

Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

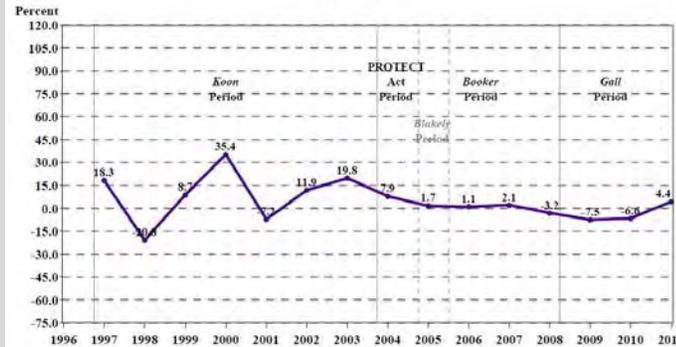
Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



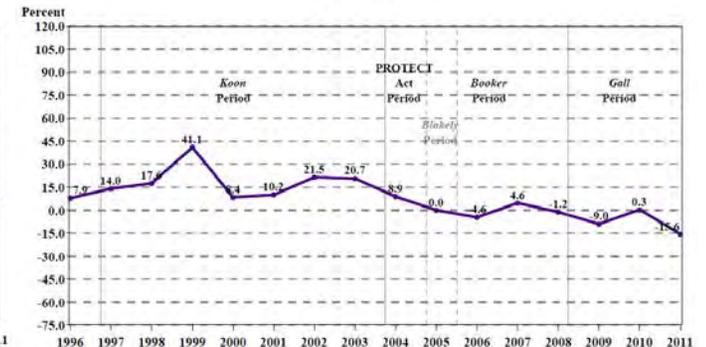
Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



Percent Difference Between Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Child Pornography Production Offenses
Fiscal Years 1996-2011



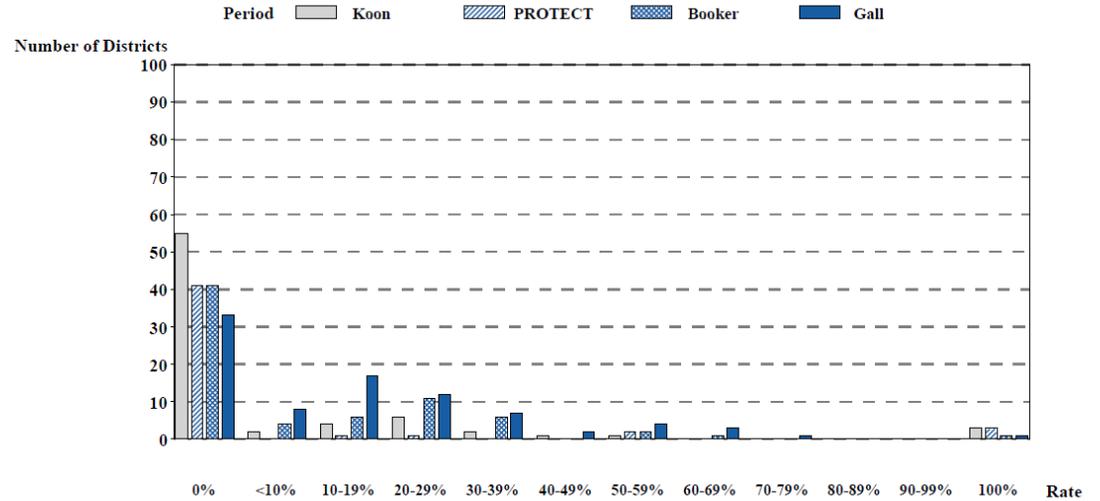
PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

While many districts did not report any government sponsored below range sentences in child pornography production offenses, those districts reporting such sentences had rates of less than ten percent through 39 percent, and a small number of districts had rates higher than 40 percent.

**Rate of Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of government sponsored below range sentences in child pornography production offenses for each of the four periods.

**Districts with the Highest and Lowest Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.
Districts with the Highest Rates in Each Time Period											
District of Columbia	1	100.0	Southern Texas	1	100.0	Eastern Washington	1	100.0	Colorado	1	100.0
Western North Carolina	1	100.0	Eastern Kentucky	1	100.0	Middle Alabama	3	66.7	New Hampshire	4	75.0
Northern Georgia	1	100.0	Middle Georgia	1	100.0	Central Illinois	14	50.0	District of Columbia	6	66.7
Eastern Pennsylvania	2	50.0	Western Missouri	4	50.0	New Hampshire	2	50.0	Arizona	3	66.7
Southern Iowa	5	40.0	Alaska	2	50.0	Southern Iowa	11	36.4	Eastern Texas	5	60.0
Districts with the Lowest Rates in Each Time Period											
South Carolina	7	14.3	Eastern Missouri	5	20.0	Western Texas	10	10.0	Eastern North Carolina	14	7.1
Western Louisiana	9	11.1	Utah	7	14.3	Maryland	11	9.1	Minnesota	15	6.7
Western Oklahoma	9	11.1			Eastern California	12	8.3	Eastern Kentucky	18	5.6	
Northern Alabama	13	7.7			Northern Alabama	12	8.3	Eastern Michigan	20	5.0	
Southern Texas	14	7.1			Middle Florida	15	6.7	Middle Florida	20	5.0	

Number of Offenders refers to the total number of child pornography production offenders sentenced during the time period. During the *Koon* period, 20 districts did not sentence any child pornography production offenses. During the PROTECT Act period, 46 districts did not sentence any child pornography production offenses. During the *Booker* period, 22 districts did not sentence any child pornography production offenses. During the *Gall* period, six districts did not sentence any child pornography production offenses.

During the *Koon* period, 55 districts imposed at least one sentence for a child pornography production offense but did not impose a government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 12 offenders.

During the PROTECT Act period, only seven districts imposed at least one government sponsored below range sentence. During this period, 41 districts imposed at least one sentence for a child pornography production offense but did not impose a government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to seven offenders.

During the *Booker* period, 41 districts imposed at least one sentence for a child pornography production offense but did not impose a government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 13 offenders.

During the *Gall* period, 33 districts imposed at least one sentence for a child pornography production offense but did not impose a government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 16 offenders.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

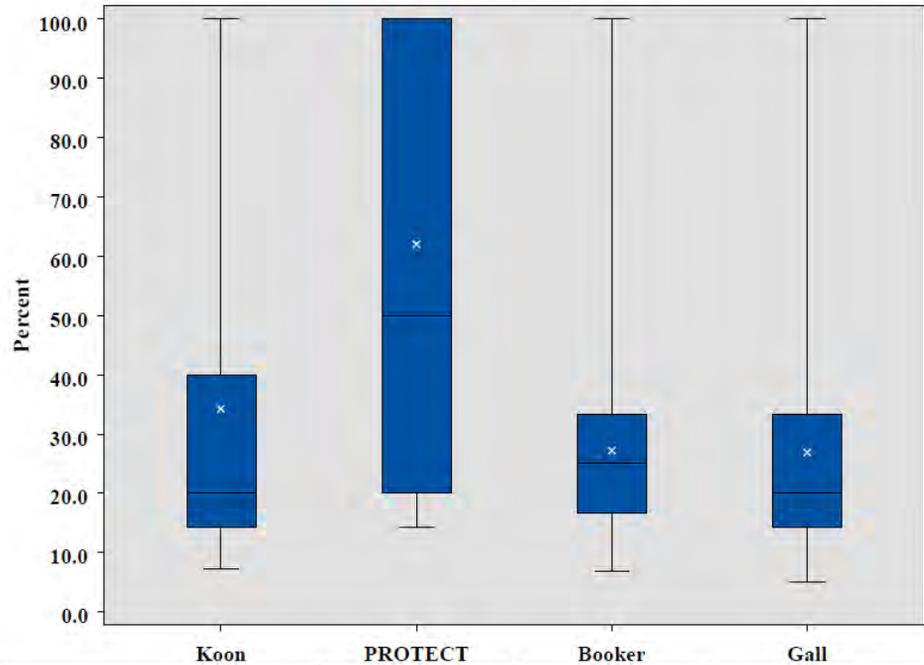
GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Although a comparison of the PROTECT Act period to the other periods in the box plot indicates a greater spread of government sponsored below range sentences among the middle 50 percent of districts in the PROTECT Act period, only seven districts reported a government sponsored below range sentence in a child pornography production offense in that period. The small number of districts reporting such sentences in the PROTECT Act period suggests that conclusions should be made cautiously, if at all.

As more districts have reported such sentences in the *Booker* and *Gall* periods, the spread among the middle 50 percent of districts has increased.

**Click on chart for corresponding table.*

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	19.0	7.0	31.0	55.0
Min	7.1	14.3	6.7	5.0
Max	100.0	100.0	100.0	100.0
Q1	14.3	20.0	16.7	14.3
Q3	40.0	100.0	33.3	33.3
Q2	20.0	50.0	25.0	20.0
Mean	34.3	62.0	27.2	27.0

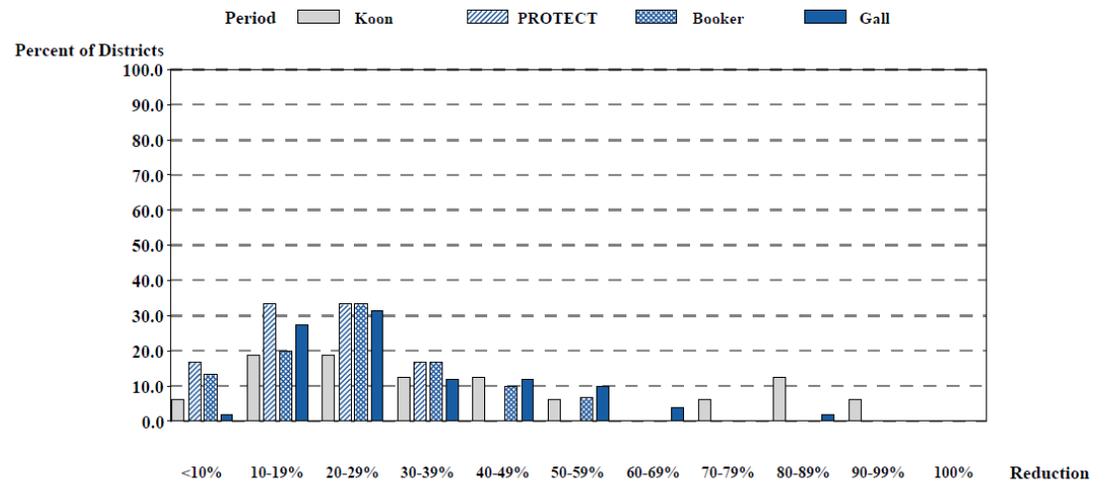
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The extent of the reduction for government sponsored below range sentences in the majority of districts averaged between ten and 29 percent below the guideline minimum in every period, although in a number of districts the extent of the reduction was between 30 and 59 percent below the guideline minimum during each period. In a small percentage of districts reductions averaged 70 to 99 percent below the guideline minimum during the *Koon* period.

**Extent of Reduction from Guideline Minimum
Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



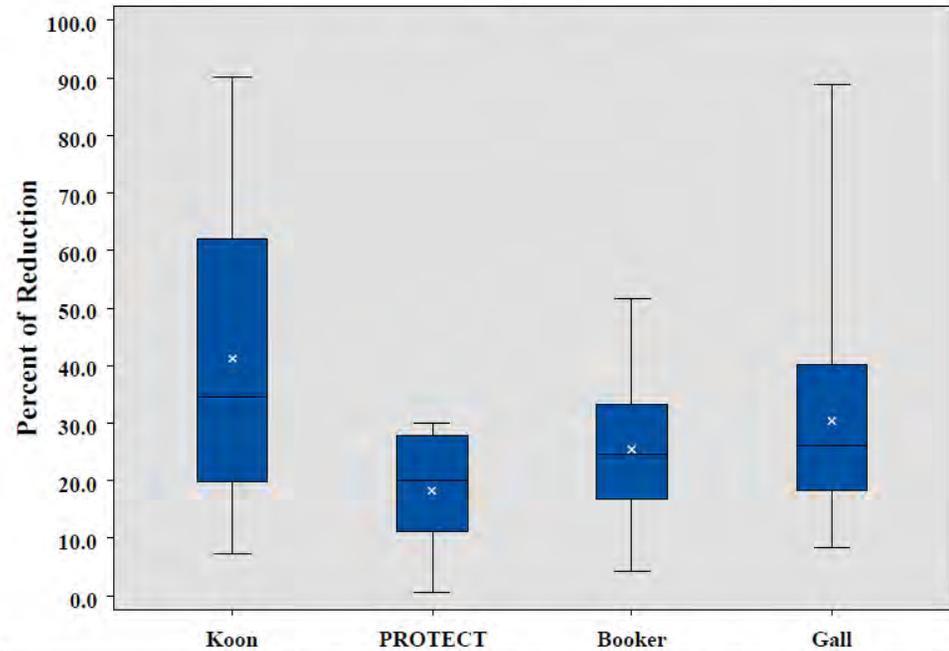
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

**GOVERNMENT SPONSORED BELOW RANGE
SENTENCES**

The box plot indicates larger reductions below the guideline minimum for government sponsored below range sentences since the PROTECT Act period, but with only six districts in that period, conclusions should be made cautiously, if at all. As more districts have reported such sentences in the *Booker* and *Gall* periods, the spread in the rates has increased.

**Spread of Average Extent of Departure
Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	16.0	6.0	30.0	51.0
Min	7.2	0.7	4.3	8.4
Max	90.1	30.0	51.7	88.9
Q1	19.8	11.1	16.7	18.4
Q3	61.9	28.0	33.3	40.2
Q2	34.4	20.1	24.7	26.1
Mean	41.3	18.3	25.5	30.4

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

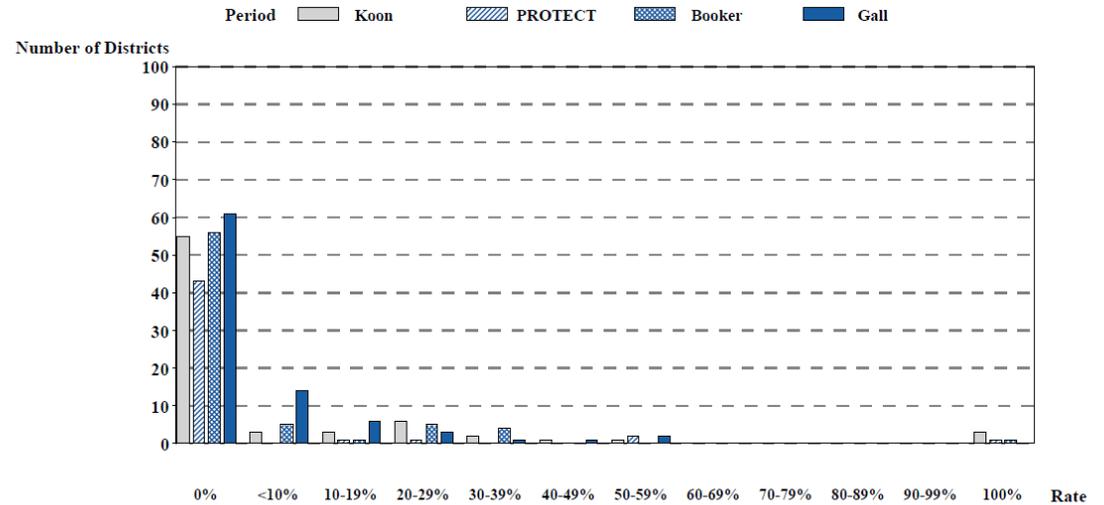
PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

During three out of the four periods, most districts reported no substantial assistance sentences in child pornography production offenses. Of those districts that reported substantial assistance sentences, the rates ranged from less than ten percent to 59 percent, with a small number of districts reporting a rate of 100 percent. A rate of 100 percent may reflect a substantial assistance below range sentence in a single offense, if that was the only child pornography production offense in that district during that period.

**Rate of Substantial Assistance Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

The table lists the five districts with the highest and lowest rates of substantial assistance sentences for each of the four periods.

The PROTECT Act period does not list the districts with the lowest rates because only five districts reported such a sentence during this period.

**Districts with the Highest and Lowest Rates of Substantial Assistance Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.
Districts with the Highest Rates in Each Time Period											
District of Columbia	1	100.0	Middle Georgia	1	100.0	Eastern Washington	1	100.0	Western Kentucky	2	50.0
Western North Carolina	1	100.0	Western Missouri	4	50.0	Central Illinois	14	35.7	Idaho	2	50.0
Northern Georgia	1	100.0	Alaska	2	50.0	Southern Illinois	3	33.3	New Jersey	7	42.9
Eastern Pennsylvania	2	50.0	Eastern Missouri	5	20.0	Western Arkansas	3	33.3	Southern Alabama	3	33.3
Southern Iowa	5	40.0	Utah	7	14.3	Middle Alabama	3	33.3	Middle Georgia	4	25.0
Districts with the Lowest Rates in Each Time Period											
Western Louisiana	9	11.1				Middle Pennsylvania	11	9.1	Eastern Kentucky	18	5.6
Western Oklahoma	9	11.1				Maryland	11	9.1	Northern New York	20	5.0
Southern Indiana	12	8.3				Southern Iowa	11	9.1	Western Missouri	20	5.0
Northern Alabama	13	7.7				Eastern California	12	8.3	Middle Florida	20	5.0
Southern Texas	14	7.1				Western Tennessee	14	7.1	Maryland	27	3.7

Number of Offenders refers to the total number of child pornography production offenders sentenced during the time period. During the *Koon* period, 20 districts did not sentence any child pornography production offenses. During the PROTECT Act period, 46 districts did not sentence any child pornography production offenses. During the *Booker* period, 22 districts did not sentence any child pornography production offenses. During the *Gall* period, six districts did not sentence any child pornography production offenses.

During the *Koon* period, 55 districts imposed at least one sentence for a child pornography production offense but did not impose a substantial assistance sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 12 offenders.

During the PROTECT Act period, only five districts imposed at least one substantial assistance sentence. During this period, 43 districts imposed at least one sentence for a child pornography production offense but did not impose a substantial assistance sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to seven offenders.

During the *Booker* period, 56 districts imposed at least one sentence for a child pornography production offense but did not impose a substantial assistance sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 17 offenders.

During the *Gall* period, one additional district imposed a substantial assistance sentence in 5.6 percent of child pornography production offenses (Northern Texas, N=18). Sixty-one districts imposed at least one sentence for a child pornography production offense but did not impose a substantial assistance sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 31 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

**PART C: CHILD PORNOGRAPHY OFFENSES
PRODUCTION**

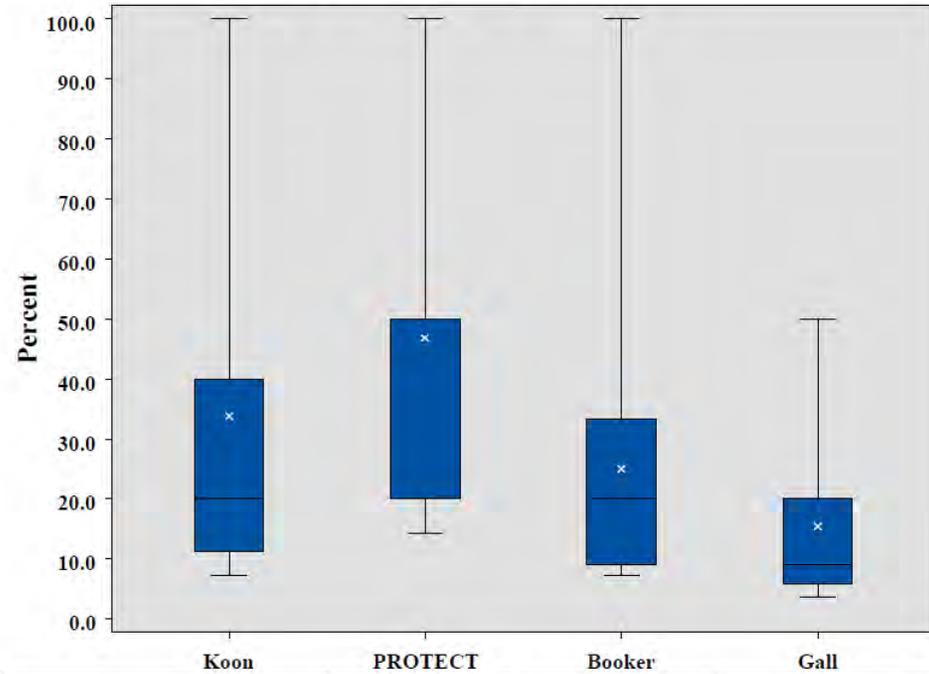
DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

With more districts reporting substantial assistance sentences since the PROTECT Act period, the spread in the rates among the middle 50 percent of districts has decreased. The mean rate of substantial assistance sentences has also decreased since the PROTECT Act period.

**Click on chart for corresponding table.*

**Spread of Rates of Substantial Assistance Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	19.0	5.0	16.0	27.0
Min	7.1	14.3	7.1	3.7
Max	100.0	100.0	100.0	50.0
Q1	11.1	20.0	9.1	5.9
Q3	40.0	50.0	33.3	20.0
Q2	20.0	50.0	20.0	9.1
Mean	33.9	46.9	25.0	15.4

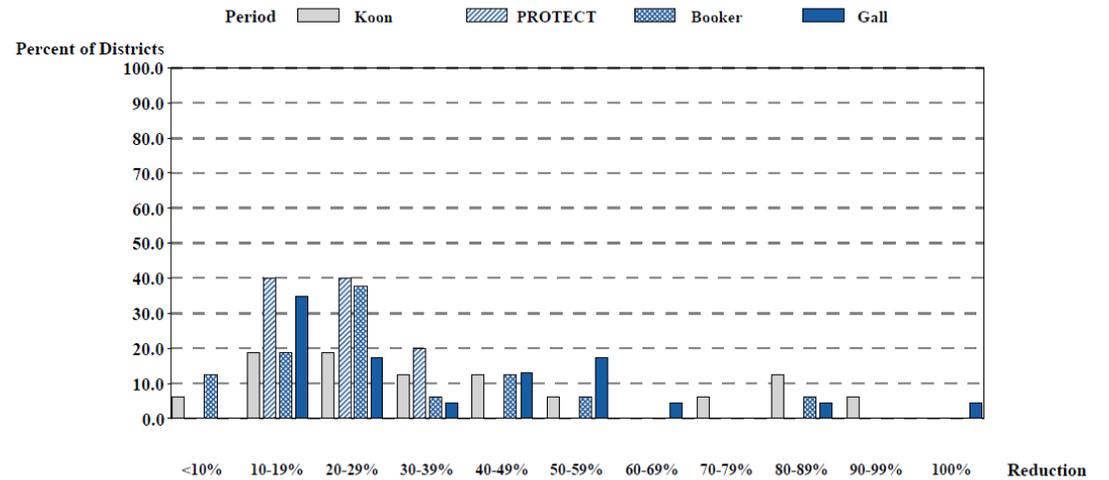
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

Reductions for substantial assistance sentences have ranged from ten to 29 percent below the guideline minimum, although the extent of the reduction in a number of districts during the *Gall* period was between 40 and 59 percent below the guideline minimum. A small percentage of districts have reported reductions of 80 to 99 percent below the guideline minimum, particularly during the *Koon* period.

**Extent of Reduction from Guideline Minimum
Substantial Assistance Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



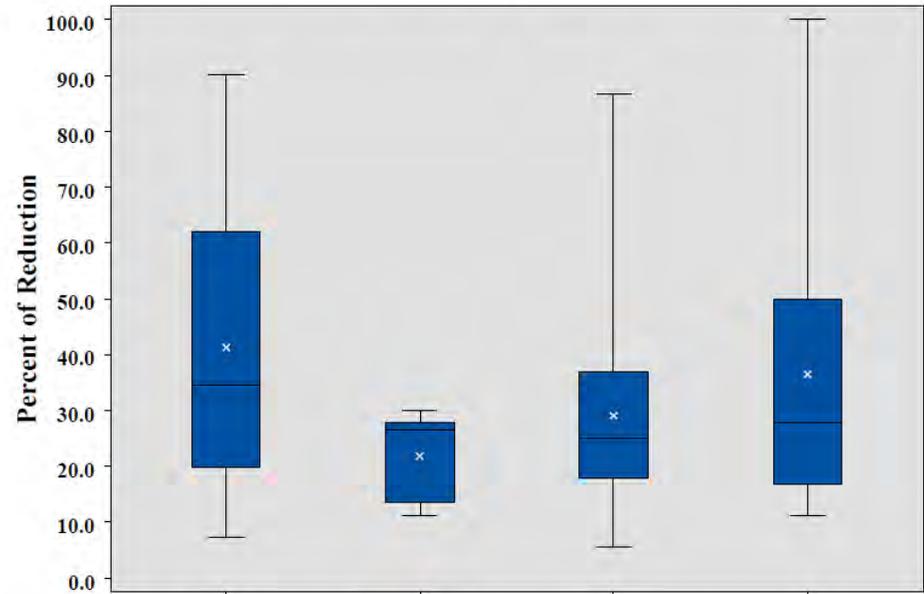
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

With the exception of the PROTECT Act period, in which only five districts imposed substantial assistance sentences, the spread in the extent of the reductions among the middle 50 percent of districts has varied, with the spread increasing between the *Booker* and *Gall* periods. The mean extent of reduction has also increased from the *Booker* period to the *Gall* period.

**Spread of Average Extent of Departure
Substantial Assistance Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	16.0	5.0	16.0	23.0
Min	7.2	11.1	5.7	11.1
Max	90.1	30.0	86.7	100.0
Q1	19.8	13.7	17.9	16.7
Q3	61.9	28.0	36.9	50.0
Q2	34.4	26.5	25.2	27.9
Mean	41.3	21.9	29.2	36.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

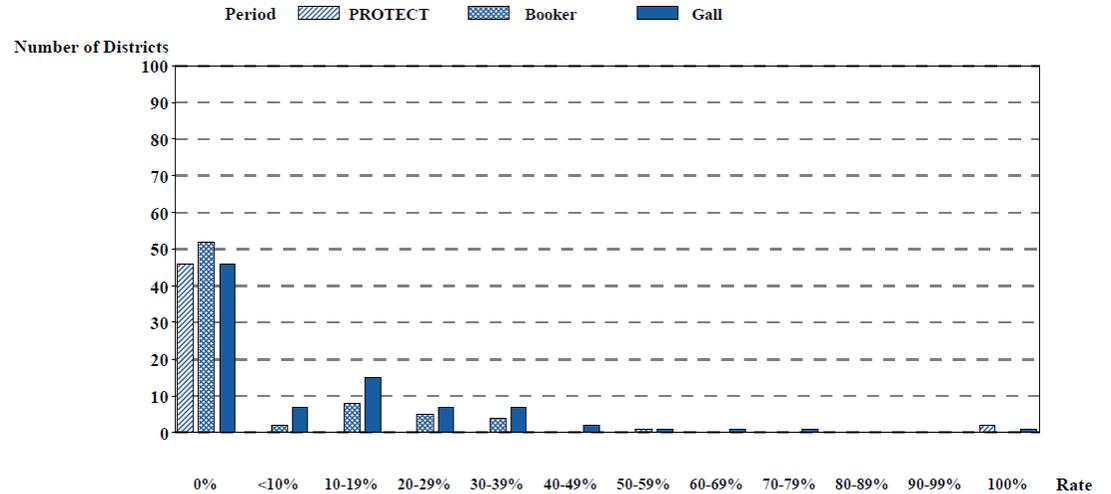
PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

A large number of districts did not report any other government sponsored below range sentences in child pornography production offenses in each period. Of those districts that have reported other government sponsored below range sentences, most have had rates of less than ten percent to 39 percent.

Rate of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses
PROTECT Act Period through Gall Period



Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of government sponsored below range sentences for the three periods in which data for other government sponsored below range sentences was collected.

The PROTECT Act period does not list the districts with the lowest rates because only two districts reported other government sponsored below range sentences during that period.

**Districts with the Highest and Lowest Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)		PROTECT Act Period (5/1/03 - 6/24/04)		Booker Period (1/12/05 - 12/10/07)		Gall Period (12/11/07-9/30/11)	
District	Number of Offenders % Oth Gov. Spon.	District	Number of Offenders % Oth Gov. Spon.	District	Number of Offenders % Oth Gov. Spon.	District	Number of Offenders % Oth Gov. Spon.
Districts with the Highest Rates in Each Time Period							
		Southern Texas	1 100.0	New Hampshire	2 50.0	Colorado	1 100.0
		Eastern Kentucky	1 100.0	Western Kentucky	3 33.3	New Hampshire	4 75.0
				Eastern Arkansas	3 33.3	Eastern Texas	5 60.0
				Kansas	3 33.3	District of Columbia	6 50.0
				Middle Alabama	3 33.3	Northern Georgia	10 40.0
Districts with the Lowest Rates in Each Time Period							
				Central Illinois	14 14.3	Northern Illinois	13 7.7
				Utah	17 11.8	Minnesota	15 6.7
				Western Texas	10 10.0	Puerto Rico	17 5.9
				Northern Alabama	12 8.3	Northern Alabama	17 5.9
				Middle Florida	15 6.7	Eastern Michigan	20 5.0

Number of Offenders refers to the total number of child pornography production offenders sentenced during the time period. Data on other government sponsored below range sentences is unavailable for the *Koon* period. During the PROTECT Act period, 46 districts did not sentence any child pornography production offenses. During the *Booker* period, 22 districts did not sentence any child pornography production offenses. During the *Gall* period, six districts did not sentence any child pornography production offenses.

During the PROTECT Act period, only two districts imposed at least one other government sponsored below range sentence. During this period, 46 districts imposed at least one sentence for a child pornography production offense but did not impose an other government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to seven offenders.

During the *Booker* period, one additional district imposed an other government sponsored below range sentence in 14.3 percent of child pornography production offenses (Western Tennessee, N=14). Fifty-two districts imposed at least one sentence for a child pornography production offense but did not impose an other government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 13 offenders.

During the *Gall* period, one additional district imposed an other government sponsored below range sentence in 40.0 percent of child pornography production offenses (Wyoming, N=5). Forty-six districts imposed at least one sentence for a child pornography production offense but did not impose an other government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 20 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

DISTRICT TREND ANALYSIS

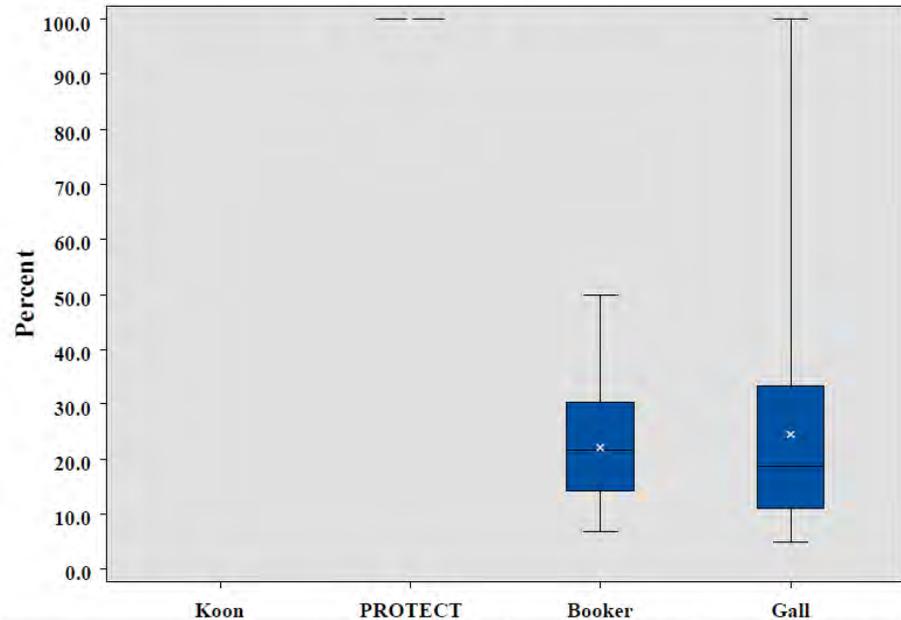
OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Between the *Booker* and *Gall* periods, the spread in the rates of other government sponsored below range sentences among the middle 50 percent of districts increased.

The number of districts reporting other government sponsored below range sentences has also increased from just two districts during the PROTECT Act period to 42 districts during the *Gall* period. The two districts that reported other government sponsored below range sentences during the PROTECT Act period each had only one child pornography production offense, and in both of those offenses, the court imposed an other government sponsored below range sentence.

**Click on chart for corresponding table.*

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		2.0	20.0	42.0
Min		100.0	6.7	5.0
Max		100.0	50.0	100.0
Q1		100.0	14.3	11.1
Q3		100.0	30.3	33.3
Q2		100.0	21.6	18.6
Mean		100.0	22.2	24.6

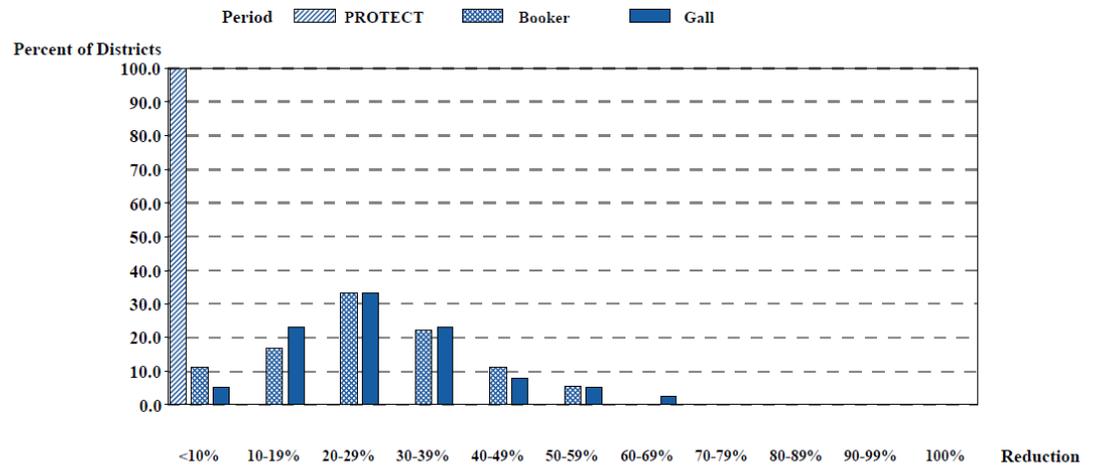
Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

In most districts, reductions for other government sponsored below range sentences have been between less than ten percent and 69 percent below the guideline minimum, with most districts clustered at reductions of ten to 39 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum
Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses
PROTECT Act Period through Gall Period**



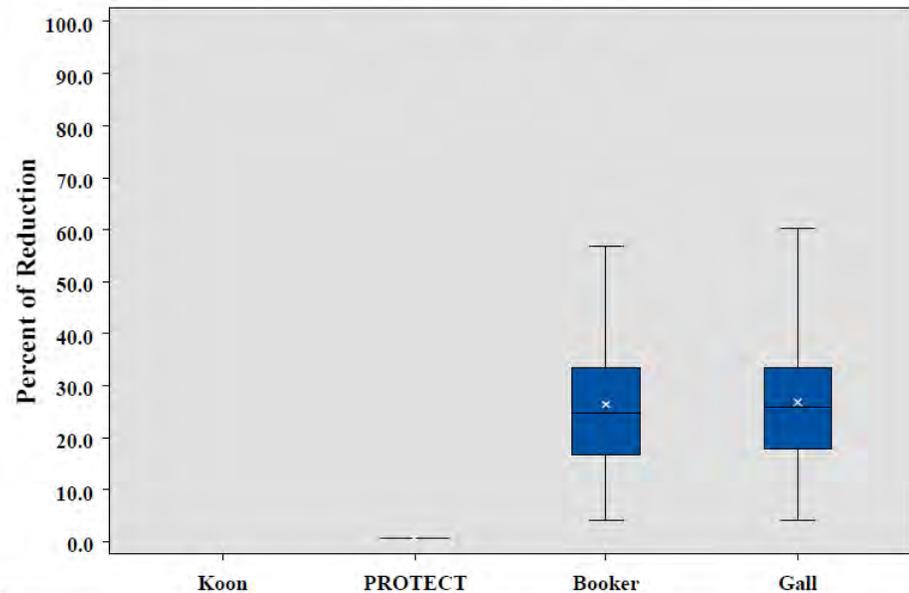
Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Because only one district during the PROTECT Act period reported an other government sponsored below range sentence for which sufficient information about the extent of the reduction was available, the box plot reflects only one point on the spread during that period. The spread in the average extent of the reduction between the *Booker* and the *Gall* periods decreased slightly but the position of the boxes along the vertical axis was almost identical. In the *Gall* period, 39 districts reported other government sponsored below range sentences in child pornography production offenses.

**Spread of Average Extent of Departure
Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	1.0		18.0	39.0
Min	0.7		4.3	4.3
Max	0.7		56.7	60.3
Q1	0.7		16.7	17.8
Q3	0.7		33.3	33.3
Q2	0.7		24.7	25.8
Mean	0.7		26.4	26.7

Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

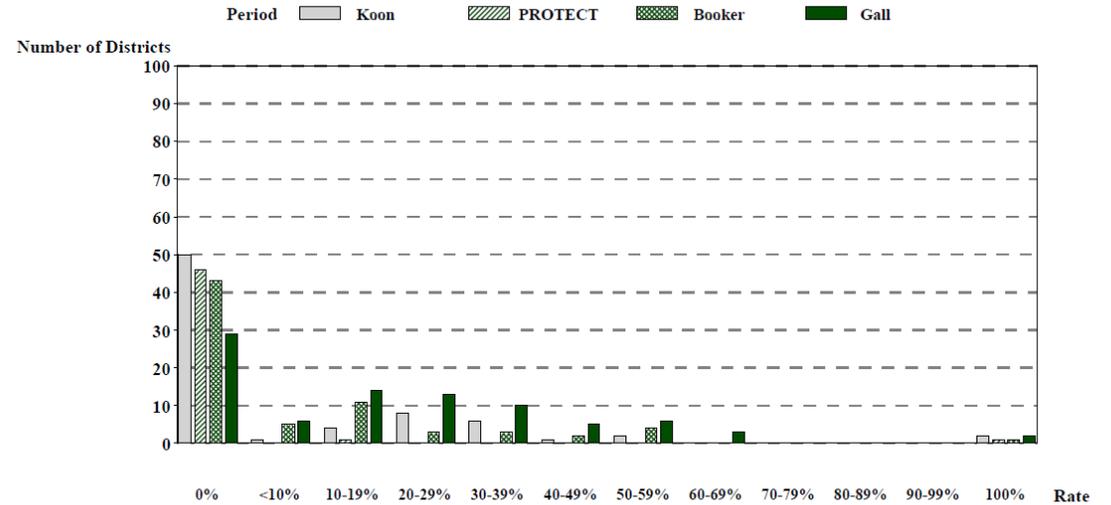
PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

More districts reported non-government sponsored below range sentences during the *Gall* period than during previous periods. In the *Gall* period many districts had rates of less than ten percent to 39 percent non-government sponsored below range sentences.

Rate of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES PRODUCTION

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of non-government sponsored below range sentences for each of the four periods. The PROTECT Act period does not list the districts with the lowest rates because only two districts reported such a sentence during this period.

Districts with the Highest and Lowest Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.
Districts with the Highest Rates in Each Time Period											
Southern California	2	100.0	New Mexico	1	100.0	Southern Georgia	1	100.0	Maine	2	100.0
Eastern Louisiana	1	100.0	Northern New York	7	14.3	Nebraska	4	50.0	South Dakota	1	100.0
Northern Mississippi	2	50.0			Oregon	4	50.0	Eastern New York	3	66.7	
Southern Alabama	2	50.0			New Hampshire	2	50.0	Northern Oklahoma	3	66.7	
Middle Alabama	5	40.0			Southern Texas	2	50.0	Southern New York	5	60.0	
Districts with the Lowest Rates in Each Time Period											
Southern Texas	14	14.3			Maryland	11	9.1	Southern Illinois	12	8.3	
Western Pennsylvania	7	14.3			Southern Iowa	11	9.1	Eastern Virginia	16	6.3	
Utah	7	14.3			Eastern California	12	8.3	Western Louisiana	16	6.3	
Western Louisiana	9	11.1			Northern Alabama	12	8.3	Eastern California	16	6.3	
Southern Indiana	12	8.3			Northern Iowa	13	7.7	Northern Alabama	17	5.9	

Number of Offenders refers to the total number of child pornography production offenders sentenced during the time period. During the *Koon* period, 20 districts did not sentence any child pornography production offenses. During the PROTECT Act period, 46 districts did not sentence any child pornography production offenses. During the *Booker* period, 22 districts did not sentence any child pornography production offenses. During the *Gall* period, six districts did not sentence any child pornography production offenses.

During the *Koon* period, 50 districts imposed at least one sentence for a child pornography production offense but did not impose a non-government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 13 offenders.

During the PROTECT Act period, only two districts imposed at least one non-government sponsored below range sentence. During this period, 46 districts imposed at least one sentence for a child pornography production offense but did not impose a non-government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to seven offenders.

During the *Booker* period, 43 districts imposed at least one sentence for a child pornography production offense but did not impose a non-government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 14 offenders.

During the *Gall* period, 29 districts imposed at least one sentence for a child pornography production offense but did not impose a non-government sponsored below range sentence. The total number of child pornography production offenders sentenced in each of those districts ranged from one to 18 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

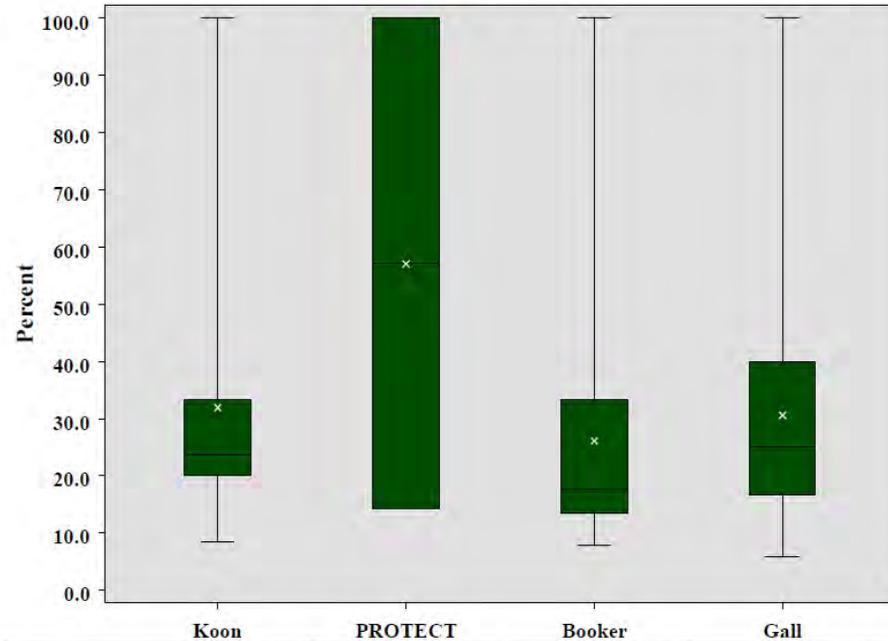
DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The small number of districts reporting non-government sponsored below range sentences in the PROTECT Act period suggests that conclusions should be made cautiously, if at all. Comparison among the other periods indicates that with more districts reporting non-government sponsored below range sentences, the spread in the rates has increased. In addition, the box has moved higher on the vertical axis from the *Booker* to the *Gall* period, indicating generally higher non-government sponsored below range rates among the middle 50 percent of districts.

**Click on chart for corresponding table.*

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	24.0	2.0	29.0	59.0
Min	8.3	14.3	7.7	5.9
Max	100.0	100.0	100.0	100.0
Q1	20.0	14.3	13.3	16.7
Q3	33.3	100.0	33.3	40.0
Q2	23.6	57.1	17.6	25.0
Mean	31.9	57.1	26.1	30.6

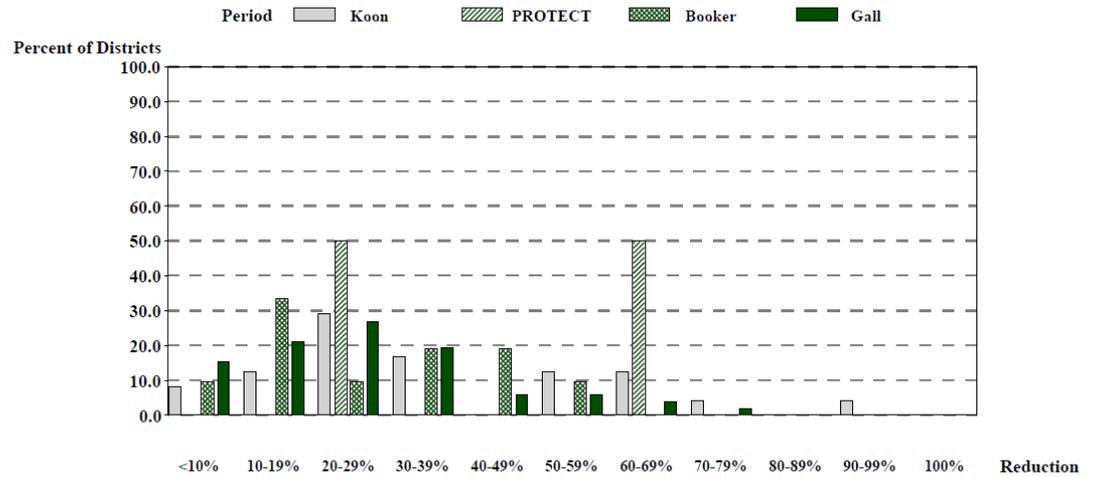
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Reductions for non-government sponsored below range sentences have been between ten and 39 percent below the guideline minimum in many districts, but a few districts have reported average reductions between 50 and 69 percent below the guideline minimum. During the *Koon* and *Gall* periods, some districts reported reductions averaging more than 70 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum
Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



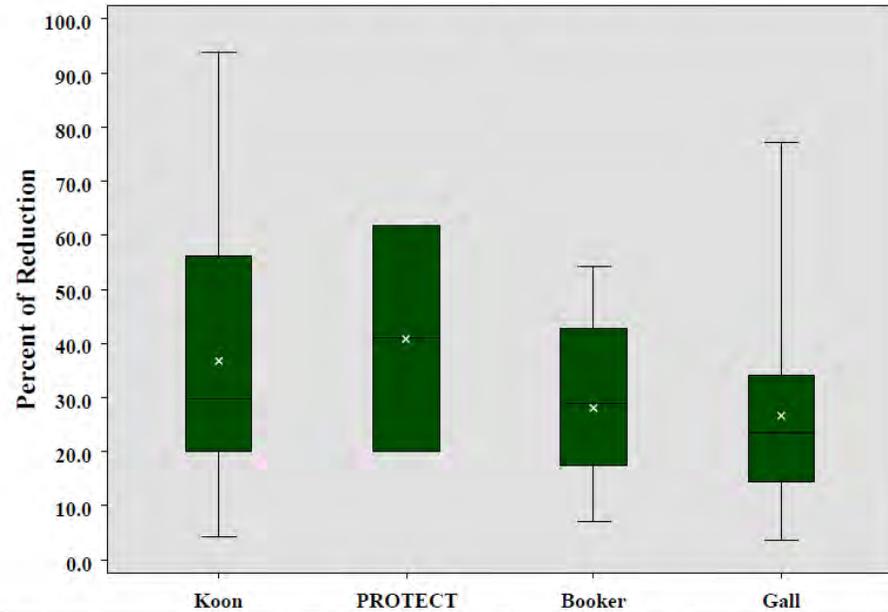
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The spread in the average extent of the reduction for non-government sponsored below range sentences among the middle 50 percent of districts has decreased over time, as seen in the decreasing size of the box along the vertical axis. In addition the lower placement of the box in the *Booker* and *Gall* periods indicates generally smaller reductions in those periods.

**Spread of Average Extent of Departure
Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	24.0	2.0	21.0	52.0
Min	4.3	20.0	7.1	3.7
Max	93.8	61.9	54.2	77.1
Q1	20.0	20.0	17.5	14.5
Q3	56.2	61.9	42.9	34.2
Q2	29.8	40.9	28.9	23.6
Mean	36.8	40.9	28.1	26.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Appendix: Child Pornography Production Offenses

I. OVERVIEW

- ❖ National Distribution of All Offenses by Circuit and District
- ❖ National Distribution of Selected Offenses by Circuit and District
- ❖ Proportion of the Caseload for Each Circuit and District for Selected Offenses

II. SENTENCE POSITION RELATIVE TO THE GUIDELINE RANGE

- ❖ Within Range Rates by Circuit and District
- ❖ Above Range Rates by Circuit and District
- ❖ Government Sponsored Below Range Rates by Circuit and District
 - §5K1.1 Substantial Assistance Sentences
 - §5K3.1 Early Disposition Program Sentences
 - Other Government Sponsored Below Range Sentences
- ❖ Non-Government Sponsored Below Range Sentences by Circuit and District
- ❖ Average Guideline Minimum and Length of Imprisonment by Circuit and District

III. BOX PLOTS: BELOW RANGE RATES BY DISTRICT

- ❖ Government Sponsored Below Range Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ §5K1.1 Substantial Assistance Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ Other Government Sponsored Below Range Sentences
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ Non-Government Sponsored Below Range Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period

**National Distribution of Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT District	All Offenses	
	N	%
TOTAL	76,216	100.0
D.C. CIRCUIT	345	0.5
District of Columbia	345	0.5
FIRST CIRCUIT	2,135	2.8
Maine	193	0.3
Massachusetts	538	0.7
New Hampshire	201	0.3
Puerto Rico	994	1.3
Rhode Island	209	0.3
SECOND CIRCUIT	4,308	5.7
Connecticut	335	0.4
New York		
Eastern	1,094	1.4
Northern	515	0.7
Southern	1,493	2.0
Western	714	0.9
Vermont	157	0.2
THIRD CIRCUIT	2,862	3.8
Delaware	112	0.1
New Jersey	787	1.0
Pennsylvania		
Eastern	957	1.3
Middle	489	0.6
Western	457	0.6
Virgin Islands	60	0.1
FOURTH CIRCUIT	5,740	7.5
Maryland	784	1.0
North Carolina		
Eastern	780	1.0
Middle	524	0.7
Western	542	0.7
South Carolina	1,011	1.3
Virginia		
Eastern	1,146	1.5
Western	363	0.5
West Virginia		
Northern	283	0.4
Southern	307	0.4

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
FIFTH CIRCUIT	17,801	23.4
Louisiana		
Eastern	340	0.4
Middle	134	0.2
Western	270	0.4
Mississippi		
Northern	181	0.2
Southern	299	0.4
Texas		
Eastern	988	1.3
Northern	898	1.2
Southern	8,158	10.7
Western	6,533	8.6
SIXTH CIRCUIT	5,329	7.0
Kentucky		
Eastern	585	0.8
Western	358	0.5
Michigan		
Eastern	810	1.1
Western	452	0.6
Ohio		
Northern	610	0.8
Southern	706	0.9
Tennessee		
Eastern	894	1.2
Middle	319	0.4
Western	595	0.8
SEVENTH CIRCUIT	2,931	3.8
Illinois		
Central	353	0.5
Northern	868	1.1
Southern	324	0.4
Indiana		
Northern	436	0.6
Southern	279	0.4
Wisconsin		
Eastern	487	0.6
Western	184	0.2
EIGHTH CIRCUIT	4,661	6.1
Arkansas		
Eastern	316	0.4
Western	313	0.4
Iowa		
Northern	516	0.7
Southern	386	0.5
Minnesota	438	0.6
Missouri		
Eastern	810	1.1
Western	639	0.8
Nebraska	544	0.7
North Dakota	271	0.4
South Dakota	428	0.6

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
NINTH CIRCUIT	17,291	22.7
Alaska	138	0.2
Arizona	7,558	9.9
California		
Central	1,712	2.2
Eastern	1,009	1.3
Northern	676	0.9
Southern	3,199	4.2
Guam	49	0.1
Hawaii	196	0.3
Idaho	338	0.4
Montana	305	0.4
Nevada	625	0.8
Northern Mariana Islands	7	0.0
Oregon	516	0.7
Washington		
Eastern	353	0.5
Western	610	0.8
TENTH CIRCUIT	6,372	8.4
Colorado	622	0.8
Kansas	653	0.9
New Mexico	3,104	4.1
Oklahoma		
Eastern	103	0.1
Northern	192	0.3
Western	375	0.5
Utah	992	1.3
Wyoming	331	0.4
ELEVENTH CIRCUIT	6,441	8.5
Alabama		
Middle	227	0.3
Northern	428	0.6
Southern	421	0.6
Florida		
Middle	1,515	2.0
Northern	363	0.5
Southern	2,027	2.7
Georgia		
Middle	368	0.5
Northern	649	0.9
Southern	443	0.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**National Distribution of Selected Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
District of Columbia	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
FIRST CIRCUIT	2,134	190	3.2	240	4.1	16	0.6	114	0.5	1,129	4.6	10	4.4	39	2.4
Maine	193	39	0.7	17	0.3	2	0.1	4	0.0	70	0.3	1	0.4	8	0.5
Massachusetts	538	61	1.0	85	1.4	5	0.2	44	0.2	192	0.8	1	0.4	16	1.0
New Hampshire	201	26	0.4	25	0.4	0	0.0	6	0.0	85	0.3	1	0.4	3	0.2
Puerto Rico	993	38	0.6	98	1.7	9	0.4	30	0.1	699	2.9	7	3.1	5	0.3
Rhode Island	209	26	0.4	15	0.3	0	0.0	30	0.1	83	0.3	0	0.0	7	0.4
SECOND CIRCUIT	4,307	245	4.2	556	9.4	48	1.9	462	2.2	1,787	7.3	14	6.2	114	7.0
Connecticut	335	48	0.8	37	0.6	0	0.0	6	0.0	164	0.7	2	0.9	5	0.3
New York															
Eastern	1,094	37	0.6	160	2.7	14	0.5	146	0.7	410	1.7	0	0.0	18	1.1
Northern	515	47	0.8	26	0.4	20	0.8	59	0.3	243	1.0	7	3.1	45	2.8
Southern	1,493	57	1.0	240	4.1	5	0.2	164	0.8	579	2.4	0	0.0	7	0.4
Western	713	36	0.6	82	1.4	7	0.3	80	0.4	309	1.3	5	2.2	35	2.1
Vermont	157	20	0.3	11	0.2	2	0.1	7	0.0	82	0.3	0	0.0	4	0.2
THIRD CIRCUIT	2,861	279	4.7	413	7.0	10	0.4	206	1.0	953	3.9	9	4.0	103	6.3
Delaware	112	24	0.4	7	0.1	0	0.0	9	0.0	27	0.1	1	0.4	6	0.4
New Jersey	787	82	1.4	134	2.3	5	0.2	33	0.2	223	0.9	0	0.0	21	1.3
Pennsylvania															
Eastern	957	100	1.7	164	2.8	2	0.1	76	0.4	328	1.3	0	0.0	23	1.4
Middle	488	22	0.4	54	0.9	2	0.1	45	0.2	177	0.7	6	2.7	15	0.9
Western	457	39	0.7	52	0.9	0	0.0	36	0.2	179	0.7	2	0.9	38	2.3
Virgin Islands	60	12	0.2	2	0.0	1	0.0	7	0.0	19	0.1	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.1	596	10.1	13	0.5	484	2.3	2,229	9.1	35	15.5	141	8.6
Maryland	780	110	1.9	87	1.5	2	0.1	54	0.3	251	1.0	15	6.6	31	1.9
North Carolina															
Eastern	779	148	2.5	68	1.2	0	0.0	56	0.3	346	1.4	4	1.8	8	0.5
Middle	523	159	2.7	22	0.4	0	0.0	57	0.3	153	0.6	1	0.4	20	1.2
Western	542	69	1.2	61	1.0	2	0.1	66	0.3	182	0.7	5	2.2	7	0.4
South Carolina	1,009	172	2.9	134	2.3	4	0.2	52	0.2	401	1.6	1	0.4	23	1.4
Virginia															
Eastern	1,145	75	1.3	168	2.8	5	0.2	175	0.8	389	1.6	8	3.5	30	1.8
Western	362	23	0.4	25	0.4	0	0.0	7	0.0	197	0.8	0	0.0	10	0.6
West Virginia															
Northern	283	35	0.6	15	0.3	0	0.0	12	0.1	144	0.6	0	0.0	7	0.4
Southern	307	41	0.7	16	0.3	0	0.0	5	0.0	166	0.7	1	0.4	5	0.3

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	12.0	672	11.4	1,275	50.1	7,950	37.4	4,956	20.2	20	8.8	188	11.5
Louisiana															
Eastern	340	33	0.6	58	1.0	1	0.0	19	0.1	120	0.5	0	0.0	8	0.5
Middle	134	27	0.5	29	0.5	0	0.0	16	0.1	37	0.2	0	0.0	0	0.0
Western	270	41	0.7	40	0.7	0	0.0	11	0.1	60	0.2	3	1.3	11	0.7
Mississippi															
Northern	181	32	0.5	20	0.3	0	0.0	5	0.0	65	0.3	1	0.4	18	1.1
Southern	299	23	0.4	72	1.2	3	0.1	22	0.1	77	0.3	1	0.4	5	0.3
Texas															
Eastern	987	98	1.7	93	1.6	17	0.7	82	0.4	460	1.9	1	0.4	25	1.5
Northern	897	86	1.5	80	1.4	9	0.4	142	0.7	259	1.1	7	3.1	42	2.6
Southern	8,158	182	3.1	120	2.0	938	36.8	4,656	21.9	1,735	7.1	3	1.3	24	1.5
Western	6,533	185	3.1	160	2.7	307	12.1	2,997	14.1	2,143	8.7	4	1.8	55	3.4
SIXTH CIRCUIT	5,324	847	14.4	579	9.8	14	0.5	416	2.0	1,946	7.9	23	10.2	181	11.1
Kentucky															
Eastern	585	55	0.9	51	0.9	0	0.0	22	0.1	259	1.1	6	2.7	19	1.2
Western	358	27	0.5	52	0.9	0	0.0	21	0.1	158	0.6	0	0.0	10	0.6
Michigan															
Eastern	810	126	2.1	97	1.6	2	0.1	104	0.5	243	1.0	4	1.8	35	2.1
Western	450	61	1.0	42	0.7	0	0.0	108	0.5	104	0.4	4	1.8	21	1.3
Ohio															
Northern	610	117	2.0	97	1.6	2	0.1	25	0.1	173	0.7	0	0.0	28	1.7
Southern	704	63	1.1	78	1.3	3	0.1	81	0.4	269	1.1	4	1.8	36	2.2
Tennessee															
Eastern	894	143	2.4	53	0.9	4	0.2	19	0.1	474	1.9	1	0.4	12	0.7
Middle	319	89	1.5	32	0.5	0	0.0	17	0.1	82	0.3	2	0.9	11	0.7
Western	594	166	2.8	77	1.3	3	0.1	19	0.1	184	0.8	2	0.9	9	0.6
SEVENTH CIRCUIT	2,931	377	6.4	341	5.8	4	0.2	214	1.0	1,182	4.8	23	10.2	103	6.3
Illinois															
Central	353	54	0.9	23	0.4	2	0.1	28	0.1	138	0.6	6	2.7	27	1.7
Northern	868	42	0.7	161	2.7	0	0.0	105	0.5	285	1.2	6	2.7	14	0.9
Southern	324	53	0.9	28	0.5	1	0.0	7	0.0	139	0.6	5	2.2	18	1.1
Indiana															
Northern	436	126	2.1	47	0.8	1	0.0	10	0.0	147	0.6	2	0.9	12	0.7
Southern	279	18	0.3	24	0.4	0	0.0	28	0.1	143	0.6	2	0.9	15	0.9
Wisconsin															
Eastern	487	65	1.1	38	0.6	0	0.0	18	0.1	262	1.1	1	0.4	14	0.9
Western	184	19	0.3	20	0.3	0	0.0	18	0.1	68	0.3	1	0.4	3	0.2
EIGHTH CIRCUIT	4,661	586	9.9	434	7.4	20	0.8	601	2.8	1,506	6.1	37	16.4	210	12.9
Arkansas															
Eastern	316	29	0.5	37	0.6	0	0.0	52	0.2	126	0.5	1	0.4	11	0.7
Western	313	26	0.4	13	0.2	4	0.2	94	0.4	91	0.4	6	2.7	9	0.6
Iowa															
Northern	516	66	1.1	22	0.4	3	0.1	136	0.6	184	0.8	6	2.7	20	1.2
Southern	386	52	0.9	44	0.7	6	0.2	28	0.1	148	0.6	1	0.4	25	1.5
Minnesota	438	39	0.7	61	1.0	1	0.0	42	0.2	159	0.6	6	2.7	13	0.8
Missouri															
Eastern	810	124	2.1	106	1.8	2	0.1	25	0.1	225	0.9	7	3.1	54	3.3
Western	639	162	2.7	72	1.2	2	0.1	33	0.2	174	0.7	7	3.1	27	1.7
Nebraska	544	50	0.8	50	0.8	0	0.0	95	0.4	219	0.9	2	0.9	23	1.4
North Dakota	271	15	0.3	6	0.1	2	0.1	46	0.2	76	0.3	0	0.0	19	1.2
South Dakota	428	23	0.4	23	0.4	0	0.0	50	0.2	104	0.4	1	0.4	9	0.6

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses		
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	
NINTH CIRCUIT	17,287	628	10.7	807	13.7	937	36.8	7,211	33.9	5,172	21.1	18	8.0	280	17.2	
	Alaska	138	19	0.3	8	0.1	0	0.0	4	0.0	66	0.3	0	0.0	7	0.4
	Arizona	7,558	103	1.7	61	1.0	331	13.0	4,542	21.4	2,054	8.4	1	0.4	28	1.7
	California															
	Central	1,712	59	1.0	236	4.0	33	1.3	439	2.1	511	2.1	2	0.9	50	3.1
	Eastern	1,009	42	0.7	68	1.2	0	0.0	369	1.7	295	1.2	5	2.2	38	2.3
	Northern	676	62	1.1	104	1.8	2	0.1	154	0.7	159	0.6	2	0.9	24	1.5
	Southern	3,199	37	0.6	37	0.6	557	21.9	1,129	5.3	1,151	4.7	1	0.4	39	2.4
	Guam	49	1	0.0	12	0.2	2	0.1	1	0.0	12	0.0	0	0.0	0	0.0
	Hawaii	196	10	0.2	19	0.3	1	0.0	5	0.0	103	0.4	1	0.4	8	0.5
	Idaho	338	28	0.5	30	0.5	0	0.0	93	0.4	134	0.5	1	0.4	9	0.6
	Montana	305	20	0.3	24	0.4	0	0.0	12	0.1	116	0.5	1	0.4	23	1.4
	Nevada	625	84	1.4	66	1.1	3	0.1	152	0.7	131	0.5	0	0.0	17	1.0
	Northern Mariana Islands	7	1	0.0	0	0.0	0	0.0	0	0.0	2	0.0	0	0.0	0	0.0
	Oregon	512	66	1.1	50	0.8	0	0.0	73	0.3	155	0.6	3	1.3	18	1.1
	Washington															
	Eastern	353	40	0.7	16	0.3	2	0.1	136	0.6	91	0.4	0	0.0	5	0.3
	Western	610	56	0.9	76	1.3	6	0.2	102	0.5	192	0.8	1	0.4	14	0.9
TENTH CIRCUIT	6,371	489	8.3	257	4.4	111	4.4	2,880	13.5	1,487	6.1	12	5.3	96	5.9	
	Colorado	622	86	1.5	44	0.7	4	0.2	181	0.9	159	0.6	0	0.0	8	0.5
	Kansas	653	82	1.4	47	0.8	12	0.5	62	0.3	251	1.0	2	0.9	16	1.0
	New Mexico	3,104	104	1.8	17	0.3	87	3.4	1,957	9.2	593	2.4	0	0.0	16	1.0
	Oklahoma															
	Eastern	102	16	0.3	17	0.3	0	0.0	5	0.0	21	0.1	0	0.0	2	0.1
	Northern	192	31	0.5	23	0.4	0	0.0	38	0.2	48	0.2	0	0.0	3	0.2
	Western	375	33	0.6	43	0.7	0	0.0	64	0.3	114	0.5	3	1.3	12	0.7
	Utah	992	103	1.7	59	1.0	8	0.3	490	2.3	161	0.7	5	2.2	28	1.7
	Wyoming	331	34	0.6	7	0.1	0	0.0	83	0.4	140	0.6	2	0.9	11	0.7
ELEVENTH CIRCUIT	6,441	700	11.9	953	16.2	95	3.7	711	3.3	2,022	8.3	23	10.2	166	10.2	
	Alabama															
	Middle	227	24	0.4	23	0.4	0	0.0	17	0.1	66	0.3	0	0.0	5	0.3
	Northern	428	109	1.8	58	1.0	2	0.1	32	0.2	84	0.3	3	1.3	16	1.0
	Southern	421	64	1.1	54	0.9	3	0.1	10	0.0	166	0.7	2	0.9	8	0.5
	Florida															
	Middle	1,515	149	2.5	173	2.9	27	1.1	302	1.4	534	2.2	6	2.7	49	3.0
	Northern	363	49	0.8	28	0.5	1	0.0	17	0.1	115	0.5	1	0.4	16	1.0
	Southern	2,027	92	1.6	461	7.8	49	1.9	161	0.8	640	2.6	3	1.3	32	2.0
	Georgia															
	Middle	368	41	0.7	26	0.4	0	0.0	43	0.2	96	0.4	3	1.3	6	0.4
	Northern	649	71	1.2	86	1.5	13	0.5	120	0.6	153	0.6	3	1.3	22	1.3
	Southern	443	101	1.7	44	0.7	0	0.0	9	0.0	168	0.7	2	0.9	12	0.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Proportion of Caseload in Each Circuit and District for Selected Offenses
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
District of Columbia	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
FIRST CIRCUIT	2,134	190	8.9	240	11.2	16	0.7	114	5.3	1,129	52.9	10	0.5	39	1.8
Maine	193	39	20.2	17	8.8	2	1.0	4	2.1	70	36.3	1	0.5	8	4.1
Massachusetts	538	61	11.3	85	15.8	5	0.9	44	8.2	192	35.7	1	0.2	16	3.0
New Hampshire	201	26	12.9	25	12.4	0	0.0	6	3.0	85	42.3	1	0.5	3	1.5
Puerto Rico	993	38	3.8	98	9.9	9	0.9	30	3.0	699	70.4	7	0.7	5	0.5
Rhode Island	209	26	12.4	15	7.2	0	0.0	30	14.4	83	39.7	0	0.0	7	3.3
SECOND CIRCUIT	4,307	245	5.7	556	12.9	48	1.1	462	10.7	1,787	41.5	14	0.3	114	2.6
Connecticut	335	48	14.3	37	11.0	0	0.0	6	1.8	164	49.0	2	0.6	5	1.5
New York															
Eastern	1,094	37	3.4	160	14.6	14	1.3	146	13.3	410	37.5	0	0.0	18	1.6
Northern	515	47	9.1	26	5.0	20	3.9	59	11.5	243	47.2	7	1.4	45	8.7
Southern	1,493	57	3.8	240	16.1	5	0.3	164	11.0	579	38.8	0	0.0	7	0.5
Western	713	36	5.0	82	11.5	7	1.0	80	11.2	309	43.3	5	0.7	35	4.9
Vermont	157	20	12.7	11	7.0	2	1.3	7	4.5	82	52.2	0	0.0	4	2.5
THIRD CIRCUIT	2,861	279	9.8	413	14.4	10	0.3	206	7.2	953	33.3	9	0.3	103	3.6
Delaware	112	24	21.4	7	6.3	0	0.0	9	8.0	27	24.1	1	0.9	6	5.4
New Jersey	787	82	10.4	134	17.0	5	0.6	33	4.2	223	28.3	0	0.0	21	2.7
Pennsylvania															
Eastern	957	100	10.4	164	17.1	2	0.2	76	7.9	328	34.3	0	0.0	23	2.4
Middle	488	22	4.5	54	11.1	2	0.4	45	9.2	177	36.3	6	1.2	15	3.1
Western	457	39	8.5	52	11.4	0	0.0	36	7.9	179	39.2	2	0.4	38	8.3
Virgin Islands	60	12	20.0	2	3.3	1	1.7	7	11.7	19	31.7	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.5	596	10.4	13	0.2	484	8.4	2,229	38.9	35	0.6	141	2.5
Maryland	780	110	14.1	87	11.2	2	0.3	54	6.9	251	32.2	15	1.9	31	4.0
North Carolina															
Eastern	779	148	19.0	68	8.7	0	0.0	56	7.2	346	44.4	4	0.5	8	1.0
Middle	523	159	30.4	22	4.2	0	0.0	57	10.9	153	29.3	1	0.2	20	3.8
Western	542	69	12.7	61	11.3	2	0.4	66	12.2	182	33.6	5	0.9	7	1.3
South Carolina	1,009	172	17.0	134	13.3	4	0.4	52	5.2	401	39.7	1	0.1	23	2.3
Virginia															
Eastern	1,145	75	6.6	168	14.7	5	0.4	175	15.3	389	34.0	8	0.7	30	2.6
Western	362	23	6.4	25	6.9	0	0.0	7	1.9	197	54.4	0	0.0	10	2.8
West Virginia															
Northern	283	35	12.4	15	5.3	0	0.0	12	4.2	144	50.9	0	0.0	7	2.5
Southern	307	41	13.4	16	5.2	0	0.0	5	1.6	166	54.1	1	0.3	5	1.6

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	4.0	672	3.8	1,275	7.2	7,950	44.7	4,956	27.8	20	0.1	188	1.1
Louisiana															
Eastern	340	33	9.7	58	17.1	1	0.3	19	5.6	120	35.3	0	0.0	8	2.4
Middle	134	27	20.1	29	21.6	0	0.0	16	11.9	37	27.6	0	0.0	0	0.0
Western	270	41	15.2	40	14.8	0	0.0	11	4.1	60	22.2	3	1.1	11	4.1
Mississippi															
Northern	181	32	17.7	20	11.0	0	0.0	5	2.8	65	35.9	1	0.6	18	9.9
Southern	299	23	7.7	72	24.1	3	1.0	22	7.4	77	25.8	1	0.3	5	1.7
Texas															
Eastern	987	98	9.9	93	9.4	17	1.7	82	8.3	460	46.6	1	0.1	25	2.5
Northern	897	86	9.6	80	8.9	9	1.0	142	15.8	259	28.9	7	0.8	42	4.7
Southern	8,158	182	2.2	120	1.5	938	11.5	4,656	57.1	1,735	21.3	3	0.0	24	0.3
Western	6,533	185	2.8	160	2.4	307	4.7	2,997	45.9	2,143	32.8	4	0.1	55	0.8
SIXTH CIRCUIT	5,324	847	15.9	579	10.9	14	0.3	416	7.8	1,946	36.6	23	0.4	181	3.4
Kentucky															
Eastern	585	55	9.4	51	8.7	0	0.0	22	3.8	259	44.3	6	1.0	19	3.2
Western	358	27	7.5	52	14.5	0	0.0	21	5.9	158	44.1	0	0.0	10	2.8
Michigan															
Eastern	810	126	15.6	97	12.0	2	0.2	104	12.8	243	30.0	4	0.5	35	4.3
Western	450	61	13.6	42	9.3	0	0.0	108	24.0	104	23.1	4	0.9	21	4.7
Ohio															
Northern	610	117	19.2	97	15.9	2	0.3	25	4.1	173	28.4	0	0.0	28	4.6
Southern	704	63	8.9	78	11.1	3	0.4	81	11.5	269	38.2	4	0.6	36	5.1
Tennessee															
Eastern	894	143	16.0	53	5.9	4	0.4	19	2.1	474	53.0	1	0.1	12	1.3
Middle	319	89	27.9	32	10.0	0	0.0	17	5.3	82	25.7	2	0.6	11	3.4
Western	594	166	27.9	77	13.0	3	0.5	19	3.2	184	31.0	2	0.3	9	1.5
SEVENTH CIRCUIT	2,931	377	12.9	341	11.6	4	0.1	214	7.3	1,182	40.3	23	0.8	103	3.5
Illinois															
Central	353	54	15.3	23	6.5	2	0.6	28	7.9	138	39.1	6	1.7	27	7.6
Northern	868	42	4.8	161	18.5	0	0.0	105	12.1	285	32.8	6	0.7	14	1.6
Southern	324	53	16.4	28	8.6	1	0.3	7	2.2	139	42.9	5	1.5	18	5.6
Indiana															
Northern	436	126	28.9	47	10.8	1	0.2	10	2.3	147	33.7	2	0.5	12	2.8
Southern	279	18	6.5	24	8.6	0	0.0	28	10.0	143	51.3	2	0.7	15	5.4
Wisconsin															
Eastern	487	65	13.3	38	7.8	0	0.0	18	3.7	262	53.8	1	0.2	14	2.9
Western	184	19	10.3	20	10.9	0	0.0	18	9.8	68	37.0	1	0.5	3	1.6
EIGHTH CIRCUIT	4,661	586	12.6	434	9.3	20	0.4	601	12.9	1,506	32.3	37	0.8	210	4.5
Arkansas															
Eastern	316	29	9.2	37	11.7	0	0.0	52	16.5	126	39.9	1	0.3	11	3.5
Western	313	26	8.3	13	4.2	4	1.3	94	30.0	91	29.1	6	1.9	9	2.9
Iowa															
Northern	516	66	12.8	22	4.3	3	0.6	136	26.4	184	35.7	6	1.2	20	3.9
Southern	386	52	13.5	44	11.4	6	1.6	28	7.3	148	38.3	1	0.3	25	6.5
Minnesota	438	39	8.9	61	13.9	1	0.2	42	9.6	159	36.3	6	1.4	13	3.0
Missouri															
Eastern	810	124	15.3	106	13.1	2	0.2	25	3.1	225	27.8	7	0.9	54	6.7
Western	639	162	25.4	72	11.3	2	0.3	33	5.2	174	27.2	7	1.1	27	4.2
Nebraska	544	50	9.2	50	9.2	0	0.0	95	17.5	219	40.3	2	0.4	23	4.2
North Dakota	271	15	5.5	6	2.2	2	0.7	46	17.0	76	28.0	0	0.0	19	7.0
South Dakota	428	23	5.4	23	5.4	0	0.0	50	11.7	104	24.3	1	0.2	9	2.1

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	17,287	628	3.6	807	4.7	937	5.4	7,211	41.7	5,172	29.9	18	0.1	280	1.6
Alaska	138	19	13.8	8	5.8	0	0.0	4	2.9	66	47.8	0	0.0	7	5.1
Arizona	7,558	103	1.4	61	0.8	331	4.4	4,542	60.1	2,054	27.2	1	0.0	28	0.4
California															
Central	1,712	59	3.4	236	13.8	33	1.9	439	25.6	511	29.8	2	0.1	50	2.9
Eastern	1,009	42	4.2	68	6.7	0	0.0	369	36.6	295	29.2	5	0.5	38	3.8
Northern	676	62	9.2	104	15.4	2	0.3	154	22.8	159	23.5	2	0.3	24	3.6
Southern	3,199	37	1.2	37	1.2	557	17.4	1,129	35.3	1,151	36.0	1	0.0	39	1.2
Guam	49	1	2.0	12	24.5	2	4.1	1	2.0	12	24.5	0	0.0	0	0.0
Hawaii	196	10	5.1	19	9.7	1	0.5	5	2.6	103	52.6	1	0.5	8	4.1
Idaho	338	28	8.3	30	8.9	0	0.0	93	27.5	134	39.6	1	0.3	9	2.7
Montana	305	20	6.6	24	7.9	0	0.0	12	3.9	116	38.0	1	0.3	23	7.5
Nevada	625	84	13.4	66	10.6	3	0.5	152	24.3	131	21.0	0	0.0	17	2.7
Northern Mariana Islands	7	1	14.3	0	0.0	0	0.0	0	0.0	2	28.6	0	0.0	0	0.0
Oregon	512	66	12.9	50	9.8	0	0.0	73	14.3	155	30.3	3	0.6	18	3.5
Washington															
Eastern	353	40	11.3	16	4.5	2	0.6	136	38.5	91	25.8	0	0.0	5	1.4
Western	610	56	9.2	76	12.5	6	1.0	102	16.7	192	31.5	1	0.2	14	2.3
TENTH CIRCUIT	6,371	489	7.7	257	4.0	111	1.7	2,880	45.2	1,487	23.3	12	0.2	96	1.5
Colorado	622	86	13.8	44	7.1	4	0.6	181	29.1	159	25.6	0	0.0	8	1.3
Kansas	653	82	12.6	47	7.2	12	1.8	62	9.5	251	38.4	2	0.3	16	2.5
New Mexico	3,104	104	3.4	17	0.5	87	2.8	1,957	63.0	593	19.1	0	0.0	16	0.5
Oklahoma															
Eastern	102	16	15.7	17	16.7	0	0.0	5	4.9	21	20.6	0	0.0	2	2.0
Northern	192	31	16.1	23	12.0	0	0.0	38	19.8	48	25.0	0	0.0	3	1.6
Western	375	33	8.8	43	11.5	0	0.0	64	17.1	114	30.4	3	0.8	12	3.2
Utah	992	103	10.4	59	5.9	8	0.8	490	49.4	161	16.2	5	0.5	28	2.8
Wyoming	331	34	10.3	7	2.1	0	0.0	83	25.1	140	42.3	2	0.6	11	3.3
ELEVENTH CIRCUIT	6,441	700	10.9	953	14.8	95	1.5	711	11.0	2,022	31.4	23	0.4	166	2.6
Alabama															
Middle	227	24	10.6	23	10.1	0	0.0	17	7.5	66	29.1	0	0.0	5	2.2
Northern	428	109	25.5	58	13.6	2	0.5	32	7.5	84	19.6	3	0.7	16	3.7
Southern	421	64	15.2	54	12.8	3	0.7	10	2.4	166	39.4	2	0.5	8	1.9
Florida															
Middle	1,515	149	9.8	173	11.4	27	1.8	302	19.9	534	35.2	6	0.4	49	3.2
Northern	363	49	13.5	28	7.7	1	0.3	17	4.7	115	31.7	1	0.3	16	4.4
Southern	2,027	92	4.5	461	22.7	49	2.4	161	7.9	640	31.6	3	0.1	32	1.6
Georgia															
Middle	368	41	11.1	26	7.1	0	0.0	43	11.7	96	26.1	3	0.8	6	1.6
Northern	649	71	10.9	86	13.3	13	2.0	120	18.5	153	23.6	3	0.5	22	3.4
Southern	443	101	22.8	44	9.9	0	0.0	9	2.0	168	37.9	2	0.5	12	2.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Within Range Sentences by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	313	227	72.5	106	89	84.0	349	225	64.5	738	428	58.0
D.C. CIRCUIT	1	0	0.0	0	0	0.0	0	0	0.0	6	1	16.7
District of Columbia	1	0	0.0	0	0	0.0	0	0	0.0	6	1	16.7
FIRST CIRCUIT	16	13	81.3	1	1	100.0	11	7	63.6	31	19	61.3
Maine	1	1	100.0	0	0	0.0	3	3	100.0	2	0	0.0
Massachusetts	1	1	100.0	0	0	0.0	1	1	100.0	7	5	71.4
New Hampshire	7	6	85.7	0	0	0.0	2	0	0.0	4	1	25.0
Puerto Rico	3	3	100.0	1	1	100.0	5	3	60.0	17	12	70.6
Rhode Island	4	2	50.0	0	0	0.0	0	0	0.0	1	1	100.0
SECOND CIRCUIT	15	14	93.3	13	11	84.6	16	8	50.0	51	22	43.1
Connecticut	0	0	0.0	2	1	50.0	2	2	100.0	5	2	40.0
New York												
Eastern	1	1	100.0	2	2	100.0	5	0	0.0	3	1	33.3
Northern	2	2	100.0	7	6	85.7	4	3	75.0	20	5	25.0
Southern	5	4	80.0	0	0	0.0	0	0	0.0	5	1	20.0
Western	5	5	100.0	2	2	100.0	4	2	50.0	16	11	68.8
Vermont	2	2	100.0	0	0	0.0	1	1	100.0	2	2	100.0
THIRD CIRCUIT	18	14	77.8	4	4	100.0	17	6	35.3	33	16	48.5
Delaware	1	1	100.0	0	0	0.0	0	0	0.0	4	2	50.0
New Jersey	5	4	80.0	1	1	100.0	2	1	50.0	7	4	57.1
Pennsylvania												
Eastern	2	1	50.0	0	0	0.0	1	1	100.0	6	2	33.3
Middle	3	2	66.7	0	0	0.0	11	1	9.1	11	4	36.4
Western	7	6	85.7	3	3	100.0	3	3	100.0	5	4	80.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
FOURTH CIRCUIT	29	22	75.9	8	7	87.5	30	22	73.3	79	48	60.8
Maryland	5	4	80.0	3	3	100.0	11	8	72.7	27	14	51.9
North Carolina												
Eastern	3	2	66.7	0	0	0.0	0	0	0.0	14	10	71.4
Middle	3	2	66.7	0	0	0.0	1	1	100.0	2	2	100.0
Western	1	0	0.0	0	0	0.0	5	2	40.0	6	3	50.0
South Carolina	7	5	71.4	1	1	100.0	1	1	100.0	3	2	66.7
Virginia												
Eastern	6	5	83.3	3	2	66.7	7	6	85.7	16	11	68.8
Western	4	4	100.0	0	0	0.0	4	3	75.0	3	2	66.7
West Virginia												
Northern	0	0	0.0	0	0	0.0	0	0	0.0	2	2	100.0
Southern	0	0	0.0	1	1	100.0	1	1	100.0	6	2	33.3

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	54	39	72.2	9	8	88.9	34	23	67.6	69	46	66.7
Louisiana												
Eastern	1	0	0.0	0	0	0.0	2	2	100.0	0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	2	1	50.0
Western	9	7	77.8	2	2	100.0	6	5	83.3	16	11	68.8
Mississippi												
Northern	2	1	50.0	1	1	100.0	6	2	33.3	3	3	100.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	4	2	50.0
Texas												
Eastern	9	6	66.7	3	3	100.0	4	3	75.0	5	2	40.0
Northern	7	6	85.7	1	1	100.0	4	3	75.0	18	12	66.7
Southern	14	9	64.3	1	0	0.0	2	1	50.0	7	5	71.4
Western	12	10	83.3	1	1	100.0	10	7	70.0	14	10	71.4
SIXTH CIRCUIT	15	13	86.7	7	6	85.7	39	25	64.1	83	50	60.2
Kentucky												
Eastern	3	2	66.7	1	0	0.0	6	4	66.7	18	13	72.2
Western	0	0	0.0	0	0	0.0	3	1	33.3	2	0	0.0
Michigan												
Eastern	1	1	100.0	1	1	100.0	4	3	75.0	20	12	60.0
Western	1	1	100.0	1	1	100.0	6	5	83.3	16	7	43.8
Ohio												
Northern	0	0	0.0	1	1	100.0	0	0	0.0	4	4	100.0
Southern	3	2	66.7	0	0	0.0	5	4	80.0	7	3	42.9
Tennessee												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	4	3	75.0
Middle	1	1	100.0	2	2	100.0	0	0	0.0	3	3	100.0
Western	6	6	100.0	1	1	100.0	14	8	57.1	9	5	55.6
SEVENTH CIRCUIT	27	21	77.8	8	6	75.0	31	17	54.8	68	30	44.1
Illinois												
Central	3	1	33.3	2	2	100.0	14	4	28.6	18	8	44.4
Northern	6	5	83.3	2	2	100.0	3	2	66.7	13	5	38.5
Southern	1	1	100.0	0	0	0.0	3	2	66.7	12	8	66.7
Indiana												
Northern	1	1	100.0	0	0	0.0	0	0	0.0	3	1	33.3
Southern	12	9	75.0	4	2	50.0	6	4	66.7	13	3	23.1
Wisconsin												
Eastern	0	0	0.0	0	0	0.0	1	1	100.0	3	2	66.7
Western	4	4	100.0	0	0	0.0	4	4	100.0	6	3	50.0
EIGHTH CIRCUIT	31	22	71.0	15	10	66.7	57	43	75.4	120	73	60.8
Arkansas												
Eastern	2	1	50.0	1	1	100.0	3	2	66.7	3	2	66.7
Western	2	1	50.0	0	0	0.0	3	1	33.3	13	12	92.3
Iowa												
Northern	3	3	100.0	3	2	66.7	13	12	92.3	18	8	44.4
Southern	5	2	40.0	0	0	0.0	11	6	54.5	8	7	87.5
Minnesota	1	0	0.0	2	2	100.0	5	4	80.0	15	6	40.0
Missouri												
Eastern	8	6	75.0	5	4	80.0	8	8	100.0	31	23	74.2
Western	7	6	85.7	4	1	25.0	6	6	100.0	20	10	50.0
Nebraska	0	0	0.0	0	0	0.0	4	0	0.0	8	3	37.5
North Dakota	3	3	100.0	0	0	0.0	4	4	100.0	3	2	66.7
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	32	18	56.3	8	7	87.5	35	22	62.9	66	36	54.5
Alaska	0	0	0.0	2	1	50.0	1	1	100.0	0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	3	1	33.3
California												
Central	3	2	66.7	0	0	0.0	6	4	66.7	9	3	33.3
Eastern	3	3	100.0	2	2	100.0	12	7	58.3	16	11	68.8
Northern	10	3	30.0	0	0	0.0	0	0	0.0	4	2	50.0
Southern	2	0	0.0	0	0	0.0	0	0	0.0	5	3	60.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Hawaii	1	1	100.0	0	0	0.0	0	0	0.0	2	1	50.0
Idaho	1	1	100.0	1	1	100.0	0	0	0.0	2	1	50.0
Montana	0	0	0.0	1	1	100.0	9	7	77.8	11	8	72.7
Nevada	2	2	100.0	0	0	0.0	1	1	100.0	2	2	100.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Oregon	2	2	100.0	0	0	0.0	4	1	25.0	6	2	33.3
Washington												
Eastern	3	2	66.7	0	0	0.0	1	0	0.0	3	1	33.3
Western	5	2	40.0	2	2	100.0	1	1	100.0	3	1	33.3
TENTH CIRCUIT	38	27	71.1	19	17	89.5	34	21	61.8	51	32	62.7
Colorado	0	0	0.0	1	1	100.0	3	2	66.7	1	0	0.0
Kansas	5	4	80.0	2	2	100.0	3	2	66.7	10	8	80.0
New Mexico	1	1	100.0	1	0	0.0	0	0	0.0	0	0	0.0
Oklahoma												
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	7	7	100.0
Northern	6	5	83.3	0	0	0.0	1	1	100.0	3	1	33.3
Western	9	7	77.8	3	3	100.0	5	2	40.0	10	5	50.0
Utah	7	6	85.7	7	6	85.7	17	11	64.7	15	8	53.3
Wyoming	10	4	40.0	5	5	100.0	5	3	60.0	5	3	60.0
ELEVENTH CIRCUIT	37	24	64.9	14	12	85.7	45	31	68.9	81	55	67.9
Alabama												
Middle	5	2	40.0	0	0	0.0	3	1	33.3	4	3	75.0
Northern	13	10	76.9	5	4	80.0	12	9	75.0	17	13	76.5
Southern	2	1	50.0	0	0	0.0	3	3	100.0	3	2	66.7
Florida												
Middle	9	6	66.7	4	4	100.0	15	10	66.7	20	12	60.0
Northern	5	4	80.0	1	1	100.0	1	1	100.0	5	4	80.0
Southern	1	0	0.0	2	2	100.0	6	5	83.3	13	10	76.9
Georgia												
Middle	1	1	100.0	1	0	0.0	1	1	100.0	4	3	75.0
Northern	1	0	0.0	1	1	100.0	3	1	33.3	10	4	40.0
Southern	0	0	0.0	0	0	0.0	1	0	0.0	5	4	80.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Above Range Sentences by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	313	32	10.2	106	7	6.6	349	39	11.2	738	42	5.7
D.C. CIRCUIT	1	0	0.0	0	0	0.0	0	0	0.0	6	0	0.0
District of Columbia	1	0	0.0	0	0	0.0	0	0	0.0	6	0	0.0
FIRST CIRCUIT	16	1	6.3	1	0	0.0	11	1	9.1	31	0	0.0
Maine	1	0	0.0	0	0	0.0	3	0	0.0	2	0	0.0
Massachusetts	1	0	0.0	0	0	0.0	1	0	0.0	7	0	0.0
New Hampshire	7	1	14.3	0	0	0.0	2	0	0.0	4	0	0.0
Puerto Rico	3	0	0.0	1	0	0.0	5	1	20.0	17	0	0.0
Rhode Island	4	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0
SECOND CIRCUIT	15	0	0.0	13	1	7.7	16	6	37.5	51	1	2.0
Connecticut	0	0	0.0	2	1	50.0	2	0	0.0	5	0	0.0
New York												
Eastern	1	0	0.0	2	0	0.0	5	5	100.0	3	0	0.0
Northern	2	0	0.0	7	0	0.0	4	0	0.0	20	1	5.0
Southern	5	0	0.0	0	0	0.0	0	0	0.0	5	0	0.0
Western	5	0	0.0	2	0	0.0	4	1	25.0	16	0	0.0
Vermont	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
THIRD CIRCUIT	18	0	0.0	4	0	0.0	17	6	35.3	33	3	9.1
Delaware	1	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
New Jersey	5	0	0.0	1	0	0.0	2	1	50.0	7	0	0.0
Pennsylvania												
Eastern	2	0	0.0	0	0	0.0	1	0	0.0	6	1	16.7
Middle	3	0	0.0	0	0	0.0	11	5	45.5	11	2	18.2
Western	7	0	0.0	3	0	0.0	3	0	0.0	5	0	0.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
FOURTH CIRCUIT	29	2	6.9	8	1	12.5	30	3	10.0	79	6	7.6
Maryland	5	0	0.0	3	0	0.0	11	1	9.1	27	1	3.7
North Carolina												
Eastern	3	0	0.0	0	0	0.0	0	0	0.0	14	1	7.1
Middle	3	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
Western	1	0	0.0	0	0	0.0	5	2	40.0	6	0	0.0
South Carolina	7	1	14.3	1	0	0.0	1	0	0.0	3	0	0.0
Virginia												
Eastern	6	1	16.7	3	1	33.3	7	0	0.0	16	2	12.5
Western	4	0	0.0	0	0	0.0	4	0	0.0	3	1	33.3
West Virginia												
Northern	0	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	0	0	0.0	1	0	0.0	1	0	0.0	6	1	16.7

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	54	6	11.1	9	0	0.0	34	5	14.7	69	8	11.6
Louisiana												
Eastern	1	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	2	1	50.0
Western	9	0	0.0	2	0	0.0	6	1	16.7	16	4	25.0
Mississippi												
Northern	2	0	0.0	1	0	0.0	6	2	33.3	3	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
Texas												
Eastern	9	1	11.1	3	0	0.0	4	0	0.0	5	0	0.0
Northern	7	1	14.3	1	0	0.0	4	1	25.0	18	3	16.7
Southern	14	2	14.3	1	0	0.0	2	0	0.0	7	0	0.0
Western	12	2	16.7	1	0	0.0	10	1	10.0	14	0	0.0
SIXTH CIRCUIT	15	0	0.0	7	0	0.0	39	5	12.8	83	7	8.4
Kentucky												
Eastern	3	0	0.0	1	0	0.0	6	1	16.7	18	1	5.6
Western	0	0	0.0	0	0	0.0	3	0	0.0	2	0	0.0
Michigan												
Eastern	1	0	0.0	1	0	0.0	4	0	0.0	20	2	10.0
Western	1	0	0.0	1	0	0.0	6	0	0.0	16	1	6.3
Ohio												
Northern	0	0	0.0	1	0	0.0	0	0	0.0	4	0	0.0
Southern	3	0	0.0	0	0	0.0	5	0	0.0	7	0	0.0
Tennessee												
Eastern	0	0	0.0	0	0	0.0	1	1	100.0	4	0	0.0
Middle	1	0	0.0	2	0	0.0	0	0	0.0	3	0	0.0
Western	6	0	0.0	1	0	0.0	14	3	21.4	9	3	33.3
SEVENTH CIRCUIT	27	2	7.4	8	2	25.0	31	0	0.0	68	4	5.9
Illinois												
Central	3	1	33.3	2	0	0.0	14	0	0.0	18	0	0.0
Northern	6	1	16.7	2	0	0.0	3	0	0.0	13	0	0.0
Southern	1	0	0.0	0	0	0.0	3	0	0.0	12	1	8.3
Indiana												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	3	1	33.3
Southern	12	0	0.0	4	2	50.0	6	0	0.0	13	1	7.7
Wisconsin												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	3	0	0.0
Western	4	0	0.0	0	0	0.0	4	0	0.0	6	1	16.7
EIGHTH CIRCUIT	31	6	19.4	15	2	13.3	57	2	3.5	120	4	3.3
Arkansas												
Eastern	2	1	50.0	1	0	0.0	3	0	0.0	3	0	0.0
Western	2	1	50.0	0	0	0.0	3	1	33.3	13	0	0.0
Iowa												
Northern	3	0	0.0	3	1	33.3	13	0	0.0	18	1	5.6
Southern	5	0	0.0	0	0	0.0	11	0	0.0	8	0	0.0
Minnesota	1	1	100.0	2	0	0.0	5	0	0.0	15	0	0.0
Missouri												
Eastern	8	2	25.0	5	0	0.0	8	0	0.0	31	0	0.0
Western	7	1	14.3	4	1	25.0	6	0	0.0	20	1	5.0
Nebraska	0	0	0.0	0	0	0.0	4	1	25.0	8	2	25.0
North Dakota	3	0	0.0	0	0	0.0	4	0	0.0	3	0	0.0
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	32	5	15.6	8	0	0.0	35	4	11.4	66	4	6.1
Alaska	0	0	0.0	2	0	0.0	1	0	0.0	0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	3	0	0.0
California												
Central	3	0	0.0	0	0	0.0	6	1	16.7	9	1	11.1
Eastern	3	0	0.0	2	0	0.0	12	3	25.0	16	1	6.3
Northern	10	3	30.0	0	0	0.0	0	0	0.0	4	0	0.0
Southern	2	0	0.0	0	0	0.0	0	0	0.0	5	0	0.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Hawaii	1	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Idaho	1	0	0.0	1	0	0.0	0	0	0.0	2	0	0.0
Montana	0	0	0.0	1	0	0.0	9	0	0.0	11	0	0.0
Nevada	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Oregon	2	0	0.0	0	0	0.0	4	0	0.0	6	0	0.0
Washington												
Eastern	3	1	33.3	0	0	0.0	1	0	0.0	3	1	33.3
Western	5	1	20.0	2	0	0.0	1	0	0.0	3	1	33.3
TENTH CIRCUIT	38	5	13.2	19	0	0.0	34	3	8.8	51	4	7.8
Colorado	0	0	0.0	1	0	0.0	3	1	33.3	1	0	0.0
Kansas	5	0	0.0	2	0	0.0	3	0	0.0	10	1	10.0
New Mexico	1	0	0.0	1	0	0.0	0	0	0.0	0	0	0.0
Oklahoma												
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	7	0	0.0
Northern	6	1	16.7	0	0	0.0	1	0	0.0	3	0	0.0
Western	9	1	11.1	3	0	0.0	5	1	20.0	10	2	20.0
Utah	7	0	0.0	7	0	0.0	17	1	5.9	15	1	6.7
Wyoming	10	3	30.0	5	0	0.0	5	0	0.0	5	0	0.0
ELEVENTH CIRCUIT	37	5	13.5	14	1	7.1	45	4	8.9	81	1	1.2
Alabama												
Middle	5	0	0.0	0	0	0.0	3	0	0.0	4	0	0.0
Northern	13	2	15.4	5	1	20.0	12	1	8.3	17	0	0.0
Southern	2	0	0.0	0	0	0.0	3	0	0.0	3	0	0.0
Florida												
Middle	9	1	11.1	4	0	0.0	15	2	13.3	20	0	0.0
Northern	5	1	20.0	1	0	0.0	1	0	0.0	5	1	20.0
Southern	1	1	100.0	2	0	0.0	6	0	0.0	13	0	0.0
Georgia												
Middle	1	0	0.0	1	0	0.0	1	0	0.0	4	0	0.0
Northern	1	0	0.0	1	0	0.0	3	1	33.3	10	0	0.0
Southern	0	0	0.0	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Government Sponsored Sentences by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	313	23	7.3	106	8	7.5	349	46	13.2	738	118	16.0
D.C. CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	6	4	66.7
District of Columbia	1	1	100.0	0	0	0.0	0	0	0.0	6	4	66.7
FIRST CIRCUIT	16	1	6.3	1	0	0.0	11	2	18.2	31	7	22.6
Maine	1	0	0.0	0	0	0.0	3	0	0.0	2	0	0.0
Massachusetts	1	0	0.0	0	0	0.0	1	0	0.0	7	2	28.6
New Hampshire	7	0	0.0	0	0	0.0	2	1	50.0	4	3	75.0
Puerto Rico	3	0	0.0	1	0	0.0	5	1	20.0	17	2	11.8
Rhode Island	4	1	25.0	0	0	0.0	0	0	0.0	1	0	0.0
SECOND CIRCUIT	15	0	0.0	13	0	0.0	16	2	12.5	51	9	17.6
Connecticut	0	0	0.0	2	0	0.0	2	0	0.0	5	1	20.0
New York												
Eastern	1	0	0.0	2	0	0.0	5	0	0.0	3	0	0.0
Northern	2	0	0.0	7	0	0.0	4	1	25.0	20	5	25.0
Southern	5	0	0.0	0	0	0.0	0	0	0.0	5	1	20.0
Western	5	0	0.0	2	0	0.0	4	1	25.0	16	2	12.5
Vermont	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
THIRD CIRCUIT	18	2	11.1	4	0	0.0	17	3	17.6	33	5	15.2
Delaware	1	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
New Jersey	5	1	20.0	1	0	0.0	2	0	0.0	7	3	42.9
Pennsylvania												
Eastern	2	1	50.0	0	0	0.0	1	0	0.0	6	0	0.0
Middle	3	0	0.0	0	0	0.0	11	3	27.3	11	2	18.2
Western	7	0	0.0	3	0	0.0	3	0	0.0	5	0	0.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
FOURTH CIRCUIT	29	4	13.8	8	0	0.0	30	2	6.7	79	12	15.2
Maryland	5	0	0.0	3	0	0.0	11	1	9.1	27	6	22.2
North Carolina												
Eastern	3	1	33.3	0	0	0.0	0	0	0.0	14	1	7.1
Middle	3	1	33.3	0	0	0.0	1	0	0.0	2	0	0.0
Western	1	1	100.0	0	0	0.0	5	1	20.0	6	1	16.7
South Carolina	7	1	14.3	1	0	0.0	1	0	0.0	3	0	0.0
Virginia												
Eastern	6	0	0.0	3	0	0.0	7	0	0.0	16	2	12.5
Western	4	0	0.0	0	0	0.0	4	0	0.0	3	0	0.0
West Virginia												
Northern	0	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	0	0	0.0	1	0	0.0	1	0	0.0	6	2	33.3

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	54	2	3.7	9	1	11.1	34	3	8.8	69	9	13.0
Louisiana												
Eastern	1	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Western	9	1	11.1	2	0	0.0	6	0	0.0	16	0	0.0
Mississippi												
Northern	2	0	0.0	1	0	0.0	6	1	16.7	3	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	4	1	25.0
Texas												
Eastern	9	0	0.0	3	0	0.0	4	1	25.0	5	3	60.0
Northern	7	0	0.0	1	0	0.0	4	0	0.0	18	3	16.7
Southern	14	1	7.1	1	1	100.0	2	0	0.0	7	0	0.0
Western	12	0	0.0	1	0	0.0	10	1	10.0	14	2	14.3
SIXTH CIRCUIT	15	0	0.0	7	1	14.3	39	6	15.4	83	4	4.8
Kentucky												
Eastern	3	0	0.0	1	1	100.0	6	0	0.0	18	1	5.6
Western	0	0	0.0	0	0	0.0	3	1	33.3	2	1	50.0
Michigan												
Eastern	1	0	0.0	1	0	0.0	4	1	25.0	20	1	5.0
Western	1	0	0.0	1	0	0.0	6	0	0.0	16	0	0.0
Ohio												
Northern	0	0	0.0	1	0	0.0	0	0	0.0	4	0	0.0
Southern	3	0	0.0	0	0	0.0	5	1	20.0	7	1	14.3
Tennessee												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	4	0	0.0
Middle	1	0	0.0	2	0	0.0	0	0	0.0	3	0	0.0
Western	6	0	0.0	1	0	0.0	14	3	21.4	9	0	0.0
SEVENTH CIRCUIT	27	2	7.4	8	0	0.0	31	9	29.0	68	15	22.1
Illinois												
Central	3	0	0.0	2	0	0.0	14	7	50.0	18	4	22.2
Northern	6	0	0.0	2	0	0.0	3	0	0.0	13	2	15.4
Southern	1	0	0.0	0	0	0.0	3	1	33.3	12	2	16.7
Indiana												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	3	1	33.3
Southern	12	2	16.7	4	0	0.0	6	1	16.7	13	5	38.5
Wisconsin												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	3	0	0.0
Western	4	0	0.0	0	0	0.0	4	0	0.0	6	1	16.7
EIGHTH CIRCUIT	31	2	6.5	15	3	20.0	57	7	12.3	120	18	15.0
Arkansas												
Eastern	2	0	0.0	1	0	0.0	3	1	33.3	3	0	0.0
Western	2	0	0.0	0	0	0.0	3	1	33.3	13	1	7.7
Iowa												
Northern	3	0	0.0	3	0	0.0	13	0	0.0	18	3	16.7
Southern	5	2	40.0	0	0	0.0	11	4	36.4	8	0	0.0
Minnesota	1	0	0.0	2	0	0.0	5	0	0.0	15	1	6.7
Missouri												
Eastern	8	0	0.0	5	1	20.0	8	0	0.0	31	5	16.1
Western	7	0	0.0	4	2	50.0	6	0	0.0	20	5	25.0
Nebraska	0	0	0.0	0	0	0.0	4	1	25.0	8	3	37.5
North Dakota	3	0	0.0	0	0	0.0	4	0	0.0	3	0	0.0
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	32	3	9.4	8	1	12.5	35	5	14.3	66	15	22.7
Alaska	0	0	0.0	2	1	50.0	1	0	0.0	0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	3	2	66.7
California												
Central	3	0	0.0	0	0	0.0	6	1	16.7	9	2	22.2
Eastern	3	0	0.0	2	0	0.0	12	1	8.3	16	3	18.8
Northern	10	2	20.0	0	0	0.0	0	0	0.0	4	1	25.0
Southern	2	0	0.0	0	0	0.0	0	0	0.0	5	0	0.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Hawaii	1	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Idaho	1	0	0.0	1	0	0.0	0	0	0.0	2	1	50.0
Montana	0	0	0.0	1	0	0.0	9	1	11.1	11	1	9.1
Nevada	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Oregon	2	0	0.0	0	0	0.0	4	1	25.0	6	3	50.0
Washington												
Eastern	3	0	0.0	0	0	0.0	1	1	100.0	3	1	33.3
Western	5	1	20.0	2	0	0.0	1	0	0.0	3	1	33.3
TENTH CIRCUIT	38	1	2.6	19	1	5.3	34	3	8.8	51	8	15.7
Colorado	0	0	0.0	1	0	0.0	3	0	0.0	1	1	100.0
Kansas	5	0	0.0	2	0	0.0	3	1	33.3	10	1	10.0
New Mexico	1	0	0.0	1	0	0.0	0	0	0.0	0	0	0.0
Oklahoma												
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	7	0	0.0
Northern	6	0	0.0	0	0	0.0	1	0	0.0	3	0	0.0
Western	9	1	11.1	3	0	0.0	5	0	0.0	10	1	10.0
Utah	7	0	0.0	7	1	14.3	17	2	11.8	15	3	20.0
Wyoming	10	0	0.0	5	0	0.0	5	0	0.0	5	2	40.0
ELEVENTH CIRCUIT	37	5	13.5	14	1	7.1	45	4	8.9	81	12	14.8
Alabama												
Middle	5	1	20.0	0	0	0.0	3	2	66.7	4	0	0.0
Northern	13	1	7.7	5	0	0.0	12	1	8.3	17	3	17.6
Southern	2	0	0.0	0	0	0.0	3	0	0.0	3	1	33.3
Florida												
Middle	9	2	22.2	4	0	0.0	15	1	6.7	20	1	5.0
Northern	5	0	0.0	1	0	0.0	1	0	0.0	5	0	0.0
Southern	1	0	0.0	2	0	0.0	6	0	0.0	13	1	7.7
Georgia												
Middle	1	0	0.0	1	1	100.0	1	0	0.0	4	1	25.0
Northern	1	1	100.0	1	0	0.0	3	0	0.0	10	5	50.0
Southern	0	0	0.0	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	313	22	7.0	106	6	5.7	349	20	5.7	738	31	4.2
D.C. CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	6	1	16.7
District of Columbia	1	1	100.0	0	0	0.0	0	0	0.0	6	1	16.7
FIRST CIRCUIT	16	1	6.3	1	0	0.0	11	1	9.1	31	1	3.2
Maine	1	0	0.0	0	0	0.0	3	0	0.0	2	0	0.0
Massachusetts	1	0	0.0	0	0	0.0	1	0	0.0	7	0	0.0
New Hampshire	7	0	0.0	0	0	0.0	2	0	0.0	4	0	0.0
Puerto Rico	3	0	0.0	1	0	0.0	5	1	20.0	17	1	5.9
Rhode Island	4	1	25.0	0	0	0.0	0	0	0.0	1	0	0.0
SECOND CIRCUIT	15	0	0.0	13	0	0.0	16	1	6.3	51	3	5.9
Connecticut	0	0	0.0	2	0	0.0	2	0	0.0	5	1	20.0
New York												
Eastern	1	0	0.0	2	0	0.0	5	0	0.0	3	0	0.0
Northern	2	0	0.0	7	0	0.0	4	0	0.0	20	1	5.0
Southern	5	0	0.0	0	0	0.0	0	0	0.0	5	1	20.0
Western	5	0	0.0	2	0	0.0	4	1	25.0	16	0	0.0
Vermont	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
THIRD CIRCUIT	18	2	11.1	4	0	0.0	17	1	5.9	33	4	12.1
Delaware	1	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
New Jersey	5	1	20.0	1	0	0.0	2	0	0.0	7	3	42.9
Pennsylvania												
Eastern	2	1	50.0	0	0	0.0	1	0	0.0	6	0	0.0
Middle	3	0	0.0	0	0	0.0	11	1	9.1	11	1	9.1
Western	7	0	0.0	3	0	0.0	3	0	0.0	5	0	0.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
FOURTH CIRCUIT	29	4	13.8	8	0	0.0	30	2	6.7	79	3	3.8
Maryland	5	0	0.0	3	0	0.0	11	1	9.1	27	1	3.7
North Carolina												
Eastern	3	1	33.3	0	0	0.0	0	0	0.0	14	1	7.1
Middle	3	1	33.3	0	0	0.0	1	0	0.0	2	0	0.0
Western	1	1	100.0	0	0	0.0	5	1	20.0	6	0	0.0
South Carolina	7	1	14.3	1	0	0.0	1	0	0.0	3	0	0.0
Virginia												
Eastern	6	0	0.0	3	0	0.0	7	0	0.0	16	0	0.0
Western	4	0	0.0	0	0	0.0	4	0	0.0	3	0	0.0
West Virginia												
Northern	0	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	0	0	0.0	1	0	0.0	1	0	0.0	6	1	16.7

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	54	2	3.7	9	0	0.0	34	0	0.0	69	1	1.4
Louisiana												
Eastern	1	0	0.0	0	0	0.0	2	0	0.0	0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Western	9	1	11.1	2	0	0.0	6	0	0.0	16	0	0.0
Mississippi												
Northern	2	0	0.0	1	0	0.0	6	0	0.0	3	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	4	0	0.0
Texas												
Eastern	9	0	0.0	3	0	0.0	4	0	0.0	5	0	0.0
Northern	7	0	0.0	1	0	0.0	4	0	0.0	18	1	5.6
Southern	14	1	7.1	1	0	0.0	2	0	0.0	7	0	0.0
Western	12	0	0.0	1	0	0.0	10	0	0.0	14	0	0.0
SIXTH CIRCUIT	15	0	0.0	7	0	0.0	39	3	7.7	83	2	2.4
Kentucky												
Eastern	3	0	0.0	1	0	0.0	6	0	0.0	18	1	5.6
Western	0	0	0.0	0	0	0.0	3	0	0.0	2	1	50.0
Michigan												
Eastern	1	0	0.0	1	0	0.0	4	1	25.0	20	0	0.0
Western	1	0	0.0	1	0	0.0	6	0	0.0	16	0	0.0
Ohio												
Northern	0	0	0.0	1	0	0.0	0	0	0.0	4	0	0.0
Southern	3	0	0.0	0	0	0.0	5	1	20.0	7	0	0.0
Tennessee												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	4	0	0.0
Middle	1	0	0.0	2	0	0.0	0	0	0.0	3	0	0.0
Western	6	0	0.0	1	0	0.0	14	1	7.1	9	0	0.0
SEVENTH CIRCUIT	27	1	3.7	8	0	0.0	31	6	19.4	68	4	5.9
Illinois												
Central	3	0	0.0	2	0	0.0	14	5	35.7	18	2	11.1
Northern	6	0	0.0	2	0	0.0	3	0	0.0	13	1	7.7
Southern	1	0	0.0	0	0	0.0	3	1	33.3	12	1	8.3
Indiana												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	3	0	0.0
Southern	12	1	8.3	4	0	0.0	6	0	0.0	13	0	0.0
Wisconsin												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	3	0	0.0
Western	4	0	0.0	0	0	0.0	4	0	0.0	6	0	0.0
EIGHTH CIRCUIT	31	2	6.5	15	3	20.0	57	2	3.5	120	2	1.7
Arkansas												
Eastern	2	0	0.0	1	0	0.0	3	0	0.0	3	0	0.0
Western	2	0	0.0	0	0	0.0	3	1	33.3	13	1	7.7
Iowa												
Northern	3	0	0.0	3	0	0.0	13	0	0.0	18	0	0.0
Southern	5	2	40.0	0	0	0.0	11	1	9.1	8	0	0.0
Minnesota	1	0	0.0	2	0	0.0	5	0	0.0	15	0	0.0
Missouri												
Eastern	8	0	0.0	5	1	20.0	8	0	0.0	31	0	0.0
Western	7	0	0.0	4	2	50.0	6	0	0.0	20	1	5.0
Nebraska	0	0	0.0	0	0	0.0	4	0	0.0	8	0	0.0
North Dakota	3	0	0.0	0	0	0.0	4	0	0.0	3	0	0.0
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	1	0	0.0

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	32	3	9.4	8	1	12.5	35	3	8.6	66	3	4.5
Alaska	0	0	0.0	2	1	50.0	1	0	0.0	0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	3	0	0.0
California												
Central	3	0	0.0	0	0	0.0	6	0	0.0	9	0	0.0
Eastern	3	0	0.0	2	0	0.0	12	1	8.3	16	0	0.0
Northern	10	2	20.0	0	0	0.0	0	0	0.0	4	0	0.0
Southern	2	0	0.0	0	0	0.0	0	0	0.0	5	0	0.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Hawaii	1	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Idaho	1	0	0.0	1	0	0.0	0	0	0.0	2	1	50.0
Montana	0	0	0.0	1	0	0.0	9	1	11.1	11	1	9.1
Nevada	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Oregon	2	0	0.0	0	0	0.0	4	0	0.0	6	1	16.7
Washington												
Eastern	3	0	0.0	0	0	0.0	1	1	100.0	3	0	0.0
Western	5	1	20.0	2	0	0.0	1	0	0.0	3	0	0.0
TENTH CIRCUIT	38	1	2.6	19	1	5.3	34	0	0.0	51	0	0.0
Colorado	0	0	0.0	1	0	0.0	3	0	0.0	1	0	0.0
Kansas	5	0	0.0	2	0	0.0	3	0	0.0	10	0	0.0
New Mexico	1	0	0.0	1	0	0.0	0	0	0.0	0	0	0.0
Oklahoma												
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	7	0	0.0
Northern	6	0	0.0	0	0	0.0	1	0	0.0	3	0	0.0
Western	9	1	11.1	3	0	0.0	5	0	0.0	10	0	0.0
Utah	7	0	0.0	7	1	14.3	17	0	0.0	15	0	0.0
Wyoming	10	0	0.0	5	0	0.0	5	0	0.0	5	0	0.0
ELEVENTH CIRCUIT	37	5	13.5	14	1	7.1	45	1	2.2	81	7	8.6
Alabama												
Middle	5	1	20.0	0	0	0.0	3	1	33.3	4	0	0.0
Northern	13	1	7.7	5	0	0.0	12	0	0.0	17	2	11.8
Southern	2	0	0.0	0	0	0.0	3	0	0.0	3	1	33.3
Florida												
Middle	9	2	22.2	4	0	0.0	15	0	0.0	20	1	5.0
Northern	5	0	0.0	1	0	0.0	1	0	0.0	5	0	0.0
Southern	1	0	0.0	2	0	0.0	6	0	0.0	13	1	7.7
Georgia												
Middle	1	0	0.0	1	1	100.0	1	0	0.0	4	1	25.0
Northern	1	1	100.0	1	0	0.0	3	0	0.0	10	1	10.0
Southern	0	0	0.0	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	313	n/a	n/a	106	0	0.0	349	0	0.0	738	1	0.1
D.C. CIRCUIT	1	n/a	n/a	0	0	0.0	0	0	0.0	6	0	0.0
District of Columbia	1	n/a	n/a	0	0	0.0	0	0	0.0	6	0	0.0
FIRST CIRCUIT	16	n/a	n/a	1	0	0.0	11	0	0.0	31	0	0.0
Maine	1	n/a	n/a	0	0	0.0	3	0	0.0	2	0	0.0
Massachusetts	1	n/a	n/a	0	0	0.0	1	0	0.0	7	0	0.0
New Hampshire	7	n/a	n/a	0	0	0.0	2	0	0.0	4	0	0.0
Puerto Rico	3	n/a	n/a	1	0	0.0	5	0	0.0	17	0	0.0
Rhode Island	4	n/a	n/a	0	0	0.0	0	0	0.0	1	0	0.0
SECOND CIRCUIT	15	n/a	n/a	13	0	0.0	16	0	0.0	51	0	0.0
Connecticut	0	n/a	n/a	2	0	0.0	2	0	0.0	5	0	0.0
New York												
Eastern	1	n/a	n/a	2	0	0.0	5	0	0.0	3	0	0.0
Northern	2	n/a	n/a	7	0	0.0	4	0	0.0	20	0	0.0
Southern	5	n/a	n/a	0	0	0.0	0	0	0.0	5	0	0.0
Western	5	n/a	n/a	2	0	0.0	4	0	0.0	16	0	0.0
Vermont	2	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
THIRD CIRCUIT	18	n/a	n/a	4	0	0.0	17	0	0.0	33	0	0.0
Delaware	1	n/a	n/a	0	0	0.0	0	0	0.0	4	0	0.0
New Jersey	5	n/a	n/a	1	0	0.0	2	0	0.0	7	0	0.0
Pennsylvania												
Eastern	2	n/a	n/a	0	0	0.0	1	0	0.0	6	0	0.0
Middle	3	n/a	n/a	0	0	0.0	11	0	0.0	11	0	0.0
Western	7	n/a	n/a	3	0	0.0	3	0	0.0	5	0	0.0
Virgin Islands	0	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
FOURTH CIRCUIT	29	n/a	n/a	8	0	0.0	30	0	0.0	79	0	0.0
Maryland	5	n/a	n/a	3	0	0.0	11	0	0.0	27	0	0.0
North Carolina												
Eastern	3	n/a	n/a	0	0	0.0	0	0	0.0	14	0	0.0
Middle	3	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
Western	1	n/a	n/a	0	0	0.0	5	0	0.0	6	0	0.0
South Carolina	7	n/a	n/a	1	0	0.0	1	0	0.0	3	0	0.0
Virginia												
Eastern	6	n/a	n/a	3	0	0.0	7	0	0.0	16	0	0.0
Western	4	n/a	n/a	0	0	0.0	4	0	0.0	3	0	0.0
West Virginia												
Northern	0	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Southern	0	n/a	n/a	1	0	0.0	1	0	0.0	6	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	54	n/a	n/a	9	0	0.0	34	0	0.0	69	0	0.0
Louisiana												
Eastern	1	n/a	n/a	0	0	0.0	2	0	0.0	0	0	0.0
Middle	0	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Western	9	n/a	n/a	2	0	0.0	6	0	0.0	16	0	0.0
Mississippi												
Northern	2	n/a	n/a	1	0	0.0	6	0	0.0	3	0	0.0
Southern	0	n/a	n/a	0	0	0.0	0	0	0.0	4	0	0.0
Texas												
Eastern	9	n/a	n/a	3	0	0.0	4	0	0.0	5	0	0.0
Northern	7	n/a	n/a	1	0	0.0	4	0	0.0	18	0	0.0
Southern	14	n/a	n/a	1	0	0.0	2	0	0.0	7	0	0.0
Western	12	n/a	n/a	1	0	0.0	10	0	0.0	14	0	0.0
SIXTH CIRCUIT	15	n/a	n/a	7	0	0.0	39	0	0.0	83	0	0.0
Kentucky												
Eastern	3	n/a	n/a	1	0	0.0	6	0	0.0	18	0	0.0
Western	0	n/a	n/a	0	0	0.0	3	0	0.0	2	0	0.0
Michigan												
Eastern	1	n/a	n/a	1	0	0.0	4	0	0.0	20	0	0.0
Western	1	n/a	n/a	1	0	0.0	6	0	0.0	16	0	0.0
Ohio												
Northern	0	n/a	n/a	1	0	0.0	0	0	0.0	4	0	0.0
Southern	3	n/a	n/a	0	0	0.0	5	0	0.0	7	0	0.0
Tennessee												
Eastern	0	n/a	n/a	0	0	0.0	1	0	0.0	4	0	0.0
Middle	1	n/a	n/a	2	0	0.0	0	0	0.0	3	0	0.0
Western	6	n/a	n/a	1	0	0.0	14	0	0.0	9	0	0.0
SEVENTH CIRCUIT	27	n/a	n/a	8	0	0.0	31	0	0.0	68	0	0.0
Illinois												
Central	3	n/a	n/a	2	0	0.0	14	0	0.0	18	0	0.0
Northern	6	n/a	n/a	2	0	0.0	3	0	0.0	13	0	0.0
Southern	1	n/a	n/a	0	0	0.0	3	0	0.0	12	0	0.0
Indiana												
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	3	0	0.0
Southern	12	n/a	n/a	4	0	0.0	6	0	0.0	13	0	0.0
Wisconsin												
Eastern	0	n/a	n/a	0	0	0.0	1	0	0.0	3	0	0.0
Western	4	n/a	n/a	0	0	0.0	4	0	0.0	6	0	0.0
EIGHTH CIRCUIT	31	n/a	n/a	15	0	0.0	57	0	0.0	120	0	0.0
Arkansas												
Eastern	2	n/a	n/a	1	0	0.0	3	0	0.0	3	0	0.0
Western	2	n/a	n/a	0	0	0.0	3	0	0.0	13	0	0.0
Iowa												
Northern	3	n/a	n/a	3	0	0.0	13	0	0.0	18	0	0.0
Southern	5	n/a	n/a	0	0	0.0	11	0	0.0	8	0	0.0
Minnesota	1	n/a	n/a	2	0	0.0	5	0	0.0	15	0	0.0
Missouri												
Eastern	8	n/a	n/a	5	0	0.0	8	0	0.0	31	0	0.0
Western	7	n/a	n/a	4	0	0.0	6	0	0.0	20	0	0.0
Nebraska	0	n/a	n/a	0	0	0.0	4	0	0.0	8	0	0.0
North Dakota	3	n/a	n/a	0	0	0.0	4	0	0.0	3	0	0.0
South Dakota	0	n/a	n/a	0	0	0.0	0	0	0.0	1	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	32	n/a	n/a	8	0	0.0	35	0	0.0	66	1	1.5
Alaska	0	n/a	n/a	2	0	0.0	1	0	0.0	0	0	0.0
Arizona	0	n/a	n/a	0	0	0.0	0	0	0.0	3	1	33.3
California												
Central	3	n/a	n/a	0	0	0.0	6	0	0.0	9	0	0.0
Eastern	3	n/a	n/a	2	0	0.0	12	0	0.0	16	0	0.0
Northern	10	n/a	n/a	0	0	0.0	0	0	0.0	4	0	0.0
Southern	2	n/a	n/a	0	0	0.0	0	0	0.0	5	0	0.0
Guam	0	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
Hawaii	1	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Idaho	1	n/a	n/a	1	0	0.0	0	0	0.0	2	0	0.0
Montana	0	n/a	n/a	1	0	0.0	9	0	0.0	11	0	0.0
Nevada	2	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
Northern Mariana Islands	0	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
Oregon	2	n/a	n/a	0	0	0.0	4	0	0.0	6	0	0.0
Washington												
Eastern	3	n/a	n/a	0	0	0.0	1	0	0.0	3	0	0.0
Western	5	n/a	n/a	2	0	0.0	1	0	0.0	3	0	0.0
TENTH CIRCUIT	38	n/a	n/a	19	0	0.0	34	0	0.0	51	0	0.0
Colorado	0	n/a	n/a	1	0	0.0	3	0	0.0	1	0	0.0
Kansas	5	n/a	n/a	2	0	0.0	3	0	0.0	10	0	0.0
New Mexico	1	n/a	n/a	1	0	0.0	0	0	0.0	0	0	0.0
Oklahoma												
Eastern	0	n/a	n/a	0	0	0.0	0	0	0.0	7	0	0.0
Northern	6	n/a	n/a	0	0	0.0	1	0	0.0	3	0	0.0
Western	9	n/a	n/a	3	0	0.0	5	0	0.0	10	0	0.0
Utah	7	n/a	n/a	7	0	0.0	17	0	0.0	15	0	0.0
Wyoming	10	n/a	n/a	5	0	0.0	5	0	0.0	5	0	0.0
ELEVENTH CIRCUIT	37	n/a	n/a	14	0	0.0	45	0	0.0	81	0	0.0
Alabama												
Middle	5	n/a	n/a	0	0	0.0	3	0	0.0	4	0	0.0
Northern	13	n/a	n/a	5	0	0.0	12	0	0.0	17	0	0.0
Southern	2	n/a	n/a	0	0	0.0	3	0	0.0	3	0	0.0
Florida												
Middle	9	n/a	n/a	4	0	0.0	15	0	0.0	20	0	0.0
Northern	5	n/a	n/a	1	0	0.0	1	0	0.0	5	0	0.0
Southern	1	n/a	n/a	2	0	0.0	6	0	0.0	13	0	0.0
Georgia												
Middle	1	n/a	n/a	1	0	0.0	1	0	0.0	4	0	0.0
Northern	1	n/a	n/a	1	0	0.0	3	0	0.0	10	0	0.0
Southern	0	n/a	n/a	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Other Government Sponsored Below Range Sentences by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	<i>(6/13/96 - 04/30/03)</i>			<i>(5/1/03 - 6/24/04)</i>			<i>(1/12/05 - 12/10/07)</i>			<i>(12/11/07-9/30/11)</i>		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	313	n/a	n/a	106	2	1.9	349	26	7.4	738	86	11.7
D.C. CIRCUIT	1	n/a	n/a	0	0	0.0	0	0	0.0	6	3	50.0
District of Columbia	1	n/a	n/a	0	0	0.0	0	0	0.0	6	3	50.0
FIRST CIRCUIT	16	n/a	n/a	1	0	0.0	11	1	9.1	31	6	19.4
Maine	1	n/a	n/a	0	0	0.0	3	0	0.0	2	0	0.0
Massachusetts	1	n/a	n/a	0	0	0.0	1	0	0.0	7	2	28.6
New Hampshire	7	n/a	n/a	0	0	0.0	2	1	50.0	4	3	75.0
Puerto Rico	3	n/a	n/a	1	0	0.0	5	0	0.0	17	1	5.9
Rhode Island	4	n/a	n/a	0	0	0.0	0	0	0.0	1	0	0.0
SECOND CIRCUIT	15	n/a	n/a	13	0	0.0	16	1	6.3	51	6	11.8
Connecticut	0	n/a	n/a	2	0	0.0	2	0	0.0	5	0	0.0
New York												
Eastern	1	n/a	n/a	2	0	0.0	5	0	0.0	3	0	0.0
Northern	2	n/a	n/a	7	0	0.0	4	1	25.0	20	4	20.0
Southern	5	n/a	n/a	0	0	0.0	0	0	0.0	5	0	0.0
Western	5	n/a	n/a	2	0	0.0	4	0	0.0	16	2	12.5
Vermont	2	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
THIRD CIRCUIT	18	n/a	n/a	4	0	0.0	17	2	11.8	33	1	3.0
Delaware	1	n/a	n/a	0	0	0.0	0	0	0.0	4	0	0.0
New Jersey	5	n/a	n/a	1	0	0.0	2	0	0.0	7	0	0.0
Pennsylvania												
Eastern	2	n/a	n/a	0	0	0.0	1	0	0.0	6	0	0.0
Middle	3	n/a	n/a	0	0	0.0	11	2	18.2	11	1	9.1
Western	7	n/a	n/a	3	0	0.0	3	0	0.0	5	0	0.0
Virgin Islands	0	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
FOURTH CIRCUIT	29	n/a	n/a	8	0	0.0	30	0	0.0	79	9	11.4
Maryland	5	n/a	n/a	3	0	0.0	11	0	0.0	27	5	18.5
North Carolina												
Eastern	3	n/a	n/a	0	0	0.0	0	0	0.0	14	0	0.0
Middle	3	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
Western	1	n/a	n/a	0	0	0.0	5	0	0.0	6	1	16.7
South Carolina	7	n/a	n/a	1	0	0.0	1	0	0.0	3	0	0.0
Virginia												
Eastern	6	n/a	n/a	3	0	0.0	7	0	0.0	16	2	12.5
Western	4	n/a	n/a	0	0	0.0	4	0	0.0	3	0	0.0
West Virginia												
Northern	0	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Southern	0	n/a	n/a	1	0	0.0	1	0	0.0	6	1	16.7

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	54	n/a	n/a	9	1	11.1	34	3	8.8	69	8	11.6
Louisiana												
Eastern	1	n/a	n/a	0	0	0.0	2	0	0.0	0	0	0.0
Middle	0	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Western	9	n/a	n/a	2	0	0.0	6	0	0.0	16	0	0.0
Mississippi												
Northern	2	n/a	n/a	1	0	0.0	6	1	16.7	3	0	0.0
Southern	0	n/a	n/a	0	0	0.0	0	0	0.0	4	1	25.0
Texas												
Eastern	9	n/a	n/a	3	0	0.0	4	1	25.0	5	3	60.0
Northern	7	n/a	n/a	1	0	0.0	4	0	0.0	18	2	11.1
Southern	14	n/a	n/a	1	1	100.0	2	0	0.0	7	0	0.0
Western	12	n/a	n/a	1	0	0.0	10	1	10.0	14	2	14.3
SIXTH CIRCUIT	15	n/a	n/a	7	1	14.3	39	3	7.7	83	2	2.4
Kentucky												
Eastern	3	n/a	n/a	1	1	100.0	6	0	0.0	18	0	0.0
Western	0	n/a	n/a	0	0	0.0	3	1	33.3	2	0	0.0
Michigan												
Eastern	1	n/a	n/a	1	0	0.0	4	0	0.0	20	1	5.0
Western	1	n/a	n/a	1	0	0.0	6	0	0.0	16	0	0.0
Ohio												
Northern	0	n/a	n/a	1	0	0.0	0	0	0.0	4	0	0.0
Southern	3	n/a	n/a	0	0	0.0	5	0	0.0	7	1	14.3
Tennessee												
Eastern	0	n/a	n/a	0	0	0.0	1	0	0.0	4	0	0.0
Middle	1	n/a	n/a	2	0	0.0	0	0	0.0	3	0	0.0
Western	6	n/a	n/a	1	0	0.0	14	2	14.3	9	0	0.0
SEVENTH CIRCUIT	27	n/a	n/a	8	0	0.0	31	3	9.7	68	11	16.2
Illinois												
Central	3	n/a	n/a	2	0	0.0	14	2	14.3	18	2	11.1
Northern	6	n/a	n/a	2	0	0.0	3	0	0.0	13	1	7.7
Southern	1	n/a	n/a	0	0	0.0	3	0	0.0	12	1	8.3
Indiana												
Northern	1	n/a	n/a	0	0	0.0	0	0	0.0	3	1	33.3
Southern	12	n/a	n/a	4	0	0.0	6	1	16.7	13	5	38.5
Wisconsin												
Eastern	0	n/a	n/a	0	0	0.0	1	0	0.0	3	0	0.0
Western	4	n/a	n/a	0	0	0.0	4	0	0.0	6	1	16.7
EIGHTH CIRCUIT	31	n/a	n/a	15	0	0.0	57	5	8.8	120	16	13.3
Arkansas												
Eastern	2	n/a	n/a	1	0	0.0	3	1	33.3	3	0	0.0
Western	2	n/a	n/a	0	0	0.0	3	0	0.0	13	0	0.0
Iowa												
Northern	3	n/a	n/a	3	0	0.0	13	0	0.0	18	3	16.7
Southern	5	n/a	n/a	0	0	0.0	11	3	27.3	8	0	0.0
Minnesota	1	n/a	n/a	2	0	0.0	5	0	0.0	15	1	6.7
Missouri												
Eastern	8	n/a	n/a	5	0	0.0	8	0	0.0	31	5	16.1
Western	7	n/a	n/a	4	0	0.0	6	0	0.0	20	4	20.0
Nebraska	0	n/a	n/a	0	0	0.0	4	1	25.0	8	3	37.5
North Dakota	3	n/a	n/a	0	0	0.0	4	0	0.0	3	0	0.0
South Dakota	0	n/a	n/a	0	0	0.0	0	0	0.0	1	0	0.0

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	32	n/a	n/a	8	0	0.0	35	2	5.7	66	11	16.7
Alaska	0	n/a	n/a	2	0	0.0	1	0	0.0	0	0	0.0
Arizona	0	n/a	n/a	0	0	0.0	0	0	0.0	3	1	33.3
California												
Central	3	n/a	n/a	0	0	0.0	6	1	16.7	9	2	22.2
Eastern	3	n/a	n/a	2	0	0.0	12	0	0.0	16	3	18.8
Northern	10	n/a	n/a	0	0	0.0	0	0	0.0	4	1	25.0
Southern	2	n/a	n/a	0	0	0.0	0	0	0.0	5	0	0.0
Guam	0	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
Hawaii	1	n/a	n/a	0	0	0.0	0	0	0.0	2	0	0.0
Idaho	1	n/a	n/a	1	0	0.0	0	0	0.0	2	0	0.0
Montana	0	n/a	n/a	1	0	0.0	9	0	0.0	11	0	0.0
Nevada	2	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
Northern Mariana Islands	0	n/a	n/a	0	0	0.0	0	0	0.0	0	0	0.0
Oregon	2	n/a	n/a	0	0	0.0	4	1	25.0	6	2	33.3
Washington												
Eastern	3	n/a	n/a	0	0	0.0	1	0	0.0	3	1	33.3
Western	5	n/a	n/a	2	0	0.0	1	0	0.0	3	1	33.3
TENTH CIRCUIT	38	n/a	n/a	19	0	0.0	34	3	8.8	51	8	15.7
Colorado	0	n/a	n/a	1	0	0.0	3	0	0.0	1	1	100.0
Kansas	5	n/a	n/a	2	0	0.0	3	1	33.3	10	1	10.0
New Mexico	1	n/a	n/a	1	0	0.0	0	0	0.0	0	0	0.0
Oklahoma												
Eastern	0	n/a	n/a	0	0	0.0	0	0	0.0	7	0	0.0
Northern	6	n/a	n/a	0	0	0.0	1	0	0.0	3	0	0.0
Western	9	n/a	n/a	3	0	0.0	5	0	0.0	10	1	10.0
Utah	7	n/a	n/a	7	0	0.0	17	2	11.8	15	3	20.0
Wyoming	10	n/a	n/a	5	0	0.0	5	0	0.0	5	2	40.0
ELEVENTH CIRCUIT	37	n/a	n/a	14	0	0.0	45	3	6.7	81	5	6.2
Alabama												
Middle	5	n/a	n/a	0	0	0.0	3	1	33.3	4	0	0.0
Northern	13	n/a	n/a	5	0	0.0	12	1	8.3	17	1	5.9
Southern	2	n/a	n/a	0	0	0.0	3	0	0.0	3	0	0.0
Florida												
Middle	9	n/a	n/a	4	0	0.0	15	1	6.7	20	0	0.0
Northern	5	n/a	n/a	1	0	0.0	1	0	0.0	5	0	0.0
Southern	1	n/a	n/a	2	0	0.0	6	0	0.0	13	0	0.0
Georgia												
Middle	1	n/a	n/a	1	0	0.0	1	0	0.0	4	0	0.0
Northern	1	n/a	n/a	1	0	0.0	3	0	0.0	10	4	40.0
Southern	0	n/a	n/a	0	0	0.0	1	0	0.0	5	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	313	31	9.9	106	2	1.9	349	39	11.2	738	150	20.3
D.C. CIRCUIT	1	0	0.0	0	0	0.0	0	0	0.0	6	1	16.7
District of Columbia	1	0	0.0	0	0	0.0	0	0	0.0	6	1	16.7
FIRST CIRCUIT	16	1	6.3	1	0	0.0	11	1	9.1	31	5	16.1
Maine	1	0	0.0	0	0	0.0	3	0	0.0	2	2	100.0
Massachusetts	1	0	0.0	0	0	0.0	1	0	0.0	7	0	0.0
New Hampshire	7	0	0.0	0	0	0.0	2	1	50.0	4	0	0.0
Puerto Rico	3	0	0.0	1	0	0.0	5	0	0.0	17	3	17.6
Rhode Island	4	1	25.0	0	0	0.0	0	0	0.0	1	0	0.0
SECOND CIRCUIT	15	1	6.7	13	1	7.7	16	0	0.0	51	19	37.3
Connecticut	0	0	0.0	2	0	0.0	2	0	0.0	5	2	40.0
New York												
Eastern	1	0	0.0	2	0	0.0	5	0	0.0	3	2	66.7
Northern	2	0	0.0	7	1	14.3	4	0	0.0	20	9	45.0
Southern	5	1	20.0	0	0	0.0	0	0	0.0	5	3	60.0
Western	5	0	0.0	2	0	0.0	4	0	0.0	16	3	18.8
Vermont	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
THIRD CIRCUIT	18	2	11.1	4	0	0.0	17	2	11.8	33	9	27.3
Delaware	1	0	0.0	0	0	0.0	0	0	0.0	4	2	50.0
New Jersey	5	0	0.0	1	0	0.0	2	0	0.0	7	0	0.0
Pennsylvania												
Eastern	2	0	0.0	0	0	0.0	1	0	0.0	6	3	50.0
Middle	3	1	33.3	0	0	0.0	11	2	18.2	11	3	27.3
Western	7	1	14.3	3	0	0.0	3	0	0.0	5	1	20.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
FOURTH CIRCUIT	29	1	3.4	8	0	0.0	30	3	10.0	79	13	16.5
Maryland	5	1	20.0	3	0	0.0	11	1	9.1	27	6	22.2
North Carolina												
Eastern	3	0	0.0	0	0	0.0	0	0	0.0	14	2	14.3
Middle	3	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
Western	1	0	0.0	0	0	0.0	5	0	0.0	6	2	33.3
South Carolina	7	0	0.0	1	0	0.0	1	0	0.0	3	1	33.3
Virginia												
Eastern	6	0	0.0	3	0	0.0	7	1	14.3	16	1	6.3
Western	4	0	0.0	0	0	0.0	4	1	25.0	3	0	0.0
West Virginia												
Northern	0	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Southern	0	0	0.0	1	0	0.0	1	0	0.0	6	1	16.7

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	54	7	13.0	9	0	0.0	34	3	8.8	69	6	8.7
Louisiana												
Eastern	1	1	100.0	0	0	0.0	2	0	0.0	0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	2	0	0.0
Western	9	1	11.1	2	0	0.0	6	0	0.0	16	1	6.3
Mississippi												
Northern	2	1	50.0	1	0	0.0	6	1	16.7	3	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	4	1	25.0
Texas												
Eastern	9	2	22.2	3	0	0.0	4	0	0.0	5	0	0.0
Northern	7	0	0.0	1	0	0.0	4	0	0.0	18	0	0.0
Southern	14	2	14.3	1	0	0.0	2	1	50.0	7	2	28.6
Western	12	0	0.0	1	0	0.0	10	1	10.0	14	2	14.3
SIXTH CIRCUIT	15	2	13.3	7	0	0.0	39	3	7.7	83	22	26.5
Kentucky												
Eastern	3	1	33.3	1	0	0.0	6	1	16.7	18	3	16.7
Western	0	0	0.0	0	0	0.0	3	1	33.3	2	1	50.0
Michigan												
Eastern	1	0	0.0	1	0	0.0	4	0	0.0	20	5	25.0
Western	1	0	0.0	1	0	0.0	6	1	16.7	16	8	50.0
Ohio												
Northern	0	0	0.0	1	0	0.0	0	0	0.0	4	0	0.0
Southern	3	1	33.3	0	0	0.0	5	0	0.0	7	3	42.9
Tennessee												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	4	1	25.0
Middle	1	0	0.0	2	0	0.0	0	0	0.0	3	0	0.0
Western	6	0	0.0	1	0	0.0	14	0	0.0	9	1	11.1
SEVENTH CIRCUIT	27	2	7.4	8	0	0.0	31	5	16.1	68	19	27.9
Illinois												
Central	3	1	33.3	2	0	0.0	14	3	21.4	18	6	33.3
Northern	6	0	0.0	2	0	0.0	3	1	33.3	13	6	46.2
Southern	1	0	0.0	0	0	0.0	3	0	0.0	12	1	8.3
Indiana												
Northern	1	0	0.0	0	0	0.0	0	0	0.0	3	0	0.0
Southern	12	1	8.3	4	0	0.0	6	1	16.7	13	4	30.8
Wisconsin												
Eastern	0	0	0.0	0	0	0.0	1	0	0.0	3	1	33.3
Western	4	0	0.0	0	0	0.0	4	0	0.0	6	1	16.7
EIGHTH CIRCUIT	31	1	3.2	15	0	0.0	57	5	8.8	120	25	20.8
Arkansas												
Eastern	2	0	0.0	1	0	0.0	3	0	0.0	3	1	33.3
Western	2	0	0.0	0	0	0.0	3	0	0.0	13	0	0.0
Iowa												
Northern	3	0	0.0	3	0	0.0	13	1	7.7	18	6	33.3
Southern	5	1	20.0	0	0	0.0	11	1	9.1	8	1	12.5
Minnesota	1	0	0.0	2	0	0.0	5	1	20.0	15	8	53.3
Missouri												
Eastern	8	0	0.0	5	0	0.0	8	0	0.0	31	3	9.7
Western	7	0	0.0	4	0	0.0	6	0	0.0	20	4	20.0
Nebraska	0	0	0.0	0	0	0.0	4	2	50.0	8	0	0.0
North Dakota	3	0	0.0	0	0	0.0	4	0	0.0	3	1	33.3
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	1	1	100.0

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	32	6	18.8	8	0	0.0	35	4	11.4	66	11	16.7
Alaska	0	0	0.0	2	0	0.0	1	0	0.0	0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	3	0	0.0
California												
Central	3	1	33.3	0	0	0.0	6	0	0.0	9	3	33.3
Eastern	3	0	0.0	2	0	0.0	12	1	8.3	16	1	6.3
Northern	10	2	20.0	0	0	0.0	0	0	0.0	4	1	25.0
Southern	2	2	100.0	0	0	0.0	0	0	0.0	5	2	40.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Hawaii	1	0	0.0	0	0	0.0	0	0	0.0	2	1	50.0
Idaho	1	0	0.0	1	0	0.0	0	0	0.0	2	0	0.0
Montana	0	0	0.0	1	0	0.0	9	1	11.1	11	2	18.2
Nevada	2	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0	0.0
Oregon	2	0	0.0	0	0	0.0	4	2	50.0	6	1	16.7
Washington												
Eastern	3	0	0.0	0	0	0.0	1	0	0.0	3	0	0.0
Western	5	1	20.0	2	0	0.0	1	0	0.0	3	0	0.0
TENTH CIRCUIT	38	5	13.2	19	1	5.3	34	7	20.6	51	7	13.7
Colorado	0	0	0.0	1	0	0.0	3	0	0.0	1	0	0.0
Kansas	5	1	20.0	2	0	0.0	3	0	0.0	10	0	0.0
New Mexico	1	0	0.0	1	1	100.0	0	0	0.0	0	0	0.0
Oklahoma												
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	7	0	0.0
Northern	6	0	0.0	0	0	0.0	1	0	0.0	3	2	66.7
Western	9	0	0.0	3	0	0.0	5	2	40.0	10	2	20.0
Utah	7	1	14.3	7	0	0.0	17	3	17.6	15	3	20.0
Wyoming	10	3	30.0	5	0	0.0	5	2	40.0	5	0	0.0
ELEVENTH CIRCUIT	37	3	8.1	14	0	0.0	45	6	13.3	81	13	16.0
Alabama												
Middle	5	2	40.0	0	0	0.0	3	0	0.0	4	1	25.0
Northern	13	0	0.0	5	0	0.0	12	1	8.3	17	1	5.9
Southern	2	1	50.0	0	0	0.0	3	0	0.0	3	0	0.0
Florida												
Middle	9	0	0.0	4	0	0.0	15	2	13.3	20	7	35.0
Northern	5	0	0.0	1	0	0.0	1	0	0.0	5	0	0.0
Southern	1	0	0.0	2	0	0.0	6	1	16.7	13	2	15.4
Georgia												
Middle	1	0	0.0	1	0	0.0	1	0	0.0	4	0	0.0
Northern	1	0	0.0	1	0	0.0	3	1	33.3	10	1	10.0
Southern	0	0	0.0	0	0	0.0	1	1	100.0	5	1	20.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Length of Imprisonment by Circuit and District
Child Pornography Production Offenses
Koon Period through *Gall* Period

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
TOTAL	315	119	133	109	142	164	349	240	244	738	282	272
D.C. CIRCUIT	1	120	36	0	0	0	0	0	0	6	303	209
District of Columbia	1	120	36	0	0	0	0	0	0	6	303	209
FIRST CIRCUIT	16	98	107	2	193	267	11	184	183	31	254	240
Maine	1	97	120	0	0	0	3	145	159	2	236	210
Massachusetts	1	108	120	0	0	0	1	180	180	7	271	239
New Hampshire	7	88	108	0	0	0	2	267	150	4	415	413
Puerto Rico	3	116	125	2	193	267	5	174	211	17	213	204
Rhode Island	4	99	86	0	0	0	0	0	0	1	210	220
SECOND CIRCUIT	15	120	124	13	118	126	16	227	256	51	261	236
Connecticut	0	0	0	2	84	108	2	366	399	5	208	191
New York												
Eastern	1	108	120	2	138	150	5	135	233	3	347	288
Northern	2	154	178	7	127	132	4	285	242	20	292	247
Southern	5	107	101	0	0	0	0	0	0	5	252	223
Western	5	118	120	2	99	99	4	231	246	16	233	233
Vermont	2	128	143	0	0	0	1	168	180	2	192	226
THIRD CIRCUIT	18	88	95	4	113	125	17	202	219	33	254	255
Delaware	1	70	87	0	0	0	0	0	0	4	285	256
New Jersey	5	62	59	1	60	60	2	150	160	7	232	228
Pennsylvania												
Eastern	2	115	106	0	0	0	1	235	293	6	307	337
Middle	3	89	88	0	0	0	11	200	210	11	253	251
Western	7	100	121	3	130	146	3	231	267	5	202	205
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0	0
FOURTH CIRCUIT	29	132	143	8	106	162	30	248	265	79	274	277
Maryland	5	100	107	3	120	120	11	261	265	27	277	268
North Carolina												
Eastern	3	87	75	0	0	0	0	0	0	14	322	334
Middle	3	128	140	0	0	0	1	262	315	2	195	215
Western	1	121	0	0	0	0	5	144	197	6	342	305
South Carolina	7	123	143	1	121	144	1	151	188	3	190	163
Virginia												
Eastern	6	170	191	3	96	237	7	238	235	16	248	265
Western	4	171	172	0	0	0	4	351	385	3	193	263
West Virginia												
Northern	0	0	0	0	0	0	0	0	0	2	340	340
Southern	0	0	0	1	78	78	1	360	360	6	244	250

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
FIFTH CIRCUIT	54	110	128	10	132	140	34	181	200	69	281	295
Louisiana												
Eastern	1	60	48	0	0	0	2	199	249	0	0	0
Middle	0	0	0	0	0	0	0	0	0	2	236	390
Western	9	121	133	3	112	136	6	152	171	16	288	318
Mississippi												
Northern	2	91	76	1	180	180	6	165	191	3	277	287
Southern	0	0	0	0	0	0	0	0	0	4	303	287
Texas												
Eastern	9	86	93	3	136	140	4	186	167	5	305	297
Northern	7	121	138	1	120	120	4	193	258	18	252	275
Southern	14	113	137	1	151	150	2	100	101	7	233	243
Western	12	117	148	1	120	120	10	212	223	14	325	308
SIXTH CIRCUIT	15	162	173	7	176	189	39	265	265	83	285	279
Kentucky												
Eastern	3	337	317	1	470	470	6	322	358	18	279	283
Western	0	0	0	0	0	0	3	262	257	2	178	120
Michigan												
Eastern	1	78	120	1	51	51	4	262	231	20	310	299
Western	1	324	405	1	120	120	6	290	270	16	327	307
Ohio												
Northern	0	0	0	1	188	235	0	0	0	4	371	371
Southern	3	103	106	0	0	0	5	258	234	7	230	199
Tennessee												
Eastern	0	0	0	0	0	0	1	180	360	4	193	210
Middle	1	97	120	2	133	154	0	0	0	3	238	239
Western	6	103	113	1	135	140	14	241	239	9	252	273
SEVENTH CIRCUIT	28	124	132	8	183	220	31	290	260	68	330	312
Illinois												
Central	3	89	90	2	170	201	14	227	168	18	343	298
Northern	6	106	123	2	128	166	3	337	317	13	336	317
Southern	1	120	135	0	0	0	3	310	370	12	304	317
Indiana												
Northern	1	135	168	0	0	0	0	0	0	3	288	280
Southern	12	142	142	4	218	257	6	311	310	13	375	345
Wisconsin												
Eastern	0	0	0	0	0	0	1	470	470	3	265	272
Western	5	123	137	0	0	0	4	384	357	6	285	294
EIGHTH CIRCUIT	31	140	171	15	149	177	57	251	247	120	305	289
Arkansas												
Eastern	2	120	144	1	120	120	3	160	148	3	339	339
Western	2	264	330	0	0	0	3	190	199	13	364	359
Iowa												
Northern	3	192	200	3	143	180	13	277	296	18	297	270
Southern	5	120	117	0	0	0	11	268	235	8	267	272
Minnesota	1	120	180	2	155	178	5	390	378	15	338	285
Missouri												
Eastern	8	119	170	5	163	210	8	271	280	31	287	287
Western	7	118	155	4	140	147	6	200	200	20	323	291
Nebraska	0	0	0	0	0	0	4	145	114	8	249	258
North Dakota	3	165	177	0	0	0	4	197	210	3	253	267
South Dakota	0	0	0	0	0	0	0	0	0	1	210	120

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean
		Guideline			Guideline			Guideline			Guideline	
		Minimum	Months		Minimum	Months		Minimum	Months		Minimum	Months
NINTH CIRCUIT	33	111	112	8	164	174	35	253	260	66	265	250
Alaska	0	0	0	2	240	222	1	180	180	0	0	0
Arizona	0	0	0	0	0	0	0	0	0	3	168	145
California												
Central	4	85	74	0	0	0	6	235	245	9	247	205
Eastern	3	94	111	2	116	144	12	200	226	16	244	233
Northern	10	118	161	0	0	0	0	0	0	4	229	195
Southern	2	155	99	0	0	0	0	0	0	5	194	180
Guam	0	0	0	0	0	0	0	0	0	0	0	0
Hawaii	1	78	78	0	0	0	0	0	0	2	366	311
Idaho	1	24	24	1	97	97	0	0	0	2	221	185
Montana	0	0	0	1	262	262	9	356	340	11	312	310
Nevada	2	75	89	0	0	0	1	262	327	2	311	311
Northern Mariana Islands	0	0	0	0	0	0	0	0	0	0	0	0
Oregon	2	62	62	0	0	0	4	246	248	6	385	375
Washington												
Eastern	3	115	63	0	0	0	1	300	240	3	204	277
Western	5	167	138	2	120	150	1	120	121	3	273	238
TENTH CIRCUIT	38	110	125	20	127	146	34	164	166	51	225	218
Colorado	0	0	0	1	78	96	3	180	218	1	168	120
Kansas	5	100	110	2	86	151	3	238	220	10	212	216
New Mexico	1	78	78	1	97	37	0	0	0	0	0	0
Oklahoma												
Eastern	0	0	0	0	0	0	0	0	0	7	246	266
Northern	6	135	174	0	0	0	1	180	180	3	268	190
Western	9	105	124	3	136	160	5	136	142	10	267	282
Utah	7	98	116	8	139	169	17	153	155	15	192	176
Wyoming	10	117	117	5	133	132	5	168	162	5	219	193
ELEVENTH CIRCUIT	37	122	144	14	152	178	45	291	297	81	299	279
Alabama												
Middle	5	121	140	0	0	0	3	377	344	4	398	385
Northern	13	131	150	5	187	246	12	300	318	17	301	297
Southern	2	65	55	0	0	0	3	262	323	3	355	248
Florida												
Middle	9	115	139	4	135	141	15	295	302	20	299	273
Northern	5	104	135	1	63	78	1	120	120	5	295	332
Southern	1	292	470	2	123	144	6	213	211	13	294	286
Georgia												
Middle	1	63	63	1	168	145	1	324	342	4	210	195
Northern	1	168	120	1	180	180	3	337	320	10	306	253
Southern	0	0	0	0	0	0	1	420	360	5	256	220

Sentences of probation only are included as zero (0) months of imprisonment. Life sentences and other sentences exceeding 470 months are capped at 470 months. This analysis includes time of confinement as described in USSG §5C1.1 (Imposition of a Term of Imprisonment). Some cases were excluded due to missing or indeterminable sentencing information.

Guideline minimums account for applicable statutory mandatory penalties. Guideline minimums of life and other guideline minimums exceeding 470 months are capped at 470 months.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	Koon Period (6/13/96 - 4/30/03)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
District of Columbia	100.0	1	1
North Carolina, Western	100.0	1	1
Georgia, Northern	100.0	1	1
Pennsylvania, Eastern	50.0	1	2
Iowa, Southern	40.0	2	5
North Carolina, Eastern	33.3	1	3
North Carolina, Middle	33.3	1	3
Rhode Island	25.0	1	4
Florida, Middle	22.2	2	9
California, Northern	20.0	2	10
New Jersey	20.0	1	5
Washington, Western	20.0	1	5
Alabama, Middle	20.0	1	5
Indiana, Southern	16.7	2	12
South Carolina	14.3	1	7
Louisiana, Western	11.1	1	9
Oklahoma, Western	11.1	1	9
Alabama, Northern	7.7	1	13
Texas, Southern	7.1	1	14
Texas, Western	0.0	0	12
Wyoming	0.0	0	10
Texas, Eastern	0.0	0	9
Missouri, Eastern	0.0	0	8
New Hampshire	0.0	0	7
Pennsylvania, Western	0.0	0	7
Texas, Northern	0.0	0	7
Missouri, Western	0.0	0	7
Utah	0.0	0	7
Virginia, Eastern	0.0	0	6
Tennessee, Western	0.0	0	6
Illinois, Northern	0.0	0	6
Oklahoma, Northern	0.0	0	6
New York, Southern	0.0	0	5
New York, Western	0.0	0	5
Maryland	0.0	0	5
Kansas	0.0	0	5
Florida, Northern	0.0	0	5
Virginia, Western	0.0	0	4
Wisconsin, Western	0.0	0	4
Puerto Rico	0.0	0	3
Pennsylvania, Middle	0.0	0	3
Kentucky, Eastern	0.0	0	3

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

<i>Koon</i>				
Period				
(6/13/96 - 4/30/03)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Ohio, Southern	0.0	0		3
Illinois, Central	0.0	0		3
Iowa, Northern	0.0	0		3
North Dakota	0.0	0		3
California, Central	0.0	0		3
California, Eastern	0.0	0		3
Washington, Eastern	0.0	0		3
New York, Northern	0.0	0		2
Vermont	0.0	0		2
Mississippi, Northern	0.0	0		2
Arkansas, Eastern	0.0	0		2
Arkansas, Western	0.0	0		2
California, Southern	0.0	0		2
Nevada	0.0	0		2
Oregon	0.0	0		2
Alabama, Southern	0.0	0		2
Maine	0.0	0		1
Massachusetts	0.0	0		1
New York, Eastern	0.0	0		1
Delaware	0.0	0		1
Louisiana, Eastern	0.0	0		1
Michigan, Eastern	0.0	0		1
Michigan, Western	0.0	0		1
Tennessee, Middle	0.0	0		1
Illinois, Southern	0.0	0		1
Indiana, Northern	0.0	0		1
Minnesota	0.0	0		1
Hawaii	0.0	0		1
Idaho	0.0	0		1
New Mexico	0.0	0		1
Florida, Southern	0.0	0		1
Georgia, Middle	0.0	0		1

The following districts had no child pornography production offenses in the selected time period: Connecticut, Virgin Islands, Northern West Virginia, Southern West Virginia, Middle Louisiana, Southern Mississippi, Western Kentucky, Northern Ohio, Eastern Tennessee, Eastern Wisconsin, Nebraska, South Dakota, Alaska, Arizona, Guam, Montana, Northern Mariana Islands, Colorado, Eastern Oklahoma, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	PROTECT Act Period (5/1/03 - 6/24/04)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Texas, Southern	100.0	1	1
Kentucky, Eastern	100.0	1	1
Georgia, Middle	100.0	1	1
Missouri, Western	50.0	2	4
Alaska	50.0	1	2
Missouri, Eastern	20.0	1	5
Utah	14.3	1	7
New York, Northern	0.0	0	7
Wyoming	0.0	0	5
Alabama, Northern	0.0	0	5
Indiana, Southern	0.0	0	4
Florida, Middle	0.0	0	4
Pennsylvania, Western	0.0	0	3
Maryland	0.0	0	3
Virginia, Eastern	0.0	0	3
Texas, Eastern	0.0	0	3
Iowa, Northern	0.0	0	3
Oklahoma, Western	0.0	0	3
Connecticut	0.0	0	2
New York, Eastern	0.0	0	2
New York, Western	0.0	0	2
Louisiana, Western	0.0	0	2
Tennessee, Middle	0.0	0	2
Illinois, Central	0.0	0	2
Illinois, Northern	0.0	0	2
Minnesota	0.0	0	2
California, Eastern	0.0	0	2
Washington, Western	0.0	0	2
Kansas	0.0	0	2
Florida, Southern	0.0	0	2
Puerto Rico	0.0	0	1
New Jersey	0.0	0	1
South Carolina	0.0	0	1
West Virginia, Southern	0.0	0	1
Mississippi, Northern	0.0	0	1
Texas, Northern	0.0	0	1
Texas, Western	0.0	0	1
Michigan, Eastern	0.0	0	1
Michigan, Western	0.0	0	1
Ohio, Northern	0.0	0	1
Tennessee, Western	0.0	0	1
Arkansas, Eastern	0.0	0	1

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

PROTECT Act				
Period				
(5/1/03 - 6/24/04)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Idaho	0.0	0	0	1
Montana	0.0	0	0	1
Colorado	0.0	0	0	1
New Mexico	0.0	0	0	1
Florida, Northern	0.0	0	0	1
Georgia, Northern	0.0	0	0	1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Maine, Massachusetts, New Hampshire, Rhode Island, Southern New York, Vermont, Delaware, Eastern Pennsylvania, Middle Pennsylvania, Virgin Islands, Eastern North Carolina, Middle North Carolina, Western North Carolina, Western Virginia, Northern West Virginia, Eastern Louisiana, Middle Louisiana, Southern Mississippi, Western Kentucky, Southern Ohio, Eastern Tennessee, Southern Illinois, Northern Indiana, Eastern Wisconsin, Western Wisconsin, Western Arkansas, Southern Iowa, Nebraska, North Dakota, South Dakota, Arizona, Central California, Northern California, Southern California, Guam, Hawaii, Nevada, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Middle Alabama, Southern Alabama, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Washington, Eastern	100.0	1	1
Alabama, Middle	66.7	2	3
Illinois, Central	50.0	7	14
New Hampshire	50.0	1	2
Iowa, Southern	36.4	4	11
Kentucky, Western	33.3	1	3
Illinois, Southern	33.3	1	3
Arkansas, Eastern	33.3	1	3
Arkansas, Western	33.3	1	3
Kansas	33.3	1	3
Pennsylvania, Middle	27.3	3	11
New York, Northern	25.0	1	4
New York, Western	25.0	1	4
Texas, Eastern	25.0	1	4
Michigan, Eastern	25.0	1	4
Nebraska	25.0	1	4
Oregon	25.0	1	4
Tennessee, Western	21.4	3	14
Puerto Rico	20.0	1	5
North Carolina, Western	20.0	1	5
Ohio, Southern	20.0	1	5
Mississippi, Northern	16.7	1	6
Indiana, Southern	16.7	1	6
California, Central	16.7	1	6
Utah	11.8	2	17
Montana	11.1	1	9
Texas, Western	10.0	1	10
Maryland	9.1	1	11
California, Eastern	8.3	1	12
Alabama, Northern	8.3	1	12
Florida, Middle	6.7	1	15
Iowa, Northern	0.0	0	13
Missouri, Eastern	0.0	0	8
Virginia, Eastern	0.0	0	7
Louisiana, Western	0.0	0	6
Kentucky, Eastern	0.0	0	6
Michigan, Western	0.0	0	6
Missouri, Western	0.0	0	6
Florida, Southern	0.0	0	6
New York, Eastern	0.0	0	5
Minnesota	0.0	0	5
Oklahoma, Western	0.0	0	5

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

<i>Booker</i>			
Period			
(1/12/05 - 12/10/07)			
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Wyoming	0.0	0	5
Virginia, Western	0.0	0	4
Texas, Northern	0.0	0	4
Wisconsin, Western	0.0	0	4
North Dakota	0.0	0	4
Maine	0.0	0	3
Pennsylvania, Western	0.0	0	3
Illinois, Northern	0.0	0	3
Colorado	0.0	0	3
Alabama, Southern	0.0	0	3
Georgia, Northern	0.0	0	3
Connecticut	0.0	0	2
New Jersey	0.0	0	2
Louisiana, Eastern	0.0	0	2
Texas, Southern	0.0	0	2
Massachusetts	0.0	0	1
Vermont	0.0	0	1
Pennsylvania, Eastern	0.0	0	1
North Carolina, Middle	0.0	0	1
South Carolina	0.0	0	1
West Virginia, Southern	0.0	0	1
Tennessee, Eastern	0.0	0	1
Wisconsin, Eastern	0.0	0	1
Alaska	0.0	0	1
Nevada	0.0	0	1
Washington, Western	0.0	0	1
Oklahoma, Northern	0.0	0	1
Florida, Northern	0.0	0	1
Georgia, Middle	0.0	0	1
Georgia, Southern	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Rhode Island, Southern New York, Delaware, Virgin Islands, Eastern North Carolina, Northern West Virginia, Middle Louisiana, Southern Mississippi, Northern Ohio, Middle Tennessee, Northern Indiana, South Dakota, Arizona, Northern California, Southern California, Guam, Hawaii, Idaho, Northern Mariana Islands, New Mexico, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	Gall Period (12/11/07 - 9/30/11)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Colorado	100.0	1	1
New Hampshire	75.0	3	4
District of Columbia	66.7	4	6
Arizona	66.7	2	3
Texas, Eastern	60.0	3	5
Georgia, Northern	50.0	5	10
Oregon	50.0	3	6
Kentucky, Western	50.0	1	2
Idaho	50.0	1	2
New Jersey	42.9	3	7
Wyoming	40.0	2	5
Indiana, Southern	38.5	5	13
Nebraska	37.5	3	8
West Virginia, Southern	33.3	2	6
Indiana, Northern	33.3	1	3
Washington, Eastern	33.3	1	3
Washington, Western	33.3	1	3
Alabama, Southern	33.3	1	3
Massachusetts	28.6	2	7
New York, Northern	25.0	5	20
Missouri, Western	25.0	5	20
Mississippi, Southern	25.0	1	4
California, Northern	25.0	1	4
Georgia, Middle	25.0	1	4
Maryland	22.2	6	27
Illinois, Central	22.2	4	18
California, Central	22.2	2	9
Utah	20.0	3	15
Connecticut	20.0	1	5
New York, Southern	20.0	1	5
California, Eastern	18.8	3	16
Pennsylvania, Middle	18.2	2	11
Alabama, Northern	17.6	3	17
Texas, Northern	16.7	3	18
Iowa, Northern	16.7	3	18
Illinois, Southern	16.7	2	12
North Carolina, Western	16.7	1	6
Wisconsin, Western	16.7	1	6
Missouri, Eastern	16.1	5	31
Illinois, Northern	15.4	2	13
Texas, Western	14.3	2	14
Ohio, Southern	14.3	1	7

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
New York, Western	12.5	2	16
Virginia, Eastern	12.5	2	16
Puerto Rico	11.8	2	17
Kansas	10.0	1	10
Oklahoma, Western	10.0	1	10
Montana	9.1	1	11
Arkansas, Western	7.7	1	13
Florida, Southern	7.7	1	13
North Carolina, Eastern	7.1	1	14
Minnesota	6.7	1	15
Kentucky, Eastern	5.6	1	18
Michigan, Eastern	5.0	1	20
Florida, Middle	5.0	1	20
Louisiana, Western	0.0	0	16
Michigan, Western	0.0	0	16
Tennessee, Western	0.0	0	9
Iowa, Southern	0.0	0	8
Texas, Southern	0.0	0	7
Oklahoma, Eastern	0.0	0	7
Pennsylvania, Eastern	0.0	0	6
Pennsylvania, Western	0.0	0	5
California, Southern	0.0	0	5
Florida, Northern	0.0	0	5
Georgia, Southern	0.0	0	5
Delaware	0.0	0	4
Ohio, Northern	0.0	0	4
Tennessee, Eastern	0.0	0	4
Alabama, Middle	0.0	0	4
New York, Eastern	0.0	0	3
South Carolina	0.0	0	3
Virginia, Western	0.0	0	3
Mississippi, Northern	0.0	0	3
Tennessee, Middle	0.0	0	3
Wisconsin, Eastern	0.0	0	3
Arkansas, Eastern	0.0	0	3
North Dakota	0.0	0	3
Oklahoma, Northern	0.0	0	3
Maine	0.0	0	2
Vermont	0.0	0	2
North Carolina, Middle	0.0	0	2
West Virginia, Northern	0.0	0	2
Louisiana, Middle	0.0	0	2
Hawaii	0.0	0	2
Nevada	0.0	0	2
Rhode Island	0.0	0	1
South Dakota	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: Virgin Islands, Eastern Louisiana, Alaska, Guam, Northern Mariana Islands, and New Mexico.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses**

District	Percent	Koon Period (6/13/96 - 4/30/03)	
		Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
District of Columbia	100.0	1	1
North Carolina, Western	100.0	1	1
Georgia, Northern	100.0	1	1
Pennsylvania, Eastern	50.0	1	2
Iowa, Southern	40.0	2	5
North Carolina, Eastern	33.3	1	3
North Carolina, Middle	33.3	1	3
Rhode Island	25.0	1	4
Florida, Middle	22.2	2	9
California, Northern	20.0	2	10
New Jersey	20.0	1	5
Washington, Western	20.0	1	5
Alabama, Middle	20.0	1	5
South Carolina	14.3	1	7
Louisiana, Western	11.1	1	9
Oklahoma, Western	11.1	1	9
Indiana, Southern	8.3	1	12
Alabama, Northern	7.7	1	13
Texas, Southern	7.1	1	14
Texas, Western	0.0	0	12
Wyoming	0.0	0	10
Texas, Eastern	0.0	0	9
Missouri, Eastern	0.0	0	8
New Hampshire	0.0	0	7
Pennsylvania, Western	0.0	0	7
Texas, Northern	0.0	0	7
Missouri, Western	0.0	0	7
Utah	0.0	0	7
Virginia, Eastern	0.0	0	6
Tennessee, Western	0.0	0	6
Illinois, Northern	0.0	0	6
Oklahoma, Northern	0.0	0	6
New York, Southern	0.0	0	5
New York, Western	0.0	0	5
Maryland	0.0	0	5
Kansas	0.0	0	5
Florida, Northern	0.0	0	5
Virginia, Western	0.0	0	4
Wisconsin, Western	0.0	0	4
Puerto Rico	0.0	0	3
Pennsylvania, Middle	0.0	0	3
Kentucky, Eastern	0.0	0	3

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses (cont.)**

Koon

Period

(6/13/96 - 4/30/03)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Ohio, Southern	0.0	0	3
Illinois, Central	0.0	0	3
Iowa, Northern	0.0	0	3
North Dakota	0.0	0	3
California, Central	0.0	0	3
California, Eastern	0.0	0	3
Washington, Eastern	0.0	0	3
New York, Northern	0.0	0	2
Vermont	0.0	0	2
Mississippi, Northern	0.0	0	2
Arkansas, Eastern	0.0	0	2
Arkansas, Western	0.0	0	2
California, Southern	0.0	0	2
Nevada	0.0	0	2
Oregon	0.0	0	2
Alabama, Southern	0.0	0	2
Maine	0.0	0	1
Massachusetts	0.0	0	1
New York, Eastern	0.0	0	1
Delaware	0.0	0	1
Louisiana, Eastern	0.0	0	1
Michigan, Eastern	0.0	0	1
Michigan, Western	0.0	0	1
Tennessee, Middle	0.0	0	1
Illinois, Southern	0.0	0	1
Indiana, Northern	0.0	0	1
Minnesota	0.0	0	1
Hawaii	0.0	0	1
Idaho	0.0	0	1
New Mexico	0.0	0	1
Florida, Southern	0.0	0	1
Georgia, Middle	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: Connecticut, Virgin Islands, Northern West Virginia, Southern West Virginia, Middle Louisiana, Southern Mississippi, Western Kentucky, Northern Ohio, Eastern Tennessee, Eastern Wisconsin, Nebraska, South Dakota, Alaska, Arizona, Guam, Montana, Northern Mariana Islands, Colorado, Eastern Oklahoma, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses**

District	PROTECT Act			
	Period			
	(5/1/03 - 6/24/04)			
	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Georgia, Middle	100.0	1	1	1
Missouri, Western	50.0	2	2	4
Alaska	50.0	1	1	2
Missouri, Eastern	20.0	1	1	5
Utah	14.3	1	1	7
New York, Northern	0.0	0	0	7
Wyoming	0.0	0	0	5
Alabama, Northern	0.0	0	0	5
Indiana, Southern	0.0	0	0	4
Florida, Middle	0.0	0	0	4
Pennsylvania, Western	0.0	0	0	3
Maryland	0.0	0	0	3
Virginia, Eastern	0.0	0	0	3
Texas, Eastern	0.0	0	0	3
Iowa, Northern	0.0	0	0	3
Oklahoma, Western	0.0	0	0	3
Connecticut	0.0	0	0	2
New York, Eastern	0.0	0	0	2
New York, Western	0.0	0	0	2
Louisiana, Western	0.0	0	0	2
Tennessee, Middle	0.0	0	0	2
Illinois, Central	0.0	0	0	2
Illinois, Northern	0.0	0	0	2
Minnesota	0.0	0	0	2
California, Eastern	0.0	0	0	2
Washington, Western	0.0	0	0	2
Kansas	0.0	0	0	2
Florida, Southern	0.0	0	0	2
Puerto Rico	0.0	0	0	1
New Jersey	0.0	0	0	1
South Carolina	0.0	0	0	1
West Virginia, Southern	0.0	0	0	1
Mississippi, Northern	0.0	0	0	1
Texas, Northern	0.0	0	0	1
Texas, Southern	0.0	0	0	1
Texas, Western	0.0	0	0	1
Kentucky, Eastern	0.0	0	0	1
Michigan, Eastern	0.0	0	0	1
Michigan, Western	0.0	0	0	1
Ohio, Northern	0.0	0	0	1
Tennessee, Western	0.0	0	0	1
Arkansas, Eastern	0.0	0	0	1

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses (cont.)**

**PROTECT Act
Period**

(5/1/03 - 6/24/04)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Idaho	0.0	0	1
Montana	0.0	0	1
Colorado	0.0	0	1
New Mexico	0.0	0	1
Florida, Northern	0.0	0	1
Georgia, Northern	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Maine, Massachusetts, New Hampshire, Rhode Island, Southern New York, Vermont, Delaware, Eastern Pennsylvania, Middle Pennsylvania, Virgin Islands, Eastern North Carolina, Middle North Carolina, Western North Carolina, Western Virginia, Northern West Virginia, Eastern Louisiana, Middle Louisiana, Southern Mississippi, Western Kentucky, Southern Ohio, Eastern Tennessee, Southern Illinois, Northern Indiana, Eastern Wisconsin, Western Wisconsin, Western Arkansas, Southern Iowa, Nebraska, North Dakota, South Dakota, Arizona, Central California, Northern California, Southern California, Guam, Hawaii, Nevada, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Middle Alabama, Southern Alabama, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Washington, Eastern	100.0	1	1
Illinois, Central	35.7	5	14
Illinois, Southern	33.3	1	3
Arkansas, Western	33.3	1	3
Alabama, Middle	33.3	1	3
New York, Western	25.0	1	4
Michigan, Eastern	25.0	1	4
Puerto Rico	20.0	1	5
North Carolina, Western	20.0	1	5
Ohio, Southern	20.0	1	5
Montana	11.1	1	9
Pennsylvania, Middle	9.1	1	11
Maryland	9.1	1	11
Iowa, Southern	9.1	1	11
California, Eastern	8.3	1	12
Tennessee, Western	7.1	1	14
Utah	0.0	0	17
Florida, Middle	0.0	0	15
Iowa, Northern	0.0	0	13
Alabama, Northern	0.0	0	12
Texas, Western	0.0	0	10
Missouri, Eastern	0.0	0	8
Virginia, Eastern	0.0	0	7
Louisiana, Western	0.0	0	6
Mississippi, Northern	0.0	0	6
Kentucky, Eastern	0.0	0	6
Michigan, Western	0.0	0	6
Indiana, Southern	0.0	0	6
Missouri, Western	0.0	0	6
California, Central	0.0	0	6
Florida, Southern	0.0	0	6
New York, Eastern	0.0	0	5
Minnesota	0.0	0	5
Oklahoma, Western	0.0	0	5
Wyoming	0.0	0	5
New York, Northern	0.0	0	4
Virginia, Western	0.0	0	4
Texas, Eastern	0.0	0	4
Texas, Northern	0.0	0	4
Wisconsin, Western	0.0	0	4
Nebraska	0.0	0	4
North Dakota	0.0	0	4

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses (cont.)**

Booker

Period

(1/12/05 - 12/10/07)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Oregon	0.0	0	4
Maine	0.0	0	3
Pennsylvania, Western	0.0	0	3
Kentucky, Western	0.0	0	3
Illinois, Northern	0.0	0	3
Arkansas, Eastern	0.0	0	3
Colorado	0.0	0	3
Kansas	0.0	0	3
Alabama, Southern	0.0	0	3
Georgia, Northern	0.0	0	3
New Hampshire	0.0	0	2
Connecticut	0.0	0	2
New Jersey	0.0	0	2
Louisiana, Eastern	0.0	0	2
Texas, Southern	0.0	0	2
Massachusetts	0.0	0	1
Vermont	0.0	0	1
Pennsylvania, Eastern	0.0	0	1
North Carolina, Middle	0.0	0	1
South Carolina	0.0	0	1
West Virginia, Southern	0.0	0	1
Tennessee, Eastern	0.0	0	1
Wisconsin, Eastern	0.0	0	1
Alaska	0.0	0	1
Nevada	0.0	0	1
Washington, Western	0.0	0	1
Oklahoma, Northern	0.0	0	1
Florida, Northern	0.0	0	1
Georgia, Middle	0.0	0	1
Georgia, Southern	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Rhode Island, Southern New York, Delaware, Virgin Islands, Eastern North Carolina, Northern West Virginia, Middle Louisiana, Southern Mississippi, Northern Ohio, Middle Tennessee, Northern Indiana, South Dakota, Arizona, Northern California, Southern California, Guam, Hawaii, Idaho, Northern Mariana Islands, New Mexico, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses**

District	Percent	Gall Period (12/11/07 - 9/30/11)	
		Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Kentucky, Western	50.0	1	2
Idaho	50.0	1	2
New Jersey	42.9	3	7
Alabama, Southern	33.3	1	3
Georgia, Middle	25.0	1	4
Connecticut	20.0	1	5
New York, Southern	20.0	1	5
District of Columbia	16.7	1	6
West Virginia, Southern	16.7	1	6
Oregon	16.7	1	6
Alabama, Northern	11.8	2	17
Illinois, Central	11.1	2	18
Georgia, Northern	10.0	1	10
Pennsylvania, Middle	9.1	1	11
Montana	9.1	1	11
Illinois, Southern	8.3	1	12
Illinois, Northern	7.7	1	13
Arkansas, Western	7.7	1	13
Florida, Southern	7.7	1	13
North Carolina, Eastern	7.1	1	14
Puerto Rico	5.9	1	17
Texas, Northern	5.6	1	18
Kentucky, Eastern	5.6	1	18
New York, Northern	5.0	1	20
Missouri, Western	5.0	1	20
Florida, Middle	5.0	1	20
Maryland	3.7	1	27
Missouri, Eastern	0.0	0	31
Michigan, Eastern	0.0	0	20
Iowa, Northern	0.0	0	18
New York, Western	0.0	0	16
Virginia, Eastern	0.0	0	16
Louisiana, Western	0.0	0	16
Michigan, Western	0.0	0	16
California, Eastern	0.0	0	16
Minnesota	0.0	0	15
Utah	0.0	0	15
Texas, Western	0.0	0	14
Indiana, Southern	0.0	0	13
Kansas	0.0	0	10
Oklahoma, Western	0.0	0	10
Tennessee, Western	0.0	0	9

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Production Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
California, Central	0.0	0	9
Iowa, Southern	0.0	0	8
Nebraska	0.0	0	8
Massachusetts	0.0	0	7
Texas, Southern	0.0	0	7
Ohio, Southern	0.0	0	7
Oklahoma, Eastern	0.0	0	7
Pennsylvania, Eastern	0.0	0	6
North Carolina, Western	0.0	0	6
Wisconsin, Western	0.0	0	6
Pennsylvania, Western	0.0	0	5
Texas, Eastern	0.0	0	5
California, Southern	0.0	0	5
Wyoming	0.0	0	5
Florida, Northern	0.0	0	5
Georgia, Southern	0.0	0	5
New Hampshire	0.0	0	4
Delaware	0.0	0	4
Mississippi, Southern	0.0	0	4
Ohio, Northern	0.0	0	4
Tennessee, Eastern	0.0	0	4
California, Northern	0.0	0	4
Alabama, Middle	0.0	0	4
New York, Eastern	0.0	0	3
South Carolina	0.0	0	3
Virginia, Western	0.0	0	3
Mississippi, Northern	0.0	0	3
Tennessee, Middle	0.0	0	3
Indiana, Northern	0.0	0	3
Wisconsin, Eastern	0.0	0	3
Arkansas, Eastern	0.0	0	3
North Dakota	0.0	0	3
Arizona	0.0	0	3
Washington, Eastern	0.0	0	3
Washington, Western	0.0	0	3
Oklahoma, Northern	0.0	0	3
Maine	0.0	0	2
Vermont	0.0	0	2
North Carolina, Middle	0.0	0	2
West Virginia, Northern	0.0	0	2
Louisiana, Middle	0.0	0	2
Hawaii	0.0	0	2
Nevada	0.0	0	2
Rhode Island	0.0	0	1
South Dakota	0.0	0	1
Colorado	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: Virgin Islands, Eastern Louisiana, Alaska, Guam, Northern Mariana Islands, and New Mexico.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	PROTECT Act	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
		Period	
		(5/1/03 - 6/24/04)	
Texas, Southern	100.0	1	1
Kentucky, Eastern	100.0	1	1
New York, Northern	0.0	0	7
Utah	0.0	0	7
Missouri, Eastern	0.0	0	5
Wyoming	0.0	0	5
Alabama, Northern	0.0	0	5
Indiana, Southern	0.0	0	4
Missouri, Western	0.0	0	4
Florida, Middle	0.0	0	4
Pennsylvania, Western	0.0	0	3
Maryland	0.0	0	3
Virginia, Eastern	0.0	0	3
Texas, Eastern	0.0	0	3
Iowa, Northern	0.0	0	3
Oklahoma, Western	0.0	0	3
Connecticut	0.0	0	2
New York, Eastern	0.0	0	2
New York, Western	0.0	0	2
Louisiana, Western	0.0	0	2
Tennessee, Middle	0.0	0	2
Illinois, Central	0.0	0	2
Illinois, Northern	0.0	0	2
Minnesota	0.0	0	2
Alaska	0.0	0	2
California, Eastern	0.0	0	2
Washington, Western	0.0	0	2
Kansas	0.0	0	2
Florida, Southern	0.0	0	2
Puerto Rico	0.0	0	1
New Jersey	0.0	0	1
South Carolina	0.0	0	1
West Virginia, Southern	0.0	0	1
Mississippi, Northern	0.0	0	1
Texas, Northern	0.0	0	1
Texas, Western	0.0	0	1
Michigan, Eastern	0.0	0	1
Michigan, Western	0.0	0	1
Ohio, Northern	0.0	0	1
Tennessee, Western	0.0	0	1
Arkansas, Eastern	0.0	0	1
Idaho	0.0	0	1

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

PROTECT Act				
Period				
(5/1/03 - 6/24/04)				
District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Montana	0.0	0	0	1
Colorado	0.0	0	0	1
New Mexico	0.0	0	0	1
Florida, Northern	0.0	0	0	1
Georgia, Middle	0.0	0	0	1
Georgia, Northern	0.0	0	0	1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Maine, Massachusetts, New Hampshire, Rhode Island, Southern New York, Vermont, Delaware, Eastern Pennsylvania, Middle Pennsylvania, Virgin Islands, Eastern North Carolina, Middle North Carolina, Western North Carolina, Western Virginia, Northern West Virginia, Eastern Louisiana, Middle Louisiana, Southern Mississippi, Western Kentucky, Southern Ohio, Eastern Tennessee, Southern Illinois, Northern Indiana, Eastern Wisconsin, Western Wisconsin, Western Arkansas, Southern Iowa, Nebraska, North Dakota, South Dakota, Arizona, Central California, Northern California, Southern California, Guam, Hawaii, Nevada, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Middle Alabama, Southern Alabama, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
New Hampshire	50.0	1	2
Kentucky, Western	33.3	1	3
Arkansas, Eastern	33.3	1	3
Kansas	33.3	1	3
Alabama, Middle	33.3	1	3
Iowa, Southern	27.3	3	11
New York, Northern	25.0	1	4
Texas, Eastern	25.0	1	4
Nebraska	25.0	1	4
Oregon	25.0	1	4
Pennsylvania, Middle	18.2	2	11
Mississippi, Northern	16.7	1	6
Indiana, Southern	16.7	1	6
California, Central	16.7	1	6
Tennessee, Western	14.3	2	14
Illinois, Central	14.3	2	14
Utah	11.8	2	17
Texas, Western	10.0	1	10
Alabama, Northern	8.3	1	12
Florida, Middle	6.7	1	15
Iowa, Northern	0.0	0	13
California, Eastern	0.0	0	12
Maryland	0.0	0	11
Montana	0.0	0	9
Missouri, Eastern	0.0	0	8
Virginia, Eastern	0.0	0	7
Louisiana, Western	0.0	0	6
Kentucky, Eastern	0.0	0	6
Michigan, Western	0.0	0	6
Missouri, Western	0.0	0	6
Florida, Southern	0.0	0	6
Puerto Rico	0.0	0	5
New York, Eastern	0.0	0	5
North Carolina, Western	0.0	0	5
Ohio, Southern	0.0	0	5
Minnesota	0.0	0	5
Oklahoma, Western	0.0	0	5
Wyoming	0.0	0	5
New York, Western	0.0	0	4
Virginia, Western	0.0	0	4
Texas, Northern	0.0	0	4
Michigan, Eastern	0.0	0	4

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Wisconsin, Western	0.0	0		4
North Dakota	0.0	0		4
Maine	0.0	0		3
Pennsylvania, Western	0.0	0		3
Illinois, Northern	0.0	0		3
Illinois, Southern	0.0	0		3
Arkansas, Western	0.0	0		3
Colorado	0.0	0		3
Alabama, Southern	0.0	0		3
Georgia, Northern	0.0	0		3
Connecticut	0.0	0		2
New Jersey	0.0	0		2
Louisiana, Eastern	0.0	0		2
Texas, Southern	0.0	0		2
Massachusetts	0.0	0		1
Vermont	0.0	0		1
Pennsylvania, Eastern	0.0	0		1
North Carolina, Middle	0.0	0		1
South Carolina	0.0	0		1
West Virginia, Southern	0.0	0		1
Tennessee, Eastern	0.0	0		1
Wisconsin, Eastern	0.0	0		1
Alaska	0.0	0		1
Nevada	0.0	0		1
Washington, Eastern	0.0	0		1
Washington, Western	0.0	0		1
Oklahoma, Northern	0.0	0		1
Florida, Northern	0.0	0		1
Georgia, Middle	0.0	0		1
Georgia, Southern	0.0	0		1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Rhode Island, Southern New York, Delaware, Virgin Islands, Eastern North Carolina, Northern West Virginia, Middle Louisiana, Southern Mississippi, Northern Ohio, Middle Tennessee, Northern Indiana, South Dakota, Arizona, Northern California, Southern California, Guam, Hawaii, Idaho, Northern Mariana Islands, New Mexico, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	<i>Gall</i> Period	
		(12/11/07 - 9/30/11)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Colorado	100.0	1	1
New Hampshire	75.0	3	4
Texas, Eastern	60.0	3	5
District of Columbia	50.0	3	6
Georgia, Northern	40.0	4	10
Wyoming	40.0	2	5
Indiana, Southern	38.5	5	13
Nebraska	37.5	3	8
Oregon	33.3	2	6
Indiana, Northern	33.3	1	3
Arizona	33.3	1	3
Washington, Eastern	33.3	1	3
Washington, Western	33.3	1	3
Massachusetts	28.6	2	7
Mississippi, Southern	25.0	1	4
California, Northern	25.0	1	4
California, Central	22.2	2	9
New York, Northern	20.0	4	20
Missouri, Western	20.0	4	20
Utah	20.0	3	15
California, Eastern	18.8	3	16
Maryland	18.5	5	27
Iowa, Northern	16.7	3	18
North Carolina, Western	16.7	1	6
West Virginia, Southern	16.7	1	6
Wisconsin, Western	16.7	1	6
Missouri, Eastern	16.1	5	31
Texas, Western	14.3	2	14
Ohio, Southern	14.3	1	7
New York, Western	12.5	2	16
Virginia, Eastern	12.5	2	16
Texas, Northern	11.1	2	18
Illinois, Central	11.1	2	18
Kansas	10.0	1	10
Oklahoma, Western	10.0	1	10
Pennsylvania, Middle	9.1	1	11
Illinois, Southern	8.3	1	12
Illinois, Northern	7.7	1	13
Minnesota	6.7	1	15
Puerto Rico	5.9	1	17
Alabama, Northern	5.9	1	17
Michigan, Eastern	5.0	1	20

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Florida, Middle	0.0	0	20
Kentucky, Eastern	0.0	0	18
Louisiana, Western	0.0	0	16
Michigan, Western	0.0	0	16
North Carolina, Eastern	0.0	0	14
Arkansas, Western	0.0	0	13
Florida, Southern	0.0	0	13
Montana	0.0	0	11
Tennessee, Western	0.0	0	9
Iowa, Southern	0.0	0	8
New Jersey	0.0	0	7
Texas, Southern	0.0	0	7
Oklahoma, Eastern	0.0	0	7
Pennsylvania, Eastern	0.0	0	6
Connecticut	0.0	0	5
New York, Southern	0.0	0	5
Pennsylvania, Western	0.0	0	5
California, Southern	0.0	0	5
Florida, Northern	0.0	0	5
Georgia, Southern	0.0	0	5
Delaware	0.0	0	4
Ohio, Northern	0.0	0	4
Tennessee, Eastern	0.0	0	4
Alabama, Middle	0.0	0	4
Georgia, Middle	0.0	0	4
New York, Eastern	0.0	0	3
South Carolina	0.0	0	3
Virginia, Western	0.0	0	3
Mississippi, Northern	0.0	0	3
Tennessee, Middle	0.0	0	3
Wisconsin, Eastern	0.0	0	3
Arkansas, Eastern	0.0	0	3
North Dakota	0.0	0	3
Oklahoma, Northern	0.0	0	3
Alabama, Southern	0.0	0	3
Maine	0.0	0	2
Vermont	0.0	0	2
North Carolina, Middle	0.0	0	2
West Virginia, Northern	0.0	0	2
Louisiana, Middle	0.0	0	2
Kentucky, Western	0.0	0	2
Hawaii	0.0	0	2
Idaho	0.0	0	2
Nevada	0.0	0	2
Rhode Island	0.0	0	1
South Dakota	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: Virgin Islands, Eastern Louisiana, Alaska, Guam, Northern Mariana Islands, and New Mexico.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	<i>Koon</i> Period	
		(6/13/96 - 4/30/03)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
California, Southern	100.0	2	2
Louisiana, Eastern	100.0	1	1
Mississippi, Northern	50.0	1	2
Alabama, Southern	50.0	1	2
Alabama, Middle	40.0	2	5
Pennsylvania, Middle	33.3	1	3
Kentucky, Eastern	33.3	1	3
Ohio, Southern	33.3	1	3
Illinois, Central	33.3	1	3
California, Central	33.3	1	3
Wyoming	30.0	3	10
Rhode Island	25.0	1	4
Texas, Eastern	22.2	2	9
California, Northern	20.0	2	10
New York, Southern	20.0	1	5
Maryland	20.0	1	5
Iowa, Southern	20.0	1	5
Washington, Western	20.0	1	5
Kansas	20.0	1	5
Texas, Southern	14.3	2	14
Pennsylvania, Western	14.3	1	7
Utah	14.3	1	7
Louisiana, Western	11.1	1	9
Indiana, Southern	8.3	1	12
Alabama, Northern	0.0	0	13
Texas, Western	0.0	0	12
Oklahoma, Western	0.0	0	9
Florida, Middle	0.0	0	9
Missouri, Eastern	0.0	0	8
New Hampshire	0.0	0	7
South Carolina	0.0	0	7
Texas, Northern	0.0	0	7
Missouri, Western	0.0	0	7
Virginia, Eastern	0.0	0	6
Tennessee, Western	0.0	0	6
Illinois, Northern	0.0	0	6
Oklahoma, Northern	0.0	0	6
New York, Western	0.0	0	5
New Jersey	0.0	0	5
Florida, Northern	0.0	0	5
Virginia, Western	0.0	0	4
Wisconsin, Western	0.0	0	4

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

District	<i>Koon</i>		
	Period		
	(6/13/96 - 4/30/03)		
Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Puerto Rico	0.0	0	3
North Carolina, Eastern	0.0	0	3
North Carolina, Middle	0.0	0	3
Iowa, Northern	0.0	0	3
North Dakota	0.0	0	3
California, Eastern	0.0	0	3
Washington, Eastern	0.0	0	3
New York, Northern	0.0	0	2
Vermont	0.0	0	2
Pennsylvania, Eastern	0.0	0	2
Arkansas, Eastern	0.0	0	2
Arkansas, Western	0.0	0	2
Nevada	0.0	0	2
Oregon	0.0	0	2
District of Columbia	0.0	0	1
Maine	0.0	0	1
Massachusetts	0.0	0	1
New York, Eastern	0.0	0	1
Delaware	0.0	0	1
North Carolina, Western	0.0	0	1
Michigan, Eastern	0.0	0	1
Michigan, Western	0.0	0	1
Tennessee, Middle	0.0	0	1
Illinois, Southern	0.0	0	1
Indiana, Northern	0.0	0	1
Minnesota	0.0	0	1
Hawaii	0.0	0	1
Idaho	0.0	0	1
New Mexico	0.0	0	1
Florida, Southern	0.0	0	1
Georgia, Middle	0.0	0	1
Georgia, Northern	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: Connecticut, Virgin Islands, Northern West Virginia, Southern West Virginia, Middle Louisiana, Southern Mississippi, Western Kentucky, Northern Ohio, Eastern Tennessee, Eastern Wisconsin, Nebraska, South Dakota, Alaska, Arizona, Guam, Montana, Northern Mariana Islands, Colorado, Eastern Oklahoma, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
New Mexico	100.0	1	1
New York, Northern	14.3	1	7
Utah	0.0	0	7
Missouri, Eastern	0.0	0	5
Wyoming	0.0	0	5
Alabama, Northern	0.0	0	5
Indiana, Southern	0.0	0	4
Missouri, Western	0.0	0	4
Florida, Middle	0.0	0	4
Pennsylvania, Western	0.0	0	3
Maryland	0.0	0	3
Virginia, Eastern	0.0	0	3
Texas, Eastern	0.0	0	3
Iowa, Northern	0.0	0	3
Oklahoma, Western	0.0	0	3
Connecticut	0.0	0	2
New York, Eastern	0.0	0	2
New York, Western	0.0	0	2
Louisiana, Western	0.0	0	2
Tennessee, Middle	0.0	0	2
Illinois, Central	0.0	0	2
Illinois, Northern	0.0	0	2
Minnesota	0.0	0	2
Alaska	0.0	0	2
California, Eastern	0.0	0	2
Washington, Western	0.0	0	2
Kansas	0.0	0	2
Florida, Southern	0.0	0	2
Puerto Rico	0.0	0	1
New Jersey	0.0	0	1
South Carolina	0.0	0	1
West Virginia, Southern	0.0	0	1
Mississippi, Northern	0.0	0	1
Texas, Northern	0.0	0	1
Texas, Southern	0.0	0	1
Texas, Western	0.0	0	1
Kentucky, Eastern	0.0	0	1
Michigan, Eastern	0.0	0	1
Michigan, Western	0.0	0	1
Ohio, Northern	0.0	0	1
Tennessee, Western	0.0	0	1
Arkansas, Eastern	0.0	0	1

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

		PROTECT Act		
		Period		
		(5/1/03 - 6/24/04)		
District	Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Idaho	0.0	0		1
Montana	0.0	0		1
Colorado	0.0	0		1
Florida, Northern	0.0	0		1
Georgia, Middle	0.0	0		1
Georgia, Northern	0.0	0		1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Maine, Massachusetts, New Hampshire, Rhode Island, Southern New York, Vermont, Delaware, Eastern Pennsylvania, Middle Pennsylvania, Virgin Islands, Eastern North Carolina, Middle North Carolina, Western North Carolina, Western Virginia, Northern West Virginia, Eastern Louisiana, Middle Louisiana, Southern Mississippi, Western Kentucky, Southern Ohio, Eastern Tennessee, Southern Illinois, Northern Indiana, Eastern Wisconsin, Western Wisconsin, Western Arkansas, Southern Iowa, Nebraska, North Dakota, South Dakota, Arizona, Central California, Northern California, Southern California, Guam, Hawaii, Nevada, Northern Mariana Islands, Oregon, Eastern Washington, Eastern Oklahoma, Northern Oklahoma, Middle Alabama, Southern Alabama, and Southern Georgia.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	Percent	<i>Booker</i>	
		Period	
		(1/12/05 - 12/10/07)	
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Georgia, Southern	100.0	1	1
Nebraska	50.0	2	4
Oregon	50.0	2	4
New Hampshire	50.0	1	2
Texas, Southern	50.0	1	2
Oklahoma, Western	40.0	2	5
Wyoming	40.0	2	5
Kentucky, Western	33.3	1	3
Illinois, Northern	33.3	1	3
Georgia, Northern	33.3	1	3
Virginia, Western	25.0	1	4
Illinois, Central	21.4	3	14
Minnesota	20.0	1	5
Pennsylvania, Middle	18.2	2	11
Utah	17.6	3	17
Mississippi, Northern	16.7	1	6
Kentucky, Eastern	16.7	1	6
Michigan, Western	16.7	1	6
Indiana, Southern	16.7	1	6
Florida, Southern	16.7	1	6
Virginia, Eastern	14.3	1	7
Florida, Middle	13.3	2	15
Montana	11.1	1	9
Texas, Western	10.0	1	10
Maryland	9.1	1	11
Iowa, Southern	9.1	1	11
California, Eastern	8.3	1	12
Alabama, Northern	8.3	1	12
Iowa, Northern	7.7	1	13
Tennessee, Western	0.0	0	14
Missouri, Eastern	0.0	0	8
Louisiana, Western	0.0	0	6
Missouri, Western	0.0	0	6
California, Central	0.0	0	6
Puerto Rico	0.0	0	5
New York, Eastern	0.0	0	5
North Carolina, Western	0.0	0	5
Ohio, Southern	0.0	0	5
New York, Northern	0.0	0	4
New York, Western	0.0	0	4
Texas, Eastern	0.0	0	4
Texas, Northern	0.0	0	4

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

Booker

Period

(1/12/05 - 12/10/07)

District	Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Michigan, Eastern	0.0	0	4
Wisconsin, Western	0.0	0	4
North Dakota	0.0	0	4
Maine	0.0	0	3
Pennsylvania, Western	0.0	0	3
Illinois, Southern	0.0	0	3
Arkansas, Eastern	0.0	0	3
Arkansas, Western	0.0	0	3
Colorado	0.0	0	3
Kansas	0.0	0	3
Alabama, Middle	0.0	0	3
Alabama, Southern	0.0	0	3
Connecticut	0.0	0	2
New Jersey	0.0	0	2
Louisiana, Eastern	0.0	0	2
Massachusetts	0.0	0	1
Vermont	0.0	0	1
Pennsylvania, Eastern	0.0	0	1
North Carolina, Middle	0.0	0	1
South Carolina	0.0	0	1
West Virginia, Southern	0.0	0	1
Tennessee, Eastern	0.0	0	1
Wisconsin, Eastern	0.0	0	1
Alaska	0.0	0	1
Nevada	0.0	0	1
Washington, Eastern	0.0	0	1
Washington, Western	0.0	0	1
Oklahoma, Northern	0.0	0	1
Florida, Northern	0.0	0	1
Georgia, Middle	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: District of Columbia, Rhode Island, Southern New York, Delaware, Virgin Islands, Eastern North Carolina, Northern West Virginia, Middle Louisiana, Southern Mississippi, Northern Ohio, Middle Tennessee, Northern Indiana, South Dakota, Arizona, Northern California, Southern California, Guam, Hawaii, Idaho, Northern Mariana Islands, New Mexico, and Eastern Oklahoma.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses**

District	<i>Gall</i>		
	Period		
	(12/11/07 - 9/30/11)		
Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed	
Maine	100.0	2	2
South Dakota	100.0	1	1
New York, Eastern	66.7	2	3
Oklahoma, Northern	66.7	2	3
New York, Southern	60.0	3	5
Minnesota	53.3	8	15
Michigan, Western	50.0	8	16
Pennsylvania, Eastern	50.0	3	6
Delaware	50.0	2	4
Kentucky, Western	50.0	1	2
Hawaii	50.0	1	2
Illinois, Northern	46.2	6	13
New York, Northern	45.0	9	20
Ohio, Southern	42.9	3	7
Connecticut	40.0	2	5
California, Southern	40.0	2	5
Florida, Middle	35.0	7	20
Illinois, Central	33.3	6	18
Iowa, Northern	33.3	6	18
California, Central	33.3	3	9
North Carolina, Western	33.3	2	6
South Carolina	33.3	1	3
Wisconsin, Eastern	33.3	1	3
Arkansas, Eastern	33.3	1	3
North Dakota	33.3	1	3
Indiana, Southern	30.8	4	13
Texas, Southern	28.6	2	7
Pennsylvania, Middle	27.3	3	11
Michigan, Eastern	25.0	5	20
Mississippi, Southern	25.0	1	4
Tennessee, Eastern	25.0	1	4
California, Northern	25.0	1	4
Alabama, Middle	25.0	1	4
Maryland	22.2	6	27
Missouri, Western	20.0	4	20
Utah	20.0	3	15
Oklahoma, Western	20.0	2	10
Pennsylvania, Western	20.0	1	5
Georgia, Southern	20.0	1	5
New York, Western	18.8	3	16
Montana	18.2	2	11
Puerto Rico	17.6	3	17

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Production Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Production Sentences Imposed
Kentucky, Eastern	16.7	3	18
District of Columbia	16.7	1	6
West Virginia, Southern	16.7	1	6
Wisconsin, Western	16.7	1	6
Oregon	16.7	1	6
Florida, Southern	15.4	2	13
North Carolina, Eastern	14.3	2	14
Texas, Western	14.3	2	14
Iowa, Southern	12.5	1	8
Tennessee, Western	11.1	1	9
Georgia, Northern	10.0	1	10
Missouri, Eastern	9.7	3	31
Illinois, Southern	8.3	1	12
Virginia, Eastern	6.3	1	16
Louisiana, Western	6.3	1	16
California, Eastern	6.3	1	16
Alabama, Northern	5.9	1	17
Texas, Northern	0.0	0	18
Arkansas, Western	0.0	0	13
Kansas	0.0	0	10
Nebraska	0.0	0	8
Massachusetts	0.0	0	7
New Jersey	0.0	0	7
Oklahoma, Eastern	0.0	0	7
Texas, Eastern	0.0	0	5
Wyoming	0.0	0	5
Florida, Northern	0.0	0	5
New Hampshire	0.0	0	4
Ohio, Northern	0.0	0	4
Georgia, Middle	0.0	0	4
Virginia, Western	0.0	0	3
Mississippi, Northern	0.0	0	3
Tennessee, Middle	0.0	0	3
Indiana, Northern	0.0	0	3
Arizona	0.0	0	3
Washington, Eastern	0.0	0	3
Washington, Western	0.0	0	3
Alabama, Southern	0.0	0	3
Vermont	0.0	0	2
North Carolina, Middle	0.0	0	2
West Virginia, Northern	0.0	0	2
Louisiana, Middle	0.0	0	2
Idaho	0.0	0	2
Nevada	0.0	0	2
Rhode Island	0.0	0	1
Colorado	0.0	0	1

The following districts had no child pornography production offenses in the selected time period: Virgin Islands, Eastern Louisiana, Alaska, Guam, Northern Mariana Islands, and New Mexico.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Child Pornography Offenses and USSG §2G2.2 (Non-Production)

Applicable Statutes

The statutes referenced to USSG §2G2.2 include 18 U.S.C. §§ 1466A, 2252, 2252A(a)-(b), and 2260(b).

Definition of child pornography

Section 2256(8) of title 18 of the U.S. Code defines child pornography as:

any visual depiction, including any photograph, film, video, picture or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where –

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

a. 18 U.S.C. § 1466A

Section 1466A prohibits the production, distribution, receipt, possession with intent to distribute, or simple possession of obscene visual images involving minors. The simple possession of such material subjects the defendant to a statutory penalty range of zero to ten years of imprisonment, unless the offender has a prior conviction for a covered sex offense, in which case the penalty range increases to ten to 20 years. Any other conduct involving such material subjects the defendant to a statutory penalty range of five to 20 years, unless the offender has a prior conviction for a covered sex offense, in which case the statutory penalty range increases to 15 to 40 years.

b. 18 U.S.C. § 2251(d)(1)(A)

Section 2251(d)(1)(A) prohibits advertisements that seek or offer to receive, exchange, buy, produce, display, distribute or reproduce child pornography. The statutory minimum penalty for the offense is 15 years of imprisonment and the statutory maximum penalty for the offense is 30 years of imprisonment. These statutory penalties increase to a range of 25 to 50 years if the defendant previously committed a sex offense and 35 years to life if the defendant previously committed two or more sex offenses.

c. 18 U.S.C. § 2252

Section 2252 prohibits transporting, shipping, selling and accessing with intent to view child pornography. The statutory penalty range for transporting, shipping or selling under this statute is five to 20 years, unless the offender has a prior conviction for a covered sex offense, in which case the penalty range increases to 15 to 40 years. The statutory penalty range for accessing with intent to view is zero to ten years, unless any visual depiction involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, in which case the statutory maximum increases to 20 years or, if the offender has a prior conviction for a covered sex offense, the penalty range increases to ten to 20 years.

d. 18 U.S.C. § 2252A

Section 2252A prohibits various conduct relating to trafficking, receipt, and possession of child pornography. Section 2252A(a)(1) prohibits knowingly mailing or transporting or shipping (including by computer) any child pornography. Section 2252A(a)(2) prohibits knowingly receiving or distributing any child pornography or any material that contains child pornography. Section 2252A(a)(3) prohibits knowingly reproducing any child pornography for distribution (including by computer) or advertising, promoting, presenting, distributing, or soliciting (including by computer) any material that contains an obscene visual depiction of a minor engaging in sexually explicit conduct or a visual depiction of an actual minor engaging in sexually explicit conduct. Section 2252A(a)(4) prohibits knowingly selling or possessing with the intent to sell any child pornography. Section 2252A(a)(5) prohibits knowingly possessing any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography. Section 2252A(a)(6) prohibits knowingly distributing, offering, sending, or providing to a minor any visual depiction (or what appears to be a depiction) of a minor engaging in sexually explicit conduct for purposes of inducing or persuading a minor to participate in illegal activity. Finally, section 2252A(a)(7) prohibits knowingly producing with intent to distribute or distributing (including by computer) child pornography that is an adapted or modified depiction of an identifiable minor.

Subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(6) have a statutory penalty range of five to 20 years unless the offender has a prior conviction for a covered sex offense, in which case the penalty range increases to 15 to 40 years. Subsection (a)(5) has a statutory range of zero to ten years in prison, unless any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, in which case the statutory maximum term of imprisonment increases 20 years, or, unless the offender has a prior conviction for a covered sex offense, in which case the penalty range increases to ten to 20 years. Subsection (a)(7) has a statutory range of zero to 15 years in prison.

e. 18 U.S.C. § 2260(b)

Section 2260(b) prohibits a person outside the United States from knowingly receiving, transporting, shipping, distributing, selling, or possessing with intent to transport, ship, sell, or distribute any visual depiction of a minor engaging in sexually explicit conduct, intending that the visual depiction will be imported into the United States. The statutory penalty range is five to 20 years, unless the offender has a prior conviction for a covered sex offense, in which case the penalty range increases to 15 to 40 years.

USSG §2G2.2 Child Pornography Non-Production Guideline

Section 2G2.2 assigns a base offense level depending on the offense of conviction. For certain offenses such as those involving possession, it provides a base offense level of 18; for all other offenses, it provides a base offense level of 22.¹⁶ Specific offense characteristics may increase the offense level on a number of bases, including the age of the child or children involved in the offense, whether the defendant distributed the images, use of a computer or the Internet, the types of acts or conduct depicted in the image, whether the defendant previously engaged in a pattern of activity that involved the sexual abuse or exploitation of a minor, and the number of images involved in the offense.¹⁷ A specific offense characteristic provides for a decrease in the offense level if the base offense level is 22, the defendant's conduct was limited to the receipt or solicitation of material involving the sexual exploitation of a minor, and the defendant did not intend to traffic in or distribute the material.¹⁸ A cross reference to the child pornography production guideline applies if the offense involved causing, transporting, permitting, or offering or seeking by notice or advertisement, a

¹⁶ USSG §2G2.2(a).

¹⁷ USSG §2G2.2(b)(2)-(7).

¹⁸ USSG §2G2.2(b)(1).

PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct.¹⁹

Congress has focused attention on the scope of child pornography offenses and the severity of penalties for child pornography offenders in recent years. Through directives and statutory changes, Congress has specifically expressed its intent to increase penalties associated with certain child pornography offenses. Most recently, in the Child Protection Act of 2012, Congress increased the statutory maximum term of imprisonment from ten to 20 years if an offender possessed child pornography depicting a minor under 12 years of age or who was prepubescent.²⁰

As a result of congressional directives, as well as Commission-initiated changes, §2G2.2 (and former §2G2.4) have been amended numerous times since first taking effect on November 1, 1987, with several amendments resulting in an increase in the minimum of the applicable guideline range.²¹ For example, in 1991, the Commission implemented directives in the Treasury, Postal Service and General Government Appropriations Act of 1992²² by increasing the base offense level in §2G2.2 from 13 to 15 and adding a 5-level increase if the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.²³ Pursuant to those same directives, the Commission amended the then newly created §2G2.4 by increasing the base offense level from ten to 13 and adding a 2-level increase if the offense involved possession of ten or more items.²⁴ As another example, in 1996, the Commission implemented

directives in the Sex Crimes Against Children Prevention Act of 1995²⁵ by increasing the base offense level in §2G2.2 from 15 to 17 and in §2G2.4 from 13 to 15, and by adding a 2-level increase to both guidelines if the offense involved the use of a computer.²⁶

In addition, in response to the directive in the Protection of Children from Sexual Predators Act of 1998,²⁷ the Commission in 2000 revised the distribution enhancement at §2G2.2 to add varying levels of punishment, ranging from a general 2-level distribution enhancement to a 7-level enhancement for those who distributed child pornography for pecuniary gain or to a minor to persuade the minor to engage in sexual conduct.²⁸ As a final example, both guidelines were amended to increase penalties in response to the directives in the “PROTECT Act.”²⁹ First, the Act directly amended both guidelines by adding specific offense characteristics relating to the number and type of child pornographic images.³⁰ The following year, the Commission also amended the guidelines in response to the general directives in the PROTECT Act by combining §§ 2G2.2 and 2G2.4 and again increasing the base offense levels.³¹ The amendment also added a potential enhancement to the list under the distribution enhancement at subsection (b)(2).³²

¹⁹ USSG §2G2.2(c). If the cross-reference applies, the offense is a child pornography production offense as defined in this report.

²⁰ Pub. L. No. 112–206, 126 Stat. 1490 (2012).

²¹ See U.S. SENT’G COMM’N, THE HISTORY OF THE CHILD PORNOGRAPHY GUIDELINES (Oct. 2009) (containing a detailed discussion of the history of these guidelines).

²² Pub. L. No. 102–141, § 632, 105 Stat 834 (1991).

²³ USSG App. C., amend. 435 (effective Nov. 27, 1991).

²⁴ USSG App. C., amend. 436 (effective Nov. 27, 1991).

²⁵ Pub. L. No. 104–71, §§ 2-3, 109 Stat. 774 (1995).

²⁶ USSG App. C., amend. 537 (effective Nov. 1, 1996).

²⁷ Pub. L. No. 105–314, § 502, 112 Stat. 2974 (1998).

²⁸ USSG App. C., amend. 592 (effective Nov. 1, 2000).

²⁹ Pub. L. No. 108–21, §§ 103, 401, 117 Stat. 650 (2003).

³⁰ USSG App. C., amend. 649 (effective Apr. 30, 2003).

³¹ USSG App. C., amend. 664 (effective Nov. 1, 2004).

³² *Id.*

PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

STATISTICAL OVERVIEW: FISCAL YEAR 2011

In fiscal year 2011, courts sentenced 1,632 child pornography non-production offenders. The number of child pornography non-production offenses varied from circuit to circuit and from district to district. Over fifty percent of child pornography non-production offenses (52.7%, n=859) originated in the district courts in just four circuits. The Ninth Circuit led in the number of child pornography non-production offenders, with 280 offenders in fiscal year 2011 (17.2% of child pornography non-production offenders nationwide), followed by the Eighth Circuit with 210 offenders (12.9% of child pornography non-production offenders nationwide), the Fifth Circuit with 188 offenders (11.5% of child pornography non-production offenders nationwide), and the Sixth Circuit with 181 offenders (11.1% of child pornography non-production offenders nationwide).³³

The proportion of the overall caseload comprised of child pornography non-production offenses varied somewhat, although in all circuits these offenses were less than five percent of the overall caseload. For example in the Ninth Circuit, which had the highest number of child pornography non-production offenses in fiscal year 2011, these offenses were only 1.6 percent of the circuit’s overall criminal caseload. In the Eighth Circuit, child pornography non-production offenses were 4.5 percent of the circuit’s overall caseload. As depicted in the table below, the proportion of a circuit’s caseload comprised of child pornography non-production offenses ranged from a low of 1.1 percent in the Fifth Circuit to a high of 4.5 percent in the Eighth Circuit.

Proportion of Caseload by Circuit
Child Pornography Non-Production Offenses
Fiscal Year 2011

Circuit	Number of Child Pornography Non-Production Offenses	Percent of Total Caseload
TOTAL	1,632	2.1
Fifth Circuit	188	1.1
Tenth Circuit	96	1.5
Ninth Circuit	280	1.6
First Circuit	39	1.8
Fourth Circuit	141	2.5
Second Circuit	114	2.6
Eleventh Circuit	166	2.6
D.C. Circuit	11	3.2
Sixth Circuit	181	3.4
Seventh Circuit	103	3.5
Third Circuit	103	3.6
Eighth Circuit	210	4.5

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

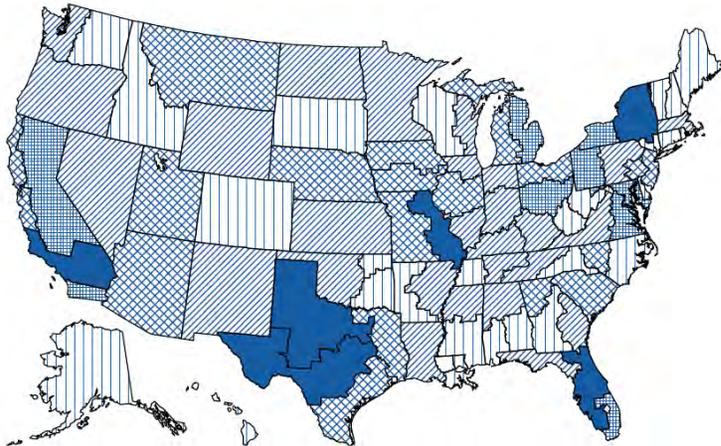
³³ See “National Distribution of Offenses by Circuit and District, Child Pornography Non-Production Offenses, FY 2011” Appendix Table. By way of comparison, 59.2% of all federal criminal offenses in fiscal year 2011 came from the district courts in those four circuits. See “National Distribution of Offenses by Circuit and District, All Offenses, FY 2011” Appendix Table.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

When viewed at the district level, judges in four districts did not sentence any child pornography non-production offenders (Virgin Islands, Middle Louisiana, Guam, and Northern Mariana Islands). Of the districts in which judges sentence such offenders, only three districts had 50 or more child pornography non-production offenders in fiscal year 2011: Western Texas (n=55, 3.4% of child pornography non-production offenses nationwide), Eastern Missouri (n=54, 3.3% of child pornography non-production offenses nationwide), and Central California (n=50, 3.1% of child pornography non-production offenses nationwide). Excluding those four districts without any child pornography non-production offenders, more than half of the judicial districts (n=57) had fewer than 20 child pornography non-production offenses each in fiscal year 2011.³⁴

**Number of Child Pornography Non-Production Offenders by District
Fiscal Year 2011**

Caseload □ 1-9 ▨ 10-19 ▩ 20-29 ▪ 30-39 ■ 40 or more



Note: Districts displayed in white had no offenders convicted of the specified offense.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Consistent with the data at the circuit level, child pornography non-production offenses generally were a small percentage of the districts' criminal caseload. Of those districts with at least one child pornography non-production offense, the percentages ranged from a low of 0.3 percent (Southern Texas, n=24) to a high of 9.9 percent (Northern Mississippi, n=18). In thirteen districts child pornography non-production offenses were five percent or more of the district's overall criminal docket: Southern Ohio (5.1% of offenders in the district; n=36), Alaska (5.1% of offenders in the district; n=7), Delaware (5.4% of offenders in the district; n=6), Southern Indiana (5.4% of offenders in the district; n=15), Southern Illinois (5.6% of offenders in the district; n=18), Southern Iowa (6.5% of offenders in the district; n=25), Eastern Missouri (6.7% of offenders in the district; n=54), North Dakota (7.0% of offenders in the district; n=19), Montana (7.5% of offenders in the district; n=23), Central Illinois (7.6% of offenders in the district; n=27), Western Pennsylvania (8.3% of offenders in the district; n=38), Northern New York (8.7% of offenders in the district; n=45), and Northern Mississippi (9.9% of offenders in the district; n=18).³⁵

³⁴ See "National Distribution of Offenses by Circuit and District, Child Pornography Non-Production Offenses, FY 2011" Appendix Table. By comparison, 11.9 percent of all federal criminal offenses in fiscal year 2011 came from those three districts. See "National Distribution of Offenses by Circuit and District, All Offenses, FY 2011" Appendix Table.

³⁵ See "Proportion of Caseload in Each Circuit and District for Selected Offenses, Child Pornography Non-Production Offenses, FY 2011" Appendix Table.

PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

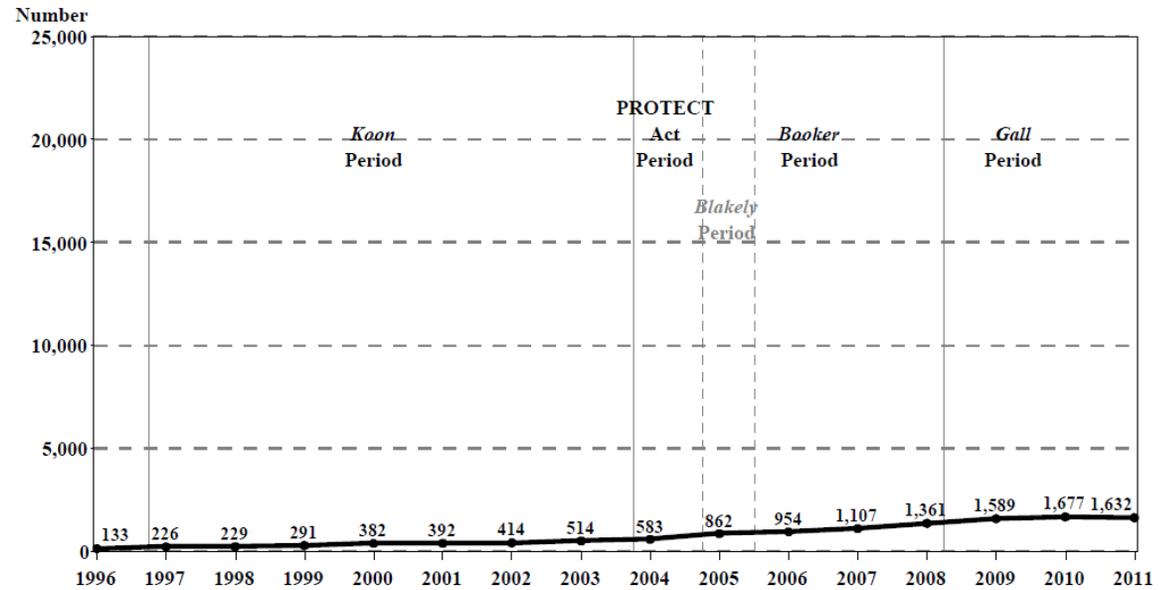
NATIONAL TREND ANALYSIS

This section addresses federal sentencing trends for child pornography non-production offenses over time. Much of the analysis uses time periods that are based on major changes in the legal framework governing federal sentencing rather than time periods divided by fiscal or calendar year. These four periods, the *Koon*, PROTECT Act, *Booker*, and *Gall* periods, and their significance, are discussed more fully in Part A.

The number of federal child pornography non-production offenders sentenced annually has increased steadily from a low of 133 in fiscal year 1996 to a high of 1,677 in fiscal year 2010. The number of offenders decreased to 1,632 in fiscal year 2011.

The percentage of child pornography non-production offenses relative to the overall federal caseload has increased over each of the four periods, though the percentage has remained small. During the *Koon* period, 0.7 percent of federal offenses were child pornography non-production offenses. This percentage increased to 0.9 percent during the PROTECT Act period, 1.6 percent during the *Booker* period, and 2.2 percent during the *Gall* period.

Number of Offenders by Fiscal Year
Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

NATIONAL TREND ANALYSIS

OFFENDER AND OFFENSE CHARACTERISTICS

The vast majority of child pornography non-production offenders have been United States citizens. In addition, the overwhelming majority of child pornography non-production offenders have been male in each of the four periods. White offenders have been the largest group of child pornography non-production offenders in all of the periods. The percentage of Hispanic offenders has increased gradually over the four time periods, consistently remaining the second largest offender group.

During all four periods, the majority of child pornography non-production offenders have been in Criminal History Category I.

Selected Offender Characteristics
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

	<i>Koon</i> Period (6/13/96 - 4/30/03)	PROTECT Act Period (5/1/03 - 6/24/04)	<i>Booker</i> Period (1/12/05 - 12/10/07)	<i>Gall</i> Period (12/11/07-9/30/11)
	Percent	Percent	Percent	Percent
RACE/ETHNICITY				
White	92.3	91.1	91.2	89.2
Black	2.0	1.7	1.6	2.8
Hispanic	3.6	5.2	5.3	6.0
Other	2.2	2.0	1.8	2.0
GENDER				
Male	99.4	98.9	99.3	99.4
Female	0.7	1.1	0.7	0.6
CITIZENSHIP				
U.S. Citizen	97.5	98.1	97.6	97.6
Non-U.S. Citizen	2.5	1.9	2.4	2.4
CRIMINAL HISTORY CATEGORY				
I	84.0	82.4	82.9	82.5
II	7.1	7.1	7.7	7.9
III	5.2	6.3	5.5	5.9
IV	2.2	2.2	2.0	2.1
V	0.7	1.1	1.3	1.0
VI	0.8	0.9	0.6	0.7

Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

**PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION**

NATIONAL TREND ANALYSIS

OFFENDER AND OFFENSE CHARACTERISTICS

During each period, the majority of child pornography non-production offenders have been sentenced to prison. The percentage of such offenders sentenced to prison has increased over the periods.

**Types of Sentences Imposed
Child Pornography Non-Production Offenses
Koon Period through Gall Period**

SENTENCE IMPOSED	Koon Period (6/13/96 - 4/30/03)		PROTECT Act Period (5/1/03 - 6/24/04)		Booker Period (1/12/05 - 12/10/07)		Gall Period (12/11/07-9/30/11)	
	N	%	N	%	N	%	N	%
Prison Only	1,922	84.0	603	94.8	2,875	95.9	5,768	96.6
Prison/Community Split	73	3.2	8	1.3	48	1.6	102	1.7
Probation and Confinement	177	7.7	12	1.9	42	1.4	57	1.0
Probation Only	117	5.1	13	2.0	32	1.1	45	0.8

Cases in which the offender received no prison or probation and cases with missing sentencing information were excluded from the analysis. Prison and Community Split includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION**

NATIONAL TREND ANALYSIS

OFFENDER AND OFFENSE CHARACTERISTICS

The average guideline minimum can generally be viewed as a proxy for the seriousness of the offense, as measured by the nature of the offenses, the criminal history of the offenders, and the applicable mandatory minimum penalties. For child pornography non-production offenses, guideline amendments have substantially increased the average guideline minimum over time. Average sentence length also has increased over the four periods.

Less than half of child pornography non-production offenders received within range sentences during the *Gall* period. Both government sponsored and non-government sponsored below range rates were highest during the *Gall* period.

The extent of the reduction below the guideline minimum has varied depending on the type of below range sentence.

**Selected Sentencing Characteristics
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period**

	<i>Koon</i> Period (6/13/96 - 4/30/03)	PROTECT Act Period (5/1/03 - 6/24/04)	<i>Booker</i> Period (1/12/05 - 12/10/07)	<i>Gall</i> Period (12/11/07-9/30/11)
	Percent	Percent	Percent	Percent
GUILTY PLEA	96.5	96.9	96.9	96.5
WEAPON	0.0	0.0	0.0	0.0
GUIDELINE ADJUSTMENTS				
Aggravating Role (USSG §3B1.1)	0.4	0.0	0.2	0.2
Mitigating Role (USSG §3B1.2)	0.4	0.2	0.2	0.2
SENTENCE RELATIVE TO GUIDELINE RANGE				
Within Range	67.5	79.6	64.3	41.1
Above Range	2.1	3.9	2.8	1.8
All Gov't Sponsored Below Range	7.1	3.8	7.5	13.1
Substantial Assistance (USSG §5K1.1)	7.0	2.4	3.4	2.6
Early Disposition Program (USSG §5K3.1)	n/a	0.3	0.3	0.1
Other Gov't Sponsored Below Range	n/a	1.1	3.8	10.4
Non-Gov't Sponsored Below Range	23.3	12.7	25.4	44.0
AVERAGE GUIDELINE MINIMUM	Months	Months	Months	Months
	36	45	88	115
AVERAGE SENTENCE				
Within Range	34	47	82	93
Above Range	40	47	93	119
Above Range	90	152	155	180
All Gov't Sponsored Below Range	15	35	65	75
Substantial Assistance (USSG §5K1.1)	15	19	64	91
Early Disposition Program (USSG §5K3.1)	n/a	19	30	39
Other Gov't Sponsored Below Range	n/a	72	69	72
Non-Gov't Sponsored Below Range	16	20	53	70
AVERAGE EXTENT OF REDUCTION	Percent (Months)	Percent (Months)	Percent (Months)	Percent (Months)
All Gov't Sponsored Below Range	57.2 (16)	45.4 (22)	38.9 (36)	42.2 (47)
Substantial Assistance (USSG §5K1.1)	57.4 (17)	46.4 (22)	42.3 (41)	44.0 (59)
Early Disposition Program (USSG §5K3.1)	n/a (n/a)	73.6 (45)	41.6 (23)	35.0 (19)
Other Gov't Sponsored Below Range	n/a (n/a)	33.5 (12)	35.7 (32)	41.8 (45)
Non-Gov't Sponsored Below Range	55.7 (15)	50.4 (18)	38.8 (28)	40.4 (44)

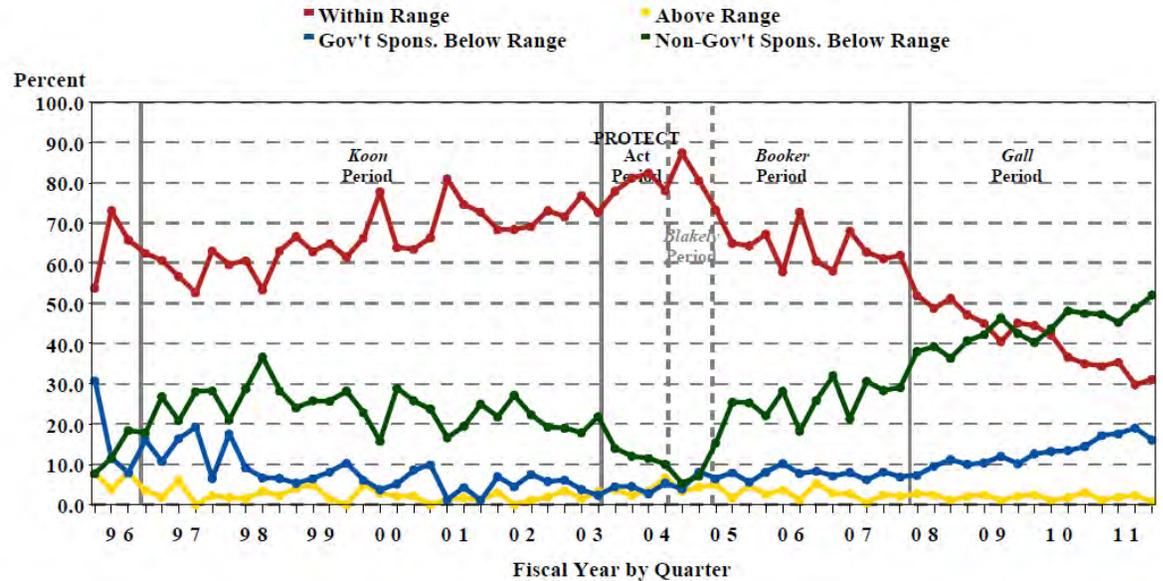
Categories may not sum to exactly 100.0 percent due to rounding.
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

NATIONAL TREND ANALYSIS
INFLUENCE OF THE GUIDELINES

The rate of within range sentences for child pornography non-production offenses has decreased since *Booker*, largely due to the increase in non-government sponsored below range sentences. The rate of government sponsored below range sentences has also increased during the *Gall* period.

Quarterly Data for Within-Range and Out-of-Range Sentences
Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

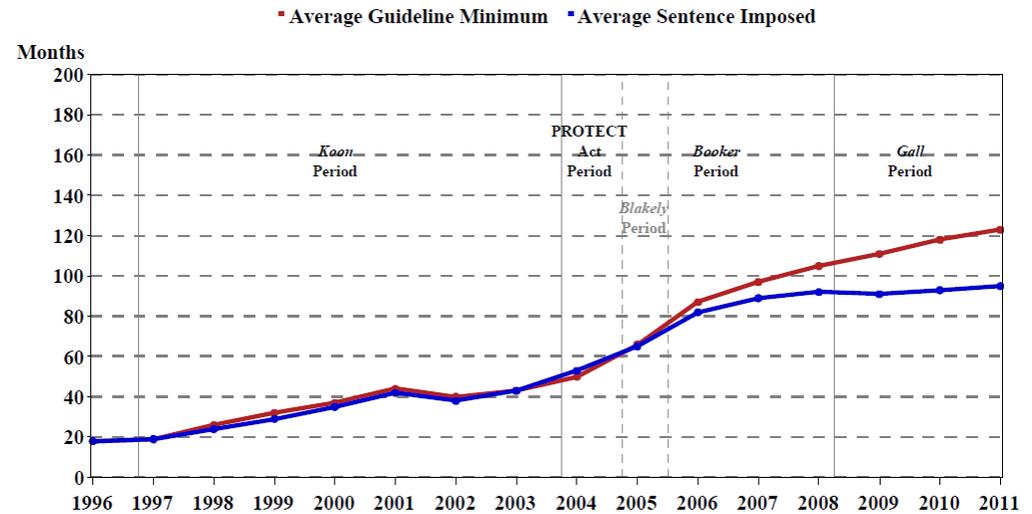
NATIONAL TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Average sentences for child pornography non-production offenses have closely paralleled average guideline minimums through fiscal year 2005. From fiscal year 2006 onward, however, the average sentence has not increased as quickly as the average guideline minimum.

During fiscal years 1996 through 2004, average sentences were both lower and higher than the average guideline minimum. In fiscal year 2005, the average sentence fell below the average guideline minimum, and average sentences have continued to fall further below the average guideline minimum since then. These figures suggest that the influence of the guidelines has diminished in child pornography non-production offenses.

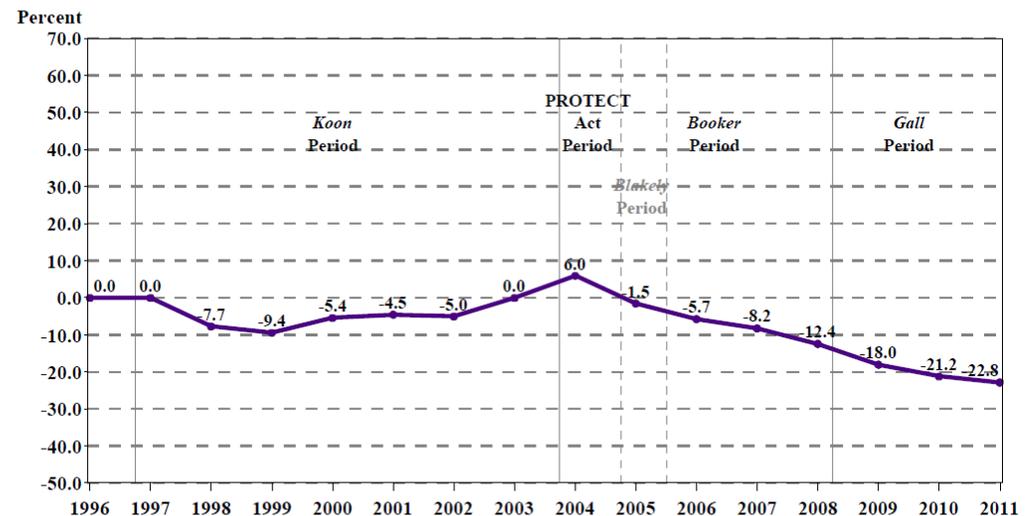
* Click on chart for corresponding table by period.

**Average Guideline Minimum and Sentence Imposed
Child Pornography Non-Production Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Percent Difference Between Average Guideline Minimum and Sentence Imposed
Child Pornography Non-Production Offenses
Fiscal Years 1996-2011**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

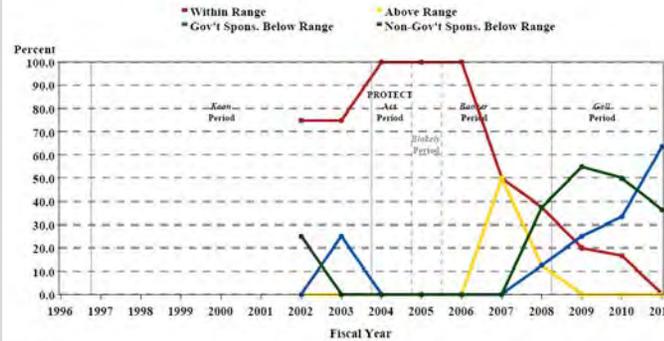
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

At the national level, the rate of within range sentences for child pornography non-production offenses has decreased since *Booker*. Rates of both government sponsored and non-government sponsored sentences have increased.

On the circuit level, government sponsored below range rates have increased in the majority of circuits, and non-government sponsored below range rates have increased in every circuit. In all circuits except the Fifth Circuit, non-government sponsored below range rates were higher than within range rates by the end of the *Gall* period.

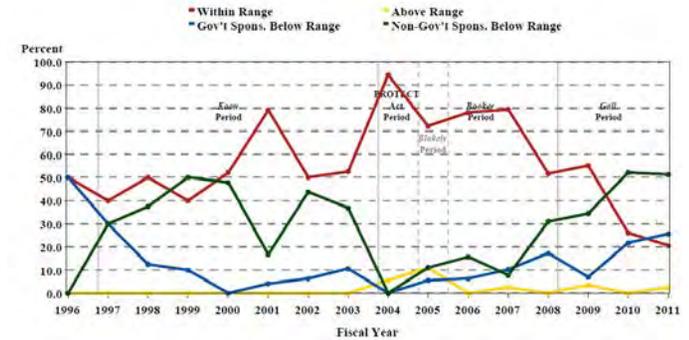
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
D.C. Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



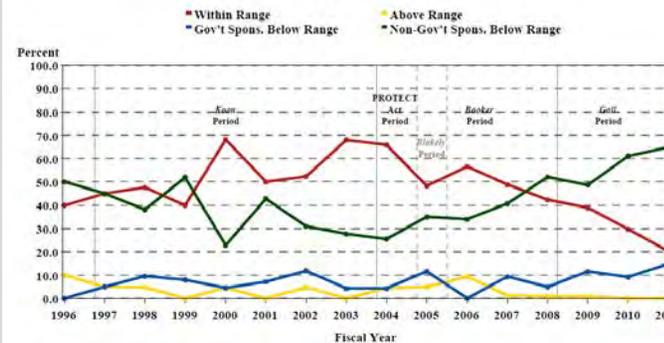
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
First Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



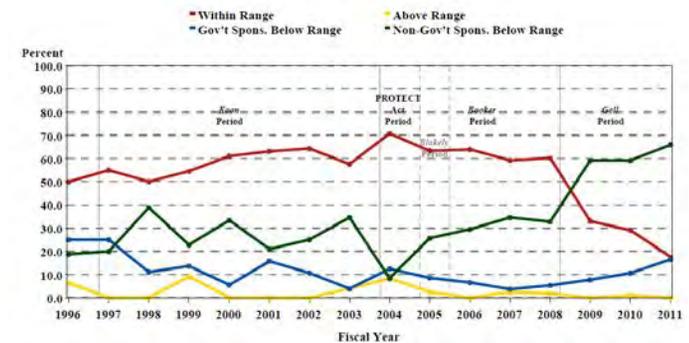
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Second Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Third Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

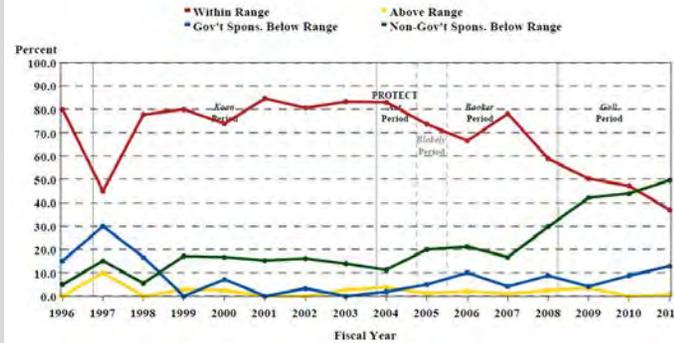
PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

At the national level, the rate of within range sentences for child pornography non-production offenses has decreased since *Booker*. Rates of both government sponsored and non-government sponsored sentences have increased.

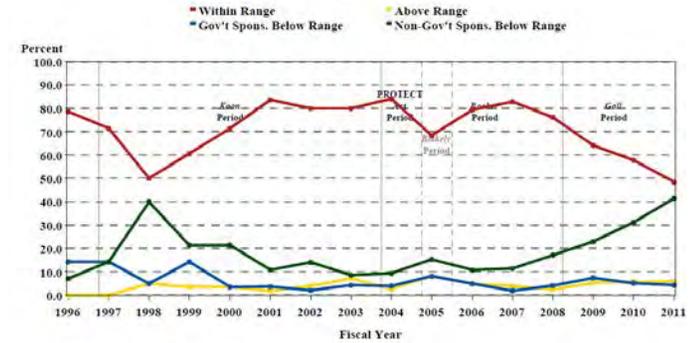
On the circuit level, government sponsored below range rates have increased in the majority of circuits, and non-government sponsored below range rates have increased in every circuit. In all circuits except the Fifth Circuit, non-government sponsored below range rates were higher than within range rates by the end of the *Gall* period.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Fourth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



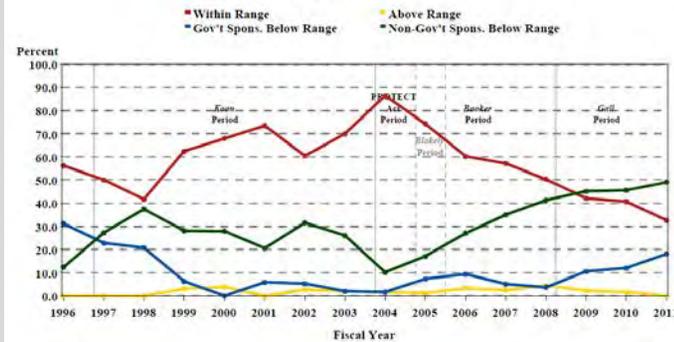
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Fifth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



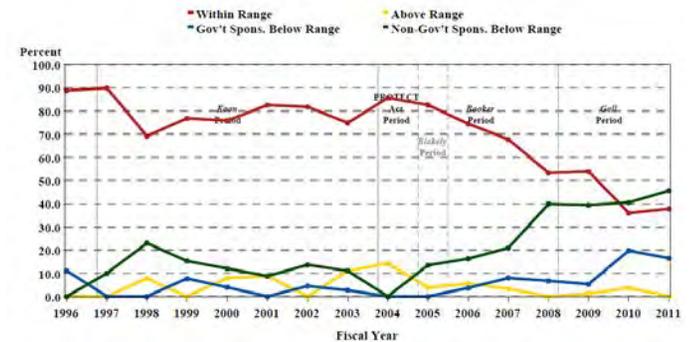
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Sixth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Seventh Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

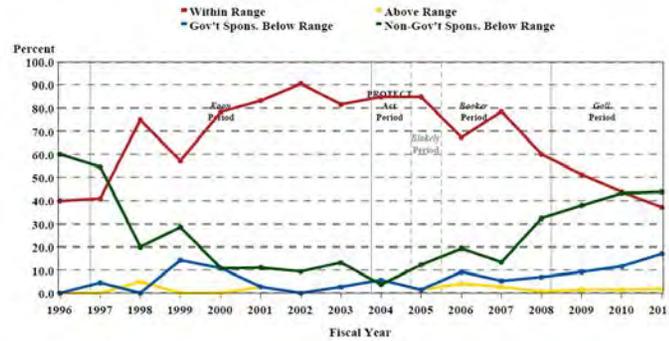
PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

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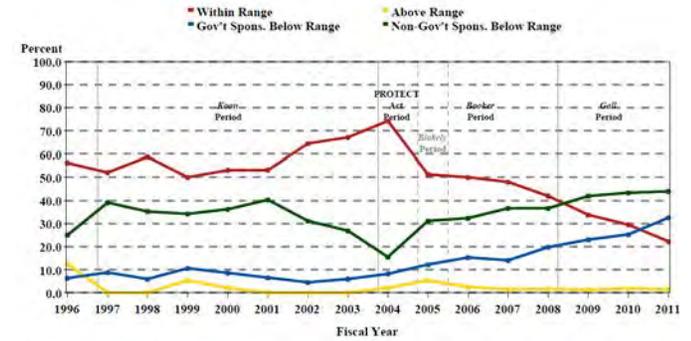
On the circuit level, government sponsored below range rates have increased in the majority of circuits, and non-government sponsored below range rates have increased in every circuit. In all circuits except the Fifth Circuit, non-government sponsored below range rates were higher than within range rates by the end of the *Gall* period.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Eighth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



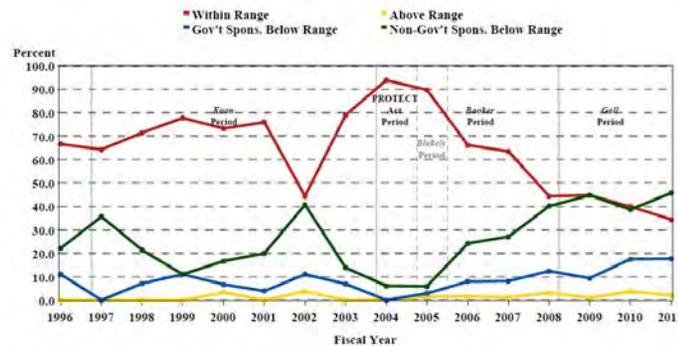
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Ninth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



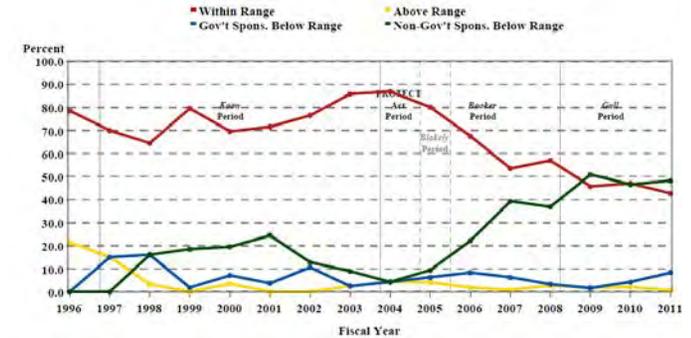
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Tenth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Fiscal Year Data for Within-Range and Out-of-Range Sentences
Eleventh Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

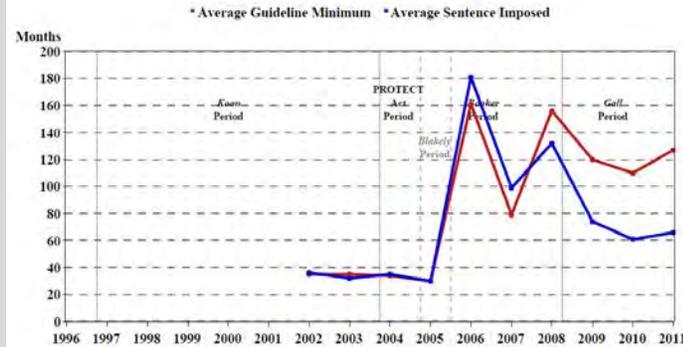
CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

At the national level, average sentences for child pornography non-production offenses closely paralleled the average minimum guideline through fiscal year 2005, but beginning in fiscal year 2006 the average sentence did not increase as quickly as the average guideline minimum. A similar divergence has occurred in every circuit, however the timing of the divergence has varied by circuit.

In every circuit except the Tenth and Eleventh Circuits, average sentences have continued to fall further below the average guideline minimum during the past five years.

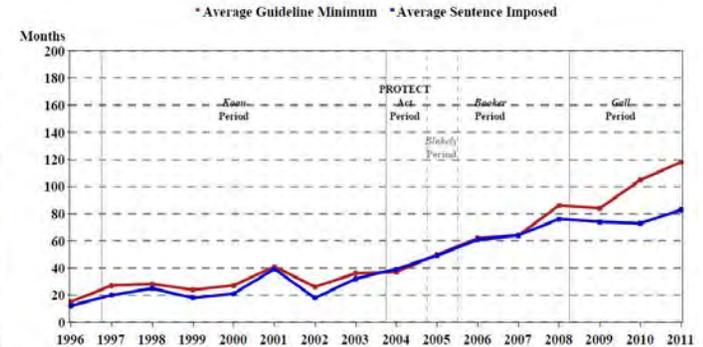
Gaps in trend lines indicate that no offenders of this type were sentenced during the fiscal year.

Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



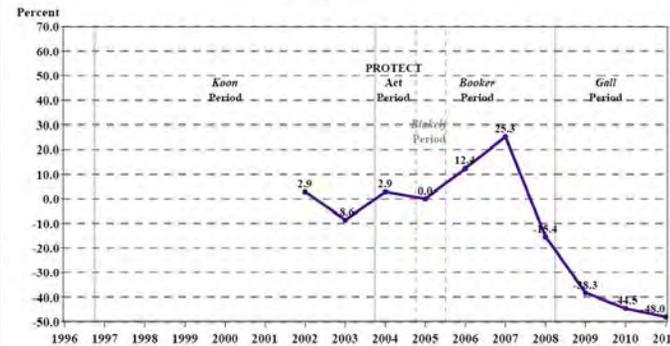
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
First Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



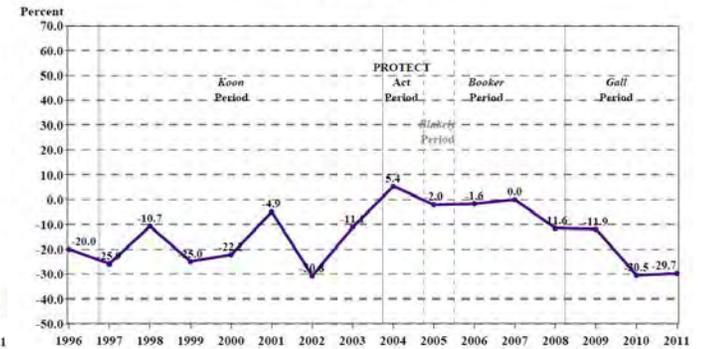
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
D.C. Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
First Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



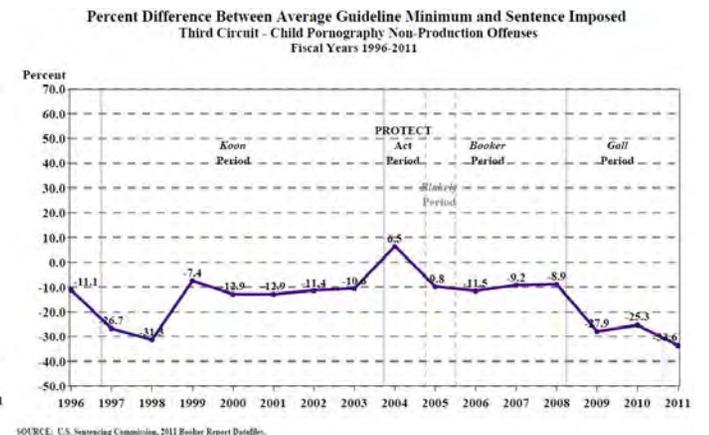
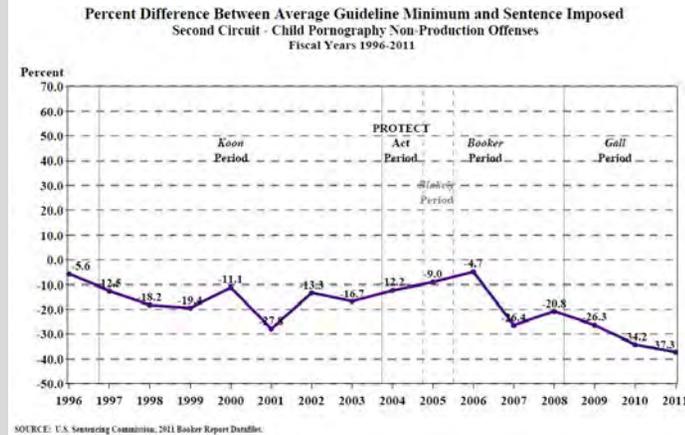
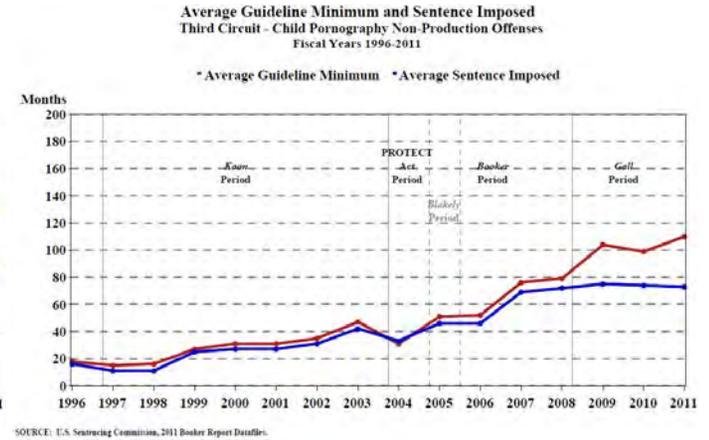
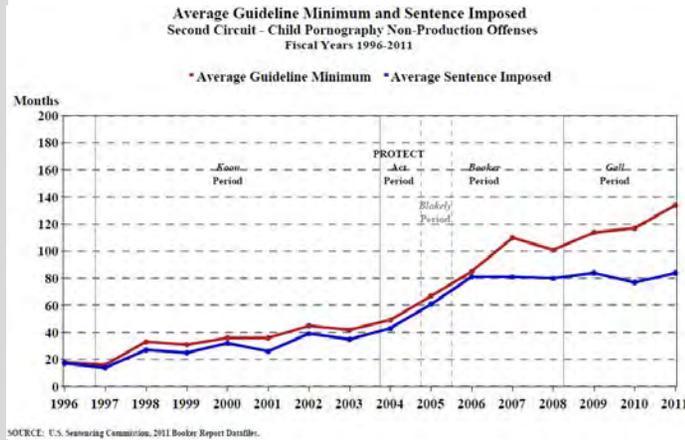
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

At the national level, average sentences for child pornography non-production offenses closely paralleled the average minimum guideline through fiscal year 2005, but beginning in fiscal year 2006 the average sentence did not increase as quickly as the average guideline minimum. A similar divergence has occurred in every circuit, however the timing of the divergence has varied by circuit.

In every circuit except the Tenth and Eleventh Circuits, average sentences have continued to fall further below the average guideline minimum during the past five years.



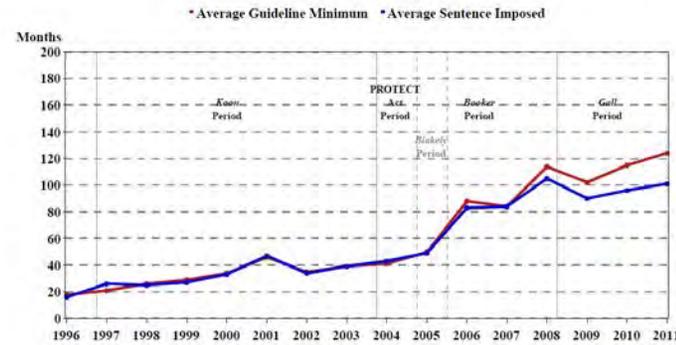
PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

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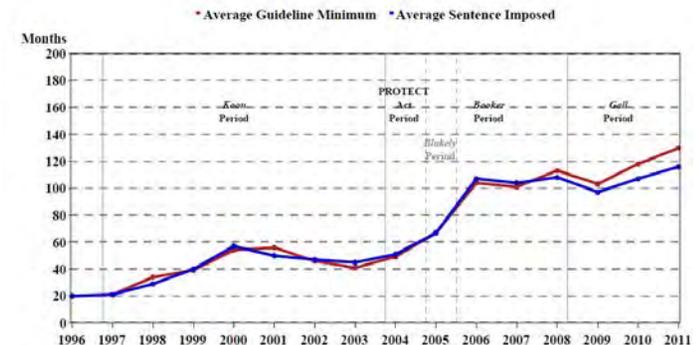
In every circuit except the Tenth and Eleventh Circuits, average sentences have continued to fall further below the average guideline minimum during the past five years.

Average Guideline Minimum and Sentence Imposed
Fourth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



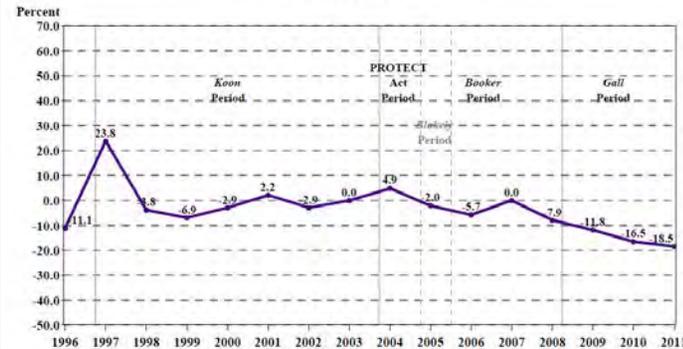
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
Fifth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



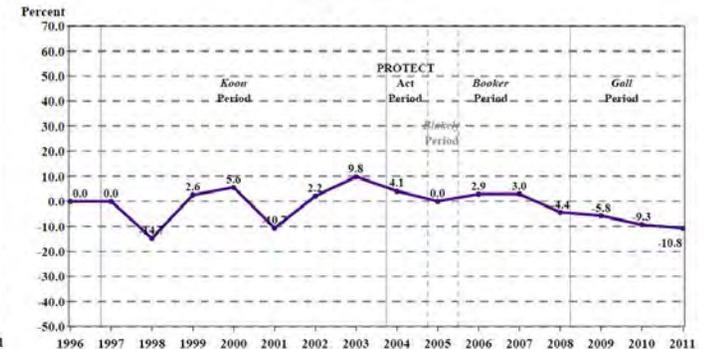
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Fourth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Fifth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

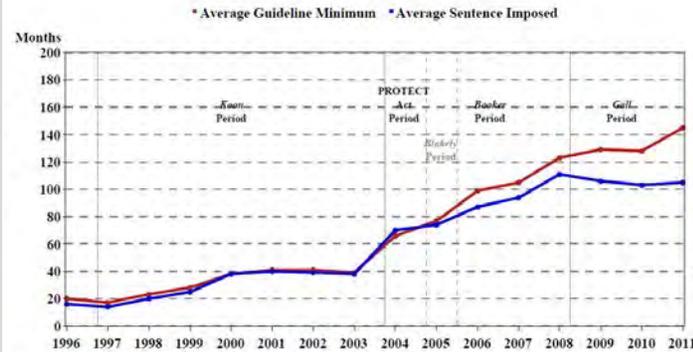
PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

At the national level, average sentences for child pornography non-production offenses closely paralleled the average minimum guideline through fiscal year 2005, but beginning in fiscal year 2006 the average sentence did not increase as quickly as the average guideline minimum. A similar divergence has occurred in every circuit, however the timing of the divergence has varied by circuit.

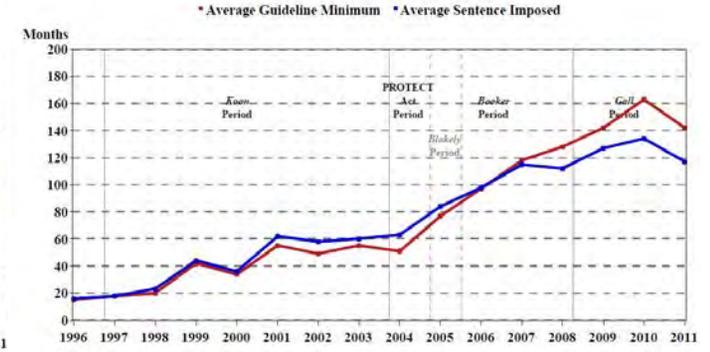
In every circuit except the Tenth and Eleventh Circuits, average sentences have continued to fall further below the average guideline minimum during the past five years.

Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



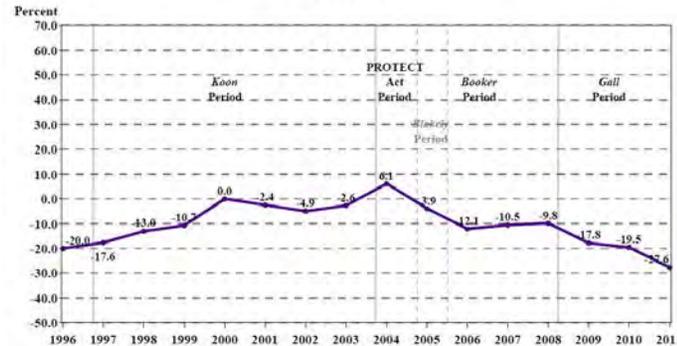
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



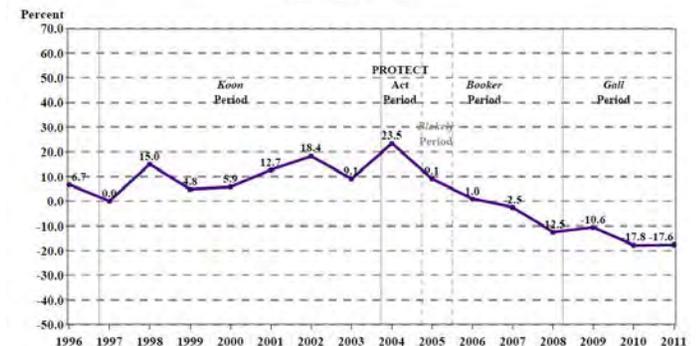
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Sixth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Seventh Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

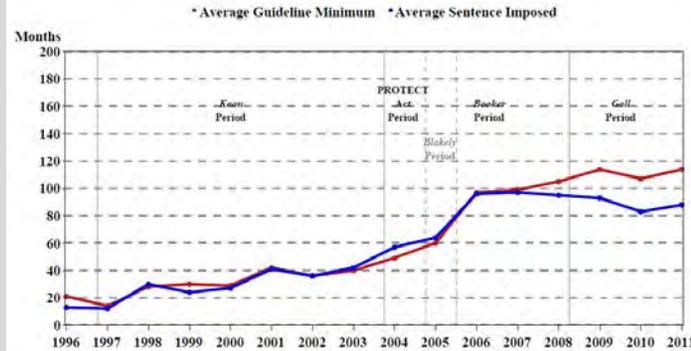
PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

At the national level, average sentences for child pornography non-production offenses closely paralleled the average minimum guideline through fiscal year 2005, but beginning in fiscal year 2006 the average sentence did not increase as quickly as the average guideline minimum. A similar divergence has occurred in every circuit, however the timing of the divergence has varied by circuit.

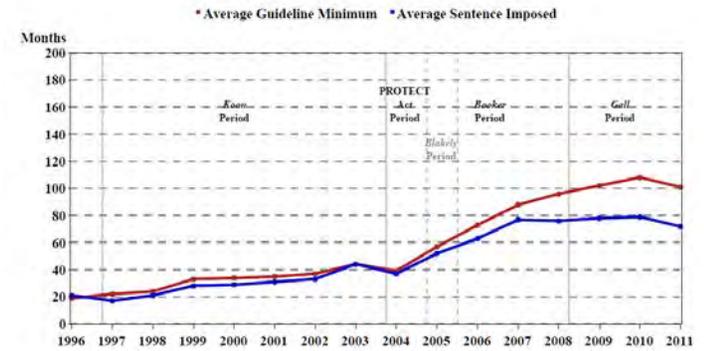
In every circuit except the Tenth and Eleventh Circuits, average sentences have continued to fall further below the average guideline minimum during the past five years.

Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



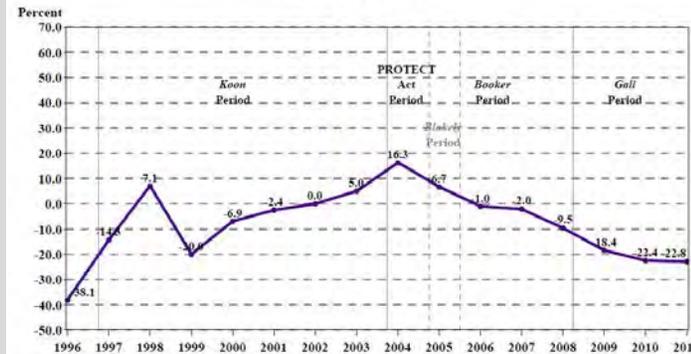
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



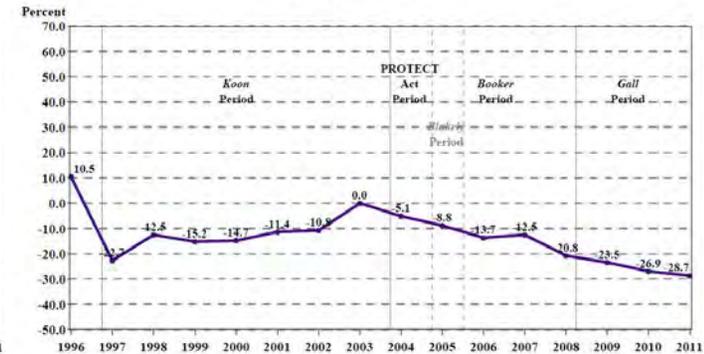
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eighth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Ninth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

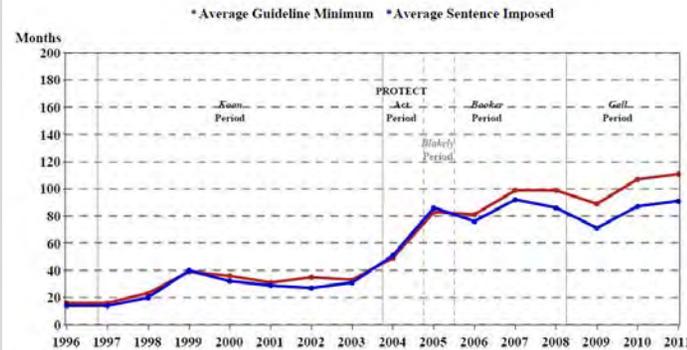
PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

At the national level, average sentences for child pornography non-production offenses closely paralleled the average minimum guideline through fiscal year 2005, but beginning in fiscal year 2006 the average sentence did not increase as quickly as the average guideline minimum. A similar divergence has occurred in every circuit, however the timing of the divergence has varied by circuit.

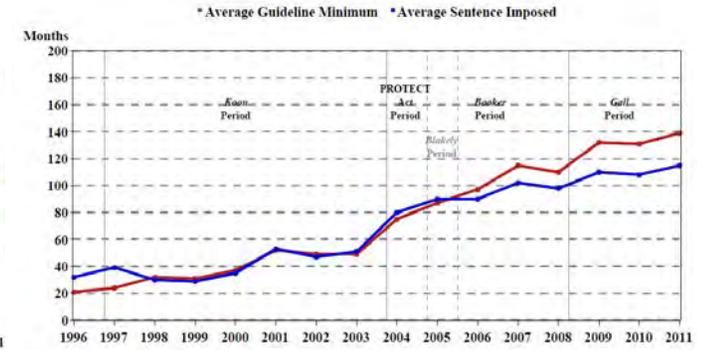
In every circuit except the Tenth and Eleventh Circuits, average sentences have continued to fall further below the average guideline minimum during the past five years.

Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



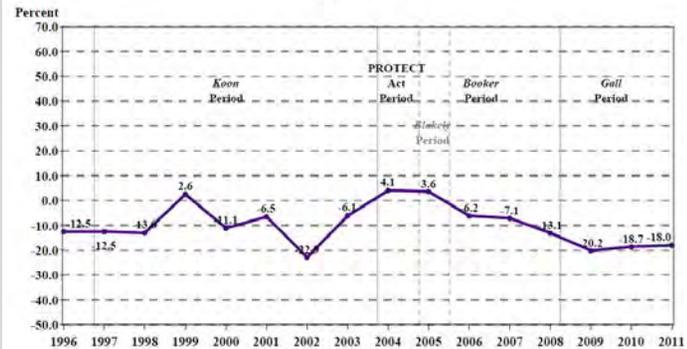
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



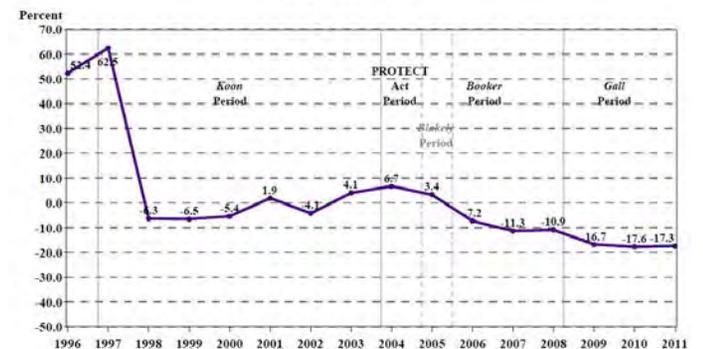
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Tenth Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed
Eleventh Circuit - Child Pornography Non-Production Offenses
Fiscal Years 1996-2011



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

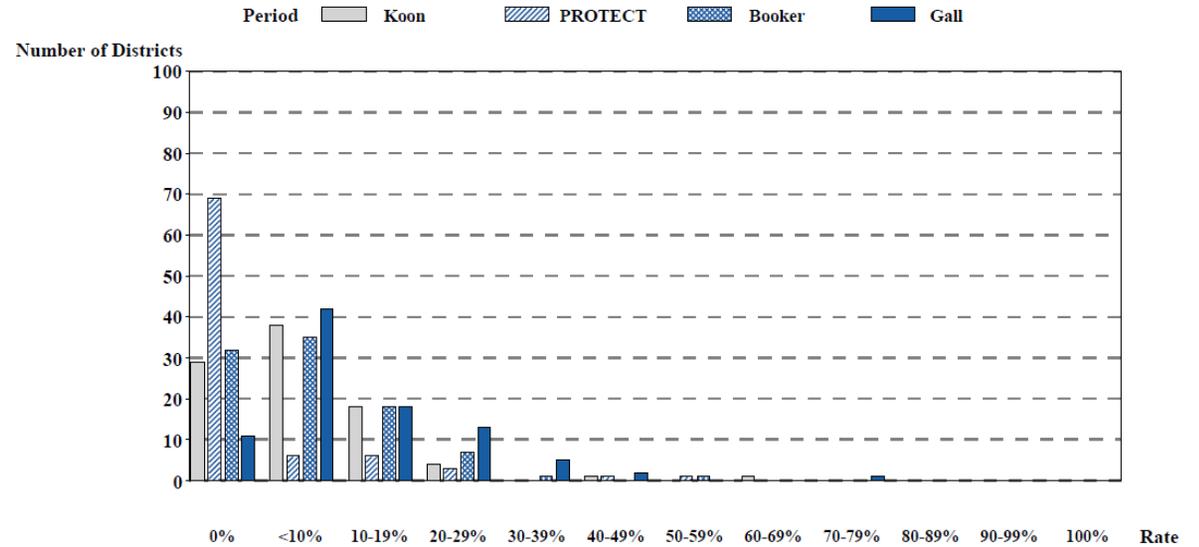
**PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION**

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Of those districts that reported government sponsored below range sentences, most have had rates of less than ten percent. A smaller number of districts have clustered at rates of ten to 29 percent.

**Rate of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of government sponsored below range sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.	District	Number of Offenders	% Gov. Spon.
Districts with the Highest Rates in Each Time Period											
Middle Alabama	8	62.5	Southern California	4	50.0	Arizona	35	51.4	Western Washington	81	75.3
North Dakota	10	40.0	Arizona	5	40.0	Middle Louisiana	6	33.3	Arizona	101	43.6
New Hampshire	17	29.4	North Dakota	7	28.6	Southern California	14	28.6	Northern California	87	41.4
Eastern Oklahoma	4	25.0	South Dakota	4	25.0	Northern California	57	26.3	Middle Pennsylvania	72	37.5
Southern Ohio	24	20.8	Oregon	5	20.0	Middle Alabama	16	25.0	Oregon	71	36.6
Districts with the Lowest Rates in Each Time Period											
Northern Illinois	35	2.9	Western Missouri	12	8.3	Northern Alabama	30	3.3	Montana	103	1.9
Maine	37	2.7	Northern Georgia	14	7.1	Western Texas	64	3.1	Northern Florida	55	1.8
Northern Georgia	37	2.7	Eastern Texas	17	5.9	Southern Ohio	39	2.6	Eastern Tennessee	57	1.8
South Carolina	41	2.4	Southern Texas	18	5.6	Northern Texas	48	2.1	Eastern New York	72	1.4
Eastern California	45	2.2	Middle Florida	26	3.8	Northern Ohio	65	1.5	Southern Florida	146	1.4

Number of Offenders refers to the total number of child pornography non-production offenders sentenced during the time period. During the *Koon* period, three districts did not sentence any child pornography non-production offenses. During the PROTECT Act period, eight districts did not sentence any child pornography non-production offenses. During the *Gall* period, two districts did not sentence any child pornography non-production offenses.

During the *Koon* period, 29 districts imposed at least one sentence for a child pornography non-production offense but did not impose a government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from three to 50 offenders.

During the PROTECT Act period, 69 districts imposed at least one sentence for a child pornography non-production offense but did not impose a government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 20 offenders.

During the *Booker* period, 32 districts imposed at least one sentence for a child pornography non-production offense but did not impose a government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 61 offenders.

During the *Gall* period, 11 districts imposed at least one sentence for a child pornography non-production offense but did not impose a government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from two to 42 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Districts.

PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

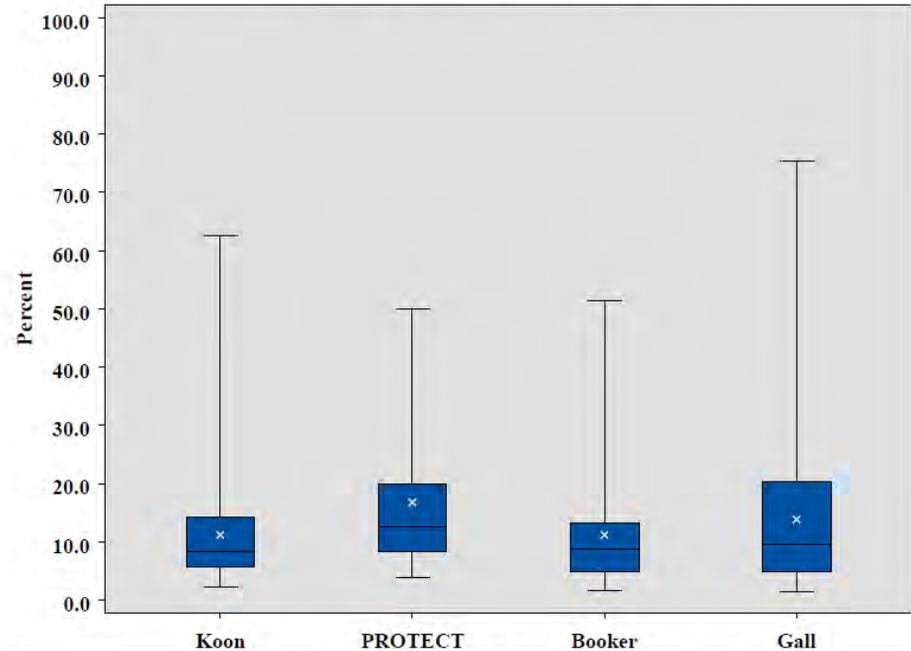
DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

More districts reported government sponsored below range sentences in the *Koon*, *Booker*, and *Gall* periods than in the PROTECT Act period. The spread in rates was similar in the *Koon* and *Booker* periods. The mean rate of government sponsored below range sentences was also higher in the *Gall* period than in the *Koon* or *Booker* periods.

* *Click on chart for corresponding table.*

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	62.0	17.0	62.0	81.0
Min	2.2	3.8	1.5	1.4
Max	62.5	50.0	51.4	75.3
Q1	5.6	8.3	4.9	4.8
Q3	14.3	20.0	13.2	20.2
Q2	8.2	12.5	8.6	9.5
Mean	11.1	16.8	11.2	13.9

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION**

DISTRICT TREND ANALYSIS

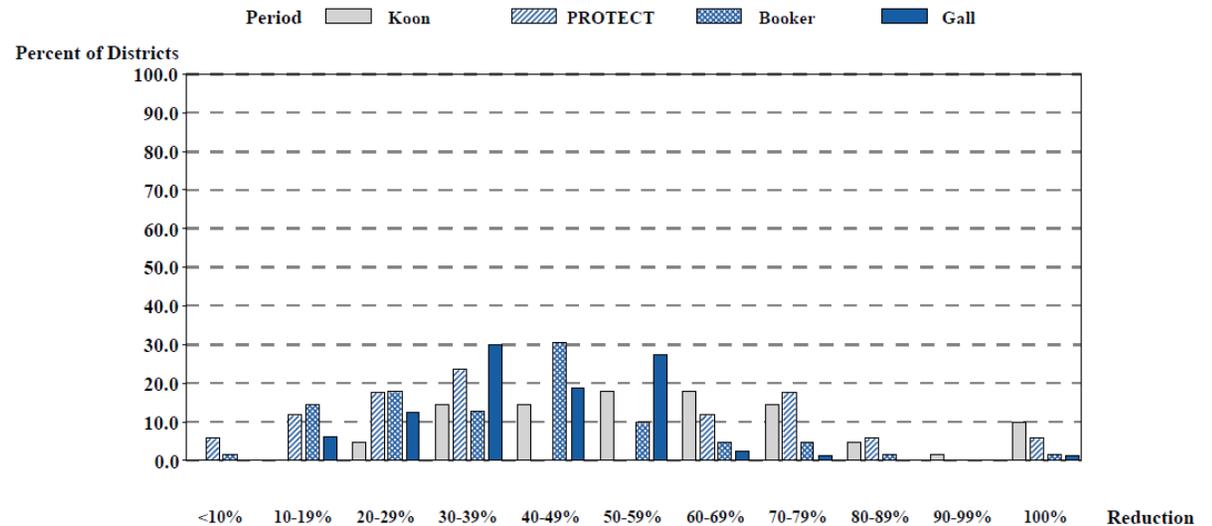
GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Many districts in the *Koon* period clustered between reductions of 30 and 79 percent below the guideline minimum, while most districts in the PROTECT Act period clustered at reductions of between ten and 39 percent and between 70 and 79 percent below the guideline minimum.

In many districts the extent of the reduction during the *Booker* period was between 20 and 49 percent below the guideline minimum, while in most districts during the *Gall* period the extent of the reduction was between 30 and 59 percent below the guideline minimum.

There has been at least one district in every period with a government sponsored below range sentence that was a 100 percent reduction from the guideline minimum. This 100 percent reduction likely reflects a reduction from a guideline range calling for a term of imprisonment to a sentence of probation.

**Extent of Reduction from Guideline Minimum
Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**



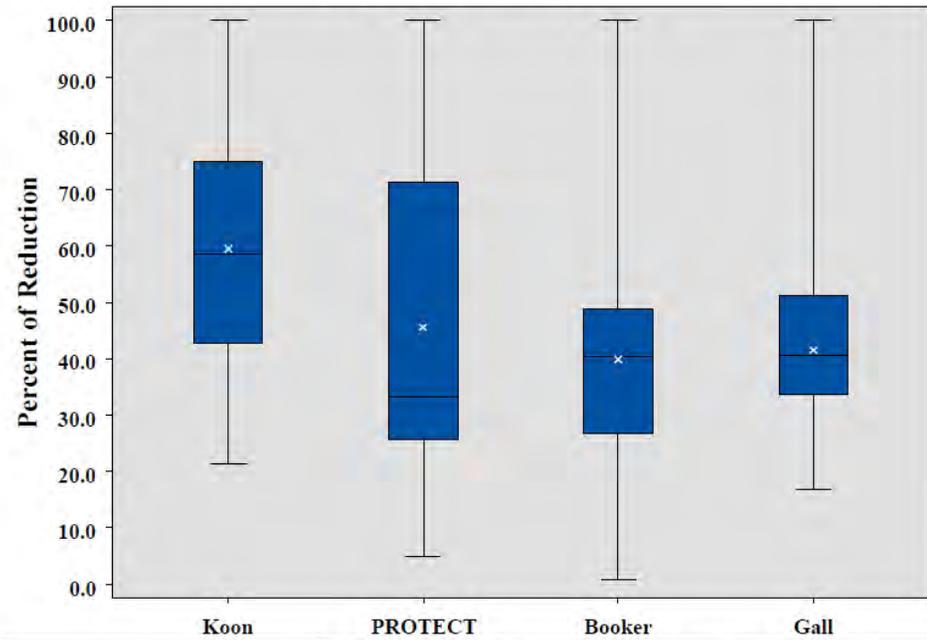
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The few districts with government sponsored below range sentences in the PROTECT Act had a large spread in the rates among the middle 50 percent of districts. As more districts have reported government sponsored below range sentences over time, the spread in the rates has decreased. The higher placement of the box in the *Gall* period compared to the *Booker* period indicates increasing non-government sponsored below range rates among the middle 50 percent of districts.

Spread of Average Extent of Departure Government Sponsored Below Range Sentences Child Pornography Non-Production Offenses Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	62.0	17.0	62.0	80.0
Min	21.4	5.0	0.8	16.7
Max	100.0	100.0	100.0	100.0
Q1	42.7	25.7	26.8	33.7
Q3	75.0	71.4	48.9	51.3
Q2	58.6	33.3	40.3	40.7
Mean	59.5	45.6	39.9	41.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

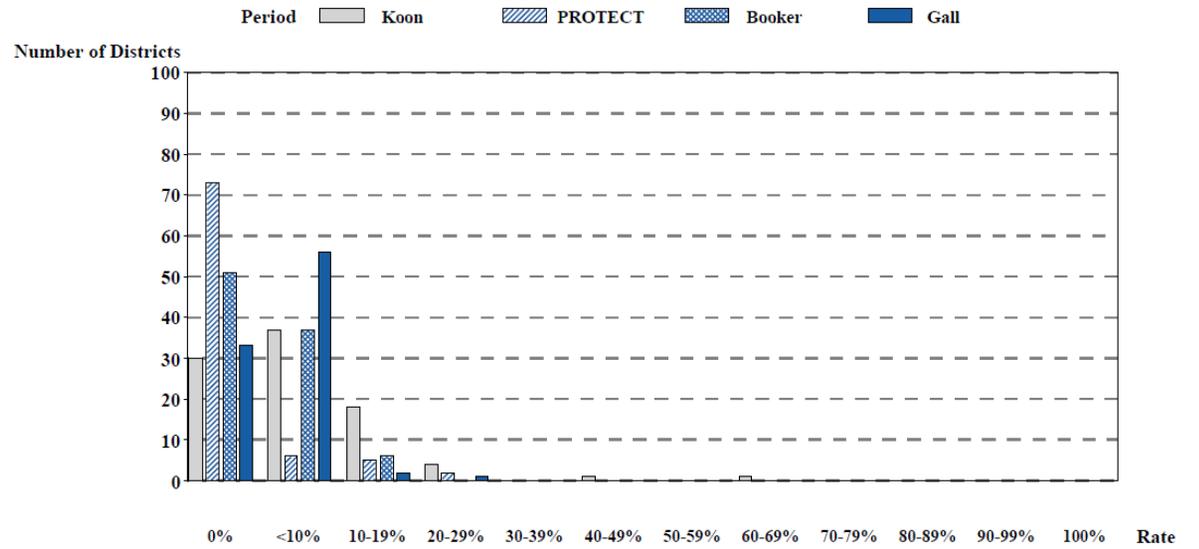
PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

Of those districts reporting substantial assistance sentences, the majority of districts in the *Koon*, *Booker*, and *Gall* periods have had rates of less than ten percent.

Rate of Substantial Assistance Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

The table lists the five districts with the highest and lowest rates of substantial assistance sentences for each of the four periods.

**Districts with the Highest and Lowest Rates of Substantial Assistance Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**

Koon Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			Booker Period (1/12/05 - 12/10/07)			Gall Period (12/11/07-9/30/11)		
District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.
Districts with the Highest Rates in Each Time Period											
Middle Alabama	8	62.5	South Dakota	4	25.0	Northern California	57	19.3	Southern Indian	73	24.7
North Dakota	10	40.0	Oregon	5	20.0	Middle Georgia	16	18.8	District of Columbia	49	18.4
New Hampshire	17	29.4	Northern California	11	18.2	Middle Louisiana	6	16.7	Middle Louisiana	10	10.0
Eastern Oklahoma	4	25.0	North Dakota	7	14.3	Maryland	42	14.3	Southern Ohio	104	9.6
Southern Ohio	24	20.8	Middle Pennsylvania	8	12.5	Eastern North Carolina	16	12.5	Hawaii	21	9.5
Districts with the Lowest Rates in Each Time Period											
Northern Illinois	35	2.9	Eastern Kentucky	12	8.3	Western Pennsylvania	48	2.1	Utah	100	1.0
Maine	37	2.7	Western Missouri	12	8.3	Northern Texas	48	2.1	Arizona	101	1.0
Northern Georgia	37	2.7	Central California	15	6.7	Middle Florida	102	2.0	Southern California	107	0.9
South Carolina	41	2.4	Eastern Texas	17	5.9	Western Texas	64	1.6	Eastern Missouri	217	0.9
Eastern California	45	2.2	Middle Florida	26	3.8	Southern Florida	69	1.4	Eastern Virginia	178	0.6

Number of Offenders refers to the total number of child pornography non-production offenders sentenced during the time period. During the *Koon* period, three districts did not sentence any child pornography non-production offenses. During the PROTECT Act period, eight districts did not sentence any child pornography non-production offenses. During the *Gall* period, two districts did not sentence any child pornography non-production offenses.

During the *Koon* period, 30 districts imposed at least one sentence for a child pornography non-production offense but did not impose a substantial assistance sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from three to 50 offenders.

During the PROTECT Act period, 73 districts imposed at least one sentence for a child pornography non-production offense but did not impose a substantial assistance sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 20 offenders.

During the *Booker* period, one additional district imposed a substantial assistance sentence in 12.5 percent of child pornography non-production offenses (Middle Alabama, N=16). Fifty-one districts imposed at least one sentence for a child pornography non-production offense but did not impose a substantial assistance sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 66 offenders.

During the *Gall* period, 33 districts imposed at least one sentence for a child pornography non-production offense but did not impose a substantial assistance sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from two to 103 offenders.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles

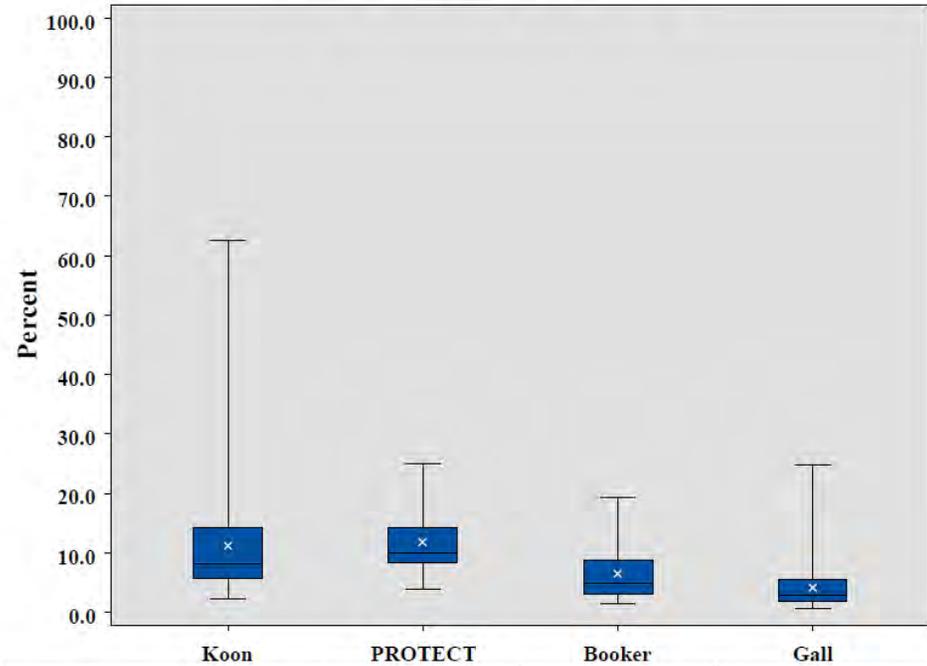
DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

Although more districts reported substantial assistance below range sentences in the *Booker* and *Gall* periods than in the PROTECT Act period, both the average rate and the variation in the rates have decreased over time. The mean rate of substantial assistance sentences has also decreased.

* *Click on chart for corresponding table.*

Spread of Rates of Substantial Assistance Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	61.0	13.0	43.0	59.0
Min	2.2	3.8	1.4	0.6
Max	62.5	25.0	19.3	24.7
Q1	5.6	8.3	2.9	1.8
Q3	14.3	14.3	8.6	5.4
Q2	8.1	10.0	4.8	2.8
Mean	11.2	11.8	6.5	4.2

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

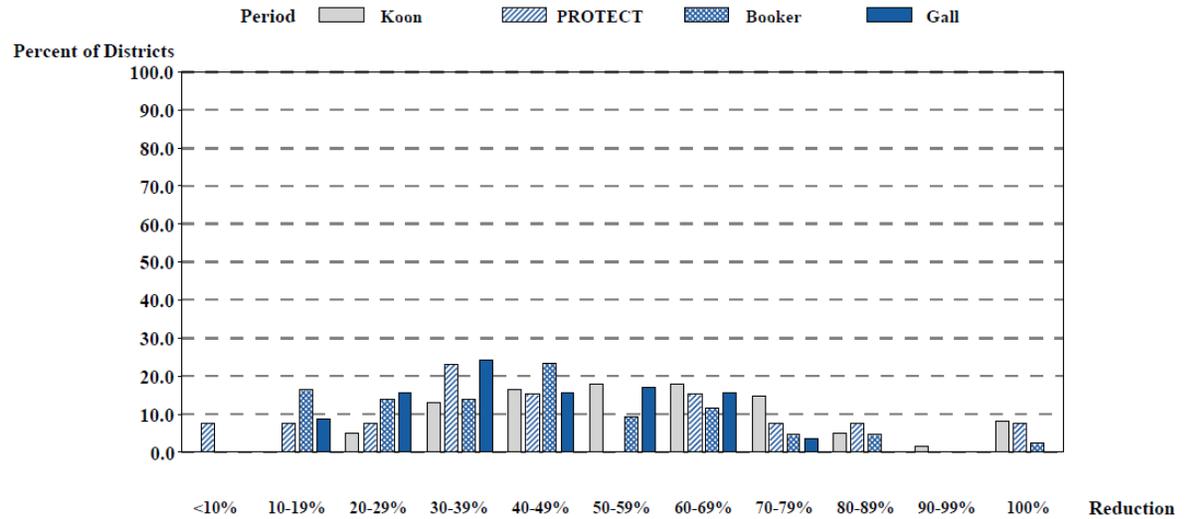
PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

The average extent of the reduction for substantial assistance below range sentences spread across a wide range during the four periods. In many districts average reductions were between 30 and 69 percent below the guideline minimum during the *Booker* and *Gall* periods.

Extent of Reduction from Guideline Minimum
Substantial Assistance Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period



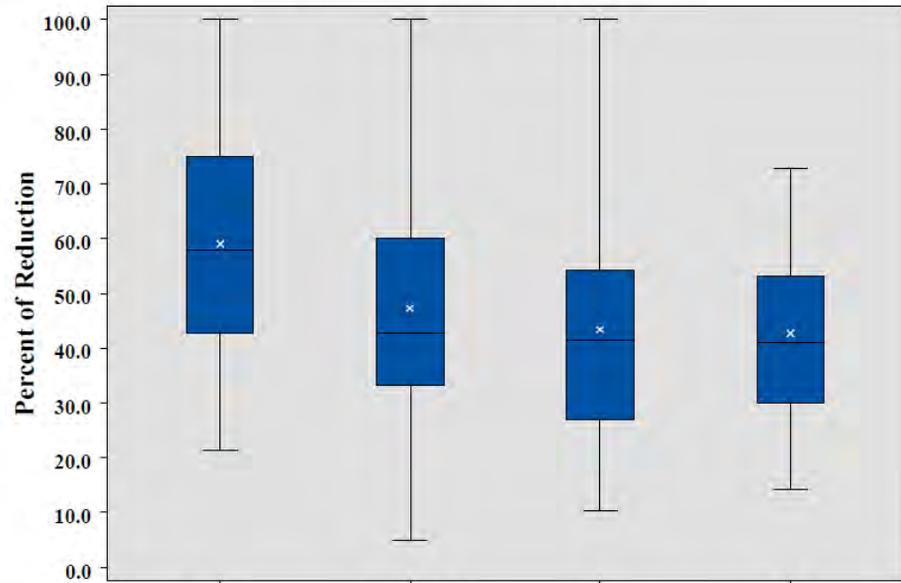
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

SUBSTANTIAL ASSISTANCE SENTENCES

While the spread in the *Booker* period was slightly larger than in the PROTECT Act period, the average extent of the reduction in the middle 50 percent of districts was generally lower during the *Booker* period. In addition, while the *Gall* period had the smallest spread, the extent of the reduction among the middle 50 percent of districts has generally increased since the *Booker* period, moving the box higher along the vertical axis in the *Gall* period.

**Spread of Average Extent of Departure
Substantial Assistance Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	61.0	13.0	43.0	58.0
Min	21.4	5.0	10.3	14.3
Max	100.0	100.0	100.0	72.9
Q1	42.7	33.3	27.0	30.0
Q3	74.9	60.1	54.3	53.1
Q2	57.9	42.7	41.4	41.2
Mean	59.0	47.3	43.4	42.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

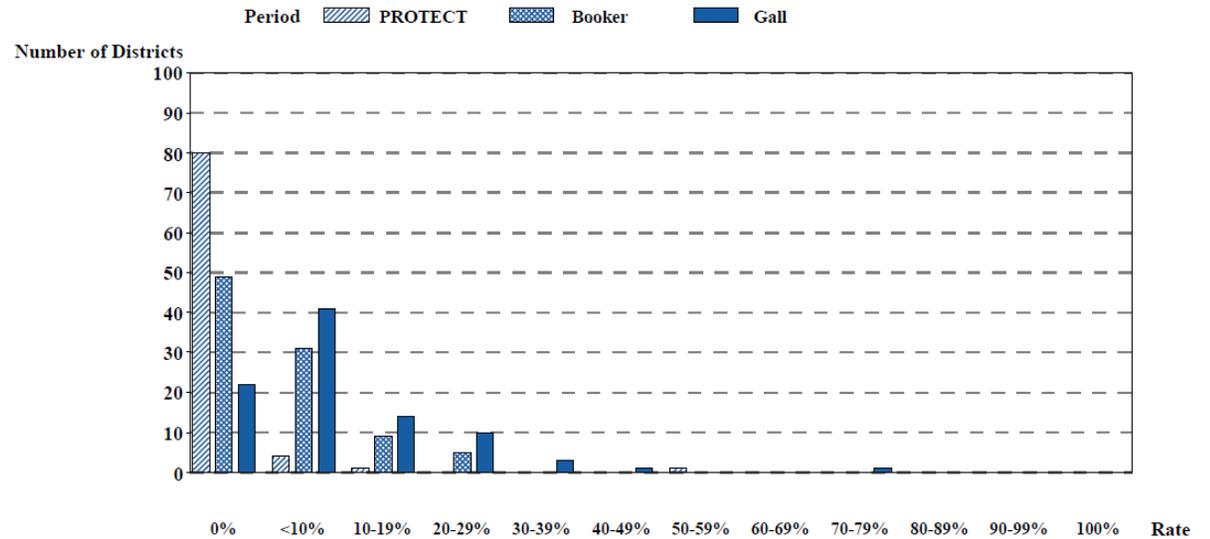
PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The number of districts reporting an other government sponsored below range sentence rate above zero has increased over time. Of those districts with other government sponsored below range sentences, the majority have had rates of less than ten percent. Some districts in the *Gall* period had other government sponsored below range rates of between ten and 39 percent.

Rate of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
PROTECT Act Period through Gall Period



Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of other government sponsored below range sentences for the three periods in which such data was collected.

**Districts with the Highest and Lowest Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**

<i>Koon</i> Period (6/13/96 - 4/30/03)		PROTECT Act Period (5/1/03 - 6/24/04)		<i>Booker</i> Period (1/12/05 - 12/10/07)		<i>Gall</i> Period (12/11/07-9/30/11)	
District	Number of Offenders % Oth Gov. Spon.	District	Number of Offenders % Oth Gov. Spon.	District	Number of Offenders % Oth Gov. Spon.	District	Number of Offenders % Oth Gov. Spon.
Districts with the Highest Rates in Each Time Period							
		Southern California	4 50.0	Guam	4 25.0	Western Washington	81 72.8
		North Dakota	7 14.3	New Mexico	4 25.0	Arizona	101 40.6
		Eastern Kentucky	12 8.3	Western Tennessee	27 22.2	Northern California	87 39.1
		Northern Georgia	14 7.1	Southern California	14 21.4	Oregon	71 35.2
		Central California	15 6.7	Arizona	35 20.0	Middle Pennsylvania	72 30.6
Districts with the Lowest Rates in Each Time Period							
		Southern Texas	18 5.6	Western Missouri	48 2.1	Minnesota	49 2.0
				Southern Texas	49 2.0	Middle Florida	204 2.0
				Middle Florida	102 2.0	Montana	103 1.9
				Western Texas	64 1.6	Northern Iowa	53 1.9
				Northern Ohio	65 1.5	Western Pennsylvania	141 0.7

Number of Offenders refers to the total number of child pornography non-production offenders sentenced during the time period. Data on other government sponsored below range sentences is unavailable for the *Koon* period. During the PROTECT Act period, eight districts did not sentence any child pornography non-production offenses. During the *Gall* period, two districts did not sentence any child pornography non-production offenses.

During the PROTECT Act period, only six districts imposed at least one other government sponsored below range sentence. During this period, 80 districts imposed at least one sentence for a child pornography non-production offense but did not impose an other government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 26 offenders.

During the *Booker* period, one additional district imposed an other government sponsored below range sentence in 2.1 percent of child pornography non-production offenses (Western Pennsylvania, N=48). Forty-nine districts imposed at least one sentence for a child pornography non-production offense but did not impose an other government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 89 offenders.

During the *Gall* period, 22 districts imposed at least one sentence for a child pornography non-production offense but did not impose an other government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from two to 146 offenders.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Districts

PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

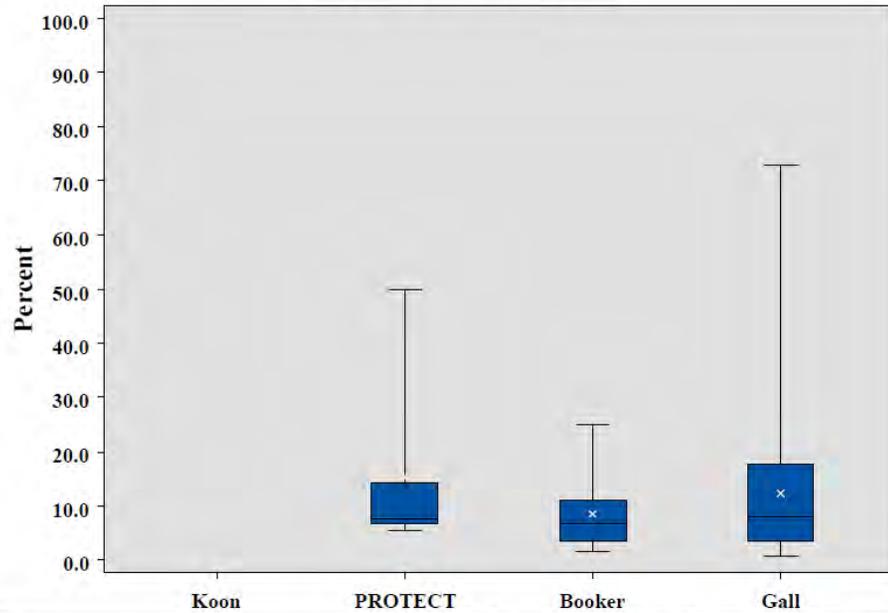
DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

As more districts have reported other government sponsored below range sentences in child pornography non-production offenses, the spread among the middle 50 percent of districts has increased.

* *Click on chart for corresponding table.*

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		6.0	45.0	70.0
Min		5.6	1.5	0.7
Max		50.0	25.0	72.8
Q1		6.7	3.4	3.6
Q3		14.3	11.1	17.8
Q2		7.7	6.7	8.1
Mean		15.3	8.6	12.4

Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

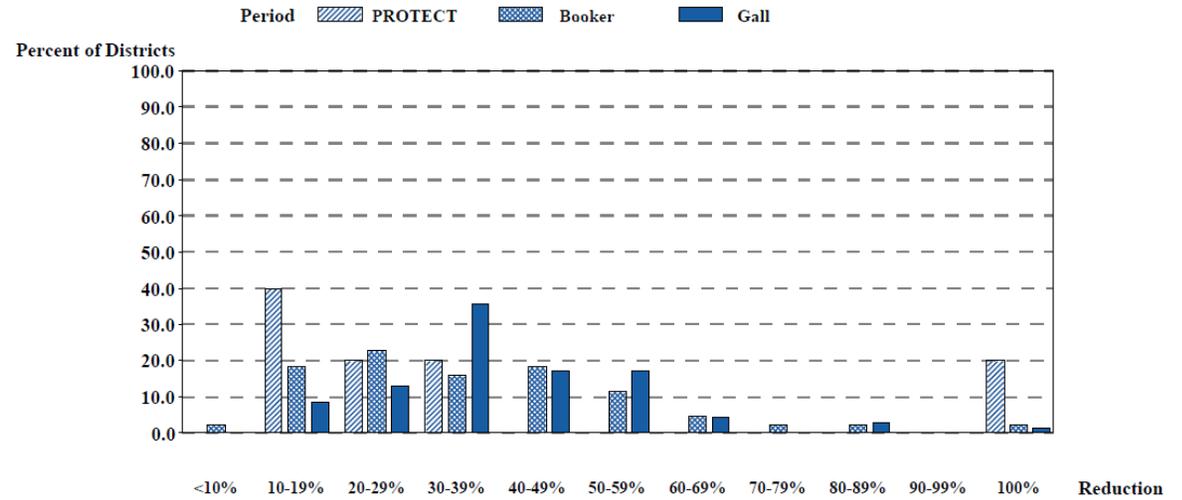
PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Reductions in other government sponsored below range sentences have ranged from less than ten percent to 100 percent below the guideline minimum. During the PROTECT Act period, the majority of districts averaged reductions of between ten and 39 percent below the guideline minimum, while during the *Booker* period, the average extent of the reduction ranged from between ten and 49 percent. During the *Gall* period, the average extent of the reduction in many districts was between 30 to 59 percent below the guideline minimum.

Extent of Reduction from Guideline Minimum
Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
PROTECT Act Period through Gall Period



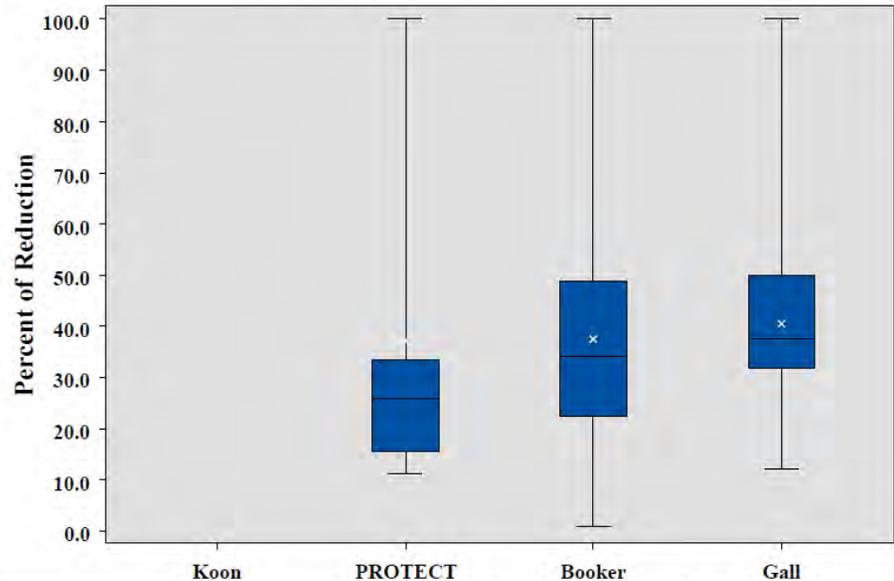
Data on other government sponsored below range sentences is unavailable for the Koon period.
 SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Although the box plot indicates that the spread in the extent of the reduction in the middle 50 percent of districts has varied over time, the small number of districts reporting such sentences in the PROTECT Act period suggests that conclusions should be made cautiously, if at all. Even though more districts reported such sentences in the *Booker* and *Gall* periods, the spread has decreased. As illustrated by the higher placement of the box along the vertical axis, however, reductions among the middle 50 percent of districts were generally largest in the *Gall* period.

**Spread of Average Extent of Departure
Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		5.0	44.0	70.0
Min		11.1	0.8	12.2
Max		100.0	100.0	100.0
Q1		15.6	22.3	31.7
Q3		33.3	48.9	50.0
Q2		25.7	34.1	37.6
Mean		37.1	37.5	40.4

Data on other government sponsored below range sentences is unavailable for the Koon period.
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

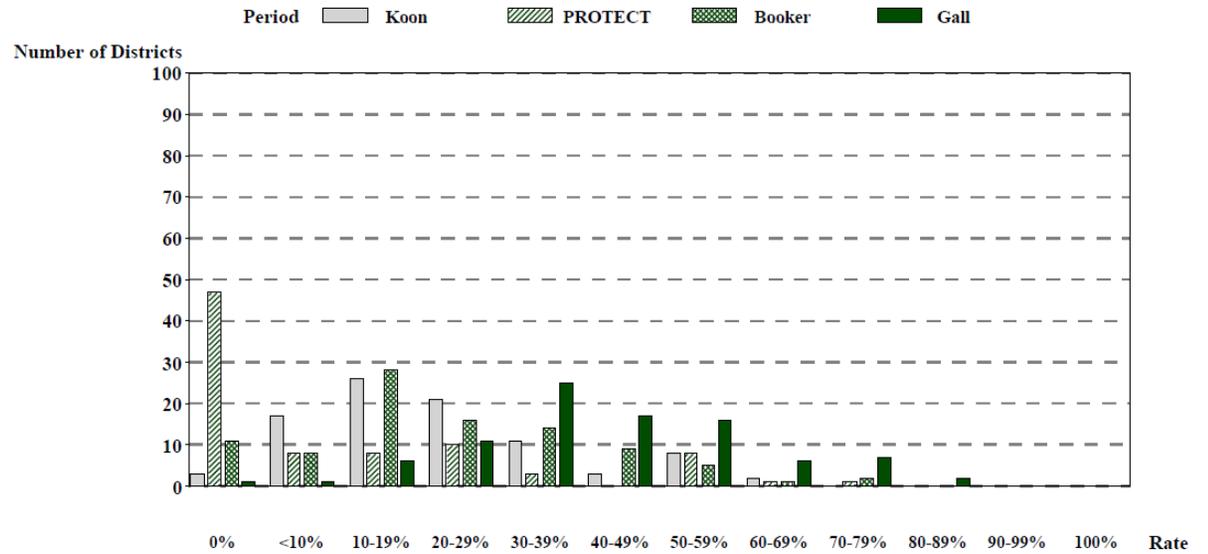
PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The number of districts reporting non-government sponsored below range sentences has increased over time. Of those districts reporting non-government sponsored below range sentences, most clustered at rates of less than ten percent to 29 percent in the *Koon*, PROTECT Act, and *Booker* periods, but clustered at rates of 20 to 59 percent in the *Gall* period.

Rate of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period



SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

PART C: CHILD PORNOGRAPHY OFFENSES NON-PRODUCTION

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The table lists the five districts with the highest and lowest rates of non-government sponsored below range sentences for each of the four periods.

Districts with the Highest and Lowest Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

<i>Koon</i> Period (6/13/96 - 4/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.	District	Number of Offenders	% Non-Gov. Spon.
Districts with the Highest Rates in Each Time Period											
Vermont	9	66.7	Southern Iowa	4	75.0	Eastern New York	34	73.5	Rhode Island	13	84.6
Arizona	28	60.7	Oregon	5	60.0	Hawaii	14	71.4	Eastern New York	72	81.9
Massachusetts	52	59.6	Maryland	7	57.1	Southern New York	40	65.0	Hawaii	21	76.2
Southern California	24	58.3	Eastern New York	23	56.5	Eastern Pennsylvania	35	57.1	South Dakota	37	75.7
Montana	24	58.3	Massachusetts	4	50.0	Northern Georgia	39	51.3	Southern New York	61	75.4
Districts with the Lowest Rates in Each Time Period											
Nevada	19	5.3	Northern Alabama	12	8.3	Northern Oklahoma	12	8.3	Northern Indiana	33	18.2
Northern Alabama	40	5.0	Middle Florida	26	7.7	North Dakota	13	7.7	New Mexico	35	17.1
Western Pennsylvania	20	5.0	Central California	15	6.7	Eastern Tennessee	28	7.1	New Hampshire	12	16.7
Northern Florida	21	4.8	Northern Texas	16	6.3	Western Wisconsin	19	5.3	Eastern North Carolina	42	11.9
Eastern Virginia	60	3.3	Southern Texas	18	5.6	Southern Illinois	22	4.5	Western Washington	81	6.2

Number of Offenders refers to the total number of child pornography non-production offenders sentenced during the time period. During the *Koon* period, three districts did not sentence any child pornography non-production offenses. During the PROTECT Act period, eight districts did not sentence any child pornography non-production offenses. During the *Gall* period, two districts did not sentence any child pornography non-production offenses.

During the *Koon* period, three districts imposed at least one sentence for a child pornography non-production offense but did not impose a non-government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from three to seven offenders.

During the PROTECT Act period, five additional districts imposed a non-government sponsored below range sentence in 50.0 percent of child pornography non-production offenses (Eastern Pennsylvania, N=2; Eastern Louisiana, N=2; Middle Louisiana, N=2; Northern Mississippi, N=2; Southern Illinois, N=2). Two additional districts imposed a non-government sponsored below range sentence in 8.3 percent of child pornography non-production offenses (Eastern Kentucky, N=12; Eastern Missouri, N=12). Forty-seven districts imposed at least one sentence for a child pornography non-production offense but did not impose a non-government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 14 offenders.

During the *Booker* period, two additional districts imposed a non-government sponsored below range sentence in 8.3 percent of child pornography non-production offenses (Southern Mississippi, N=12; Northern Texas, N=48). Eleven districts imposed at least one sentence for a child pornography non-production offense but did not impose a non-government sponsored below range sentence. The total number of child pornography non-production offenders sentenced in each of those districts ranged from one to 24 offenders.

During the *Gall* period, one district did not impose a non-government sponsored below range sentence in either of the two child pornography non-production offenses sentenced during the period.

SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Database

DISTRICT TREND ANALYSIS

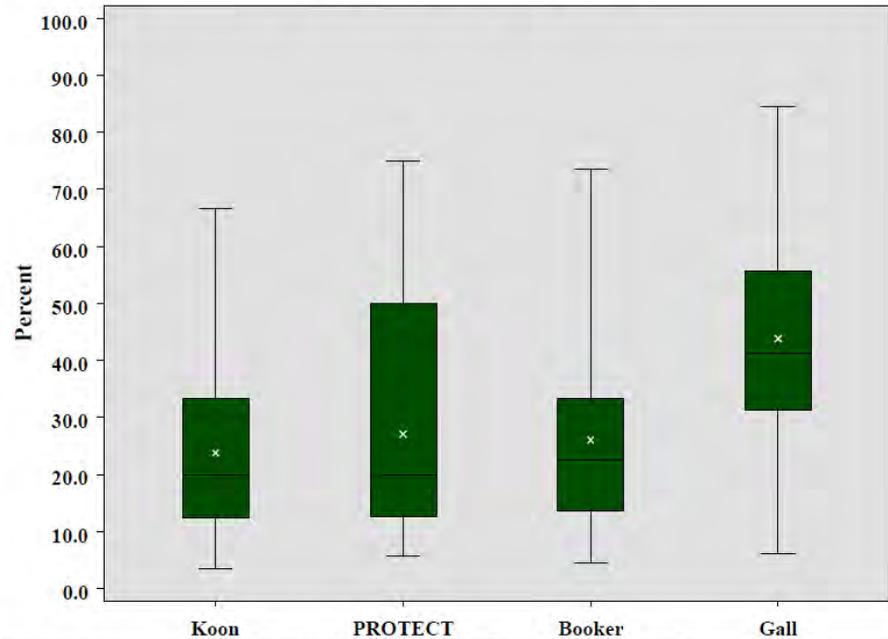
NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The spread in the rates of non-government sponsored below range sentences has increased in the *Booker* and *Gall* periods as more districts have reported such sentences.

The average rate of non-government sponsored sentences among the middle 50 percent of districts was highest in the *Gall* period.

* *Click on chart for corresponding table.*

Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	88.0	39.0	83.0	91.0
Min	3.3	5.6	4.5	6.2
Max	66.7	75.0	73.5	84.6
Q1	12.3	12.5	13.6	31.3
Q3	33.3	50.0	33.3	55.6
Q2	20.0	20.0	22.7	41.3
Mean	23.7	27.0	26.1	43.8

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

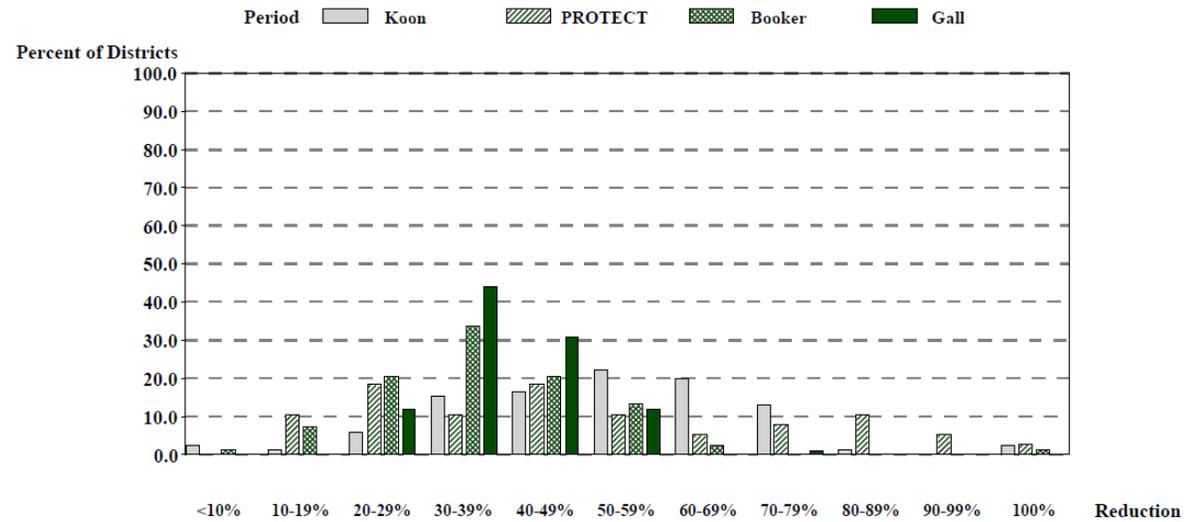
PART C: CHILD PORNOGRAPHY OFFENSES
NON-PRODUCTION

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

The average extent of the reduction for non-government sponsored below range sentences has been between 30 and 49 percent below the guideline minimum in many districts. Some districts also averaged reductions of 50 to 69 percent below the minimum during the *Koon* period, and some have averaged even larger reductions during other periods.

Extent of Reduction from Guideline Minimum
Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period



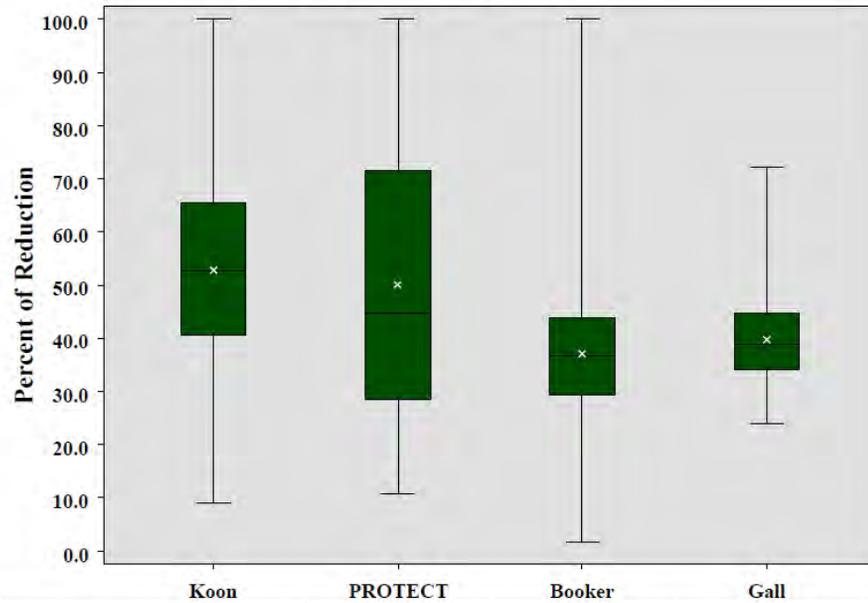
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

DISTRICT TREND ANALYSIS

NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES

Even though more districts reported non-government sponsored below range sentences in the *Booker* and *Gall* periods than in the PROTECT Act period, the spread in the extent of the reduction decreased in the later periods.

Spread of Average Extent of Departure
Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses
Koon Period through Gall Period



	Koon	PROTECT	Booker	Gall
N	85.0	38.0	83.0	91.0
Min	9.1	10.9	1.6	24.0
Max	100.0	100.0	100.0	72.1
Q1	40.5	28.6	29.4	34.2
Q3	65.4	71.4	43.8	44.7
Q2	52.7	44.7	36.7	38.8
Mean	52.8	50.1	37.2	39.8

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Appendix: Child Pornography Non-Production Offenses

I. OVERVIEW

- ❖ National Distribution of All Offenses by Circuit and District
- ❖ National Distribution of Selected Offenses by Circuit and District
- ❖ Proportion of the Caseload for Each Circuit and District for Selected Offenses

II. SENTENCE POSITION RELATIVE TO THE GUIDELINE RANGE

- ❖ Within Range Rates by Circuit and District
- ❖ Above Range Rates by Circuit and District
- ❖ Government Sponsored Below Range Rates by Circuit and District
 - §5K1.1 Substantial Assistance Sentences
 - §5K3.1 Early Disposition Program Sentences
 - Other Government Sponsored Below Range Sentences
- ❖ Non-Government Sponsored Below Range Sentences by Circuit and District
- ❖ Average Guideline Minimum and Length of Imprisonment by Circuit and District

III. BOX PLOTS: BELOW RANGE RATES BY DISTRICT

- ❖ Government Sponsored Below Range Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ §5K1.1 Substantial Assistance Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ Other Government Sponsored Below Range Sentences
 - PROTECT Act Period
 - Booker Period
 - Gall Period
- ❖ Non-Government Sponsored Below Range Rates
 - Koon Period
 - PROTECT Act Period
 - Booker Period
 - Gall Period

**National Distribution of Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT District	All Offenses	
	N	%
TOTAL	76,216	100.0
D.C. CIRCUIT	345	0.5
District of Columbia	345	0.5
FIRST CIRCUIT	2,135	2.8
Maine	193	0.3
Massachusetts	538	0.7
New Hampshire	201	0.3
Puerto Rico	994	1.3
Rhode Island	209	0.3
SECOND CIRCUIT	4,308	5.7
Connecticut	335	0.4
New York		
Eastern	1,094	1.4
Northern	515	0.7
Southern	1,493	2.0
Western	714	0.9
Vermont	157	0.2
THIRD CIRCUIT	2,862	3.8
Delaware	112	0.1
New Jersey	787	1.0
Pennsylvania		
Eastern	957	1.3
Middle	489	0.6
Western	457	0.6
Virgin Islands	60	0.1
FOURTH CIRCUIT	5,740	7.5
Maryland	784	1.0
North Carolina		
Eastern	780	1.0
Middle	524	0.7
Western	542	0.7
South Carolina	1,011	1.3
Virginia		
Eastern	1,146	1.5
Western	363	0.5
West Virginia		
Northern	283	0.4
Southern	307	0.4

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
FIFTH CIRCUIT	17,801	23.4
Louisiana		
Eastern	340	0.4
Middle	134	0.2
Western	270	0.4
Mississippi		
Northern	181	0.2
Southern	299	0.4
Texas		
Eastern	988	1.3
Northern	898	1.2
Southern	8,158	10.7
Western	6,533	8.6
SIXTH CIRCUIT	5,329	7.0
Kentucky		
Eastern	585	0.8
Western	358	0.5
Michigan		
Eastern	810	1.1
Western	452	0.6
Ohio		
Northern	610	0.8
Southern	706	0.9
Tennessee		
Eastern	894	1.2
Middle	319	0.4
Western	595	0.8
SEVENTH CIRCUIT	2,931	3.8
Illinois		
Central	353	0.5
Northern	868	1.1
Southern	324	0.4
Indiana		
Northern	436	0.6
Southern	279	0.4
Wisconsin		
Eastern	487	0.6
Western	184	0.2
EIGHTH CIRCUIT	4,661	6.1
Arkansas		
Eastern	316	0.4
Western	313	0.4
Iowa		
Northern	516	0.7
Southern	386	0.5
Minnesota	438	0.6
Missouri		
Eastern	810	1.1
Western	639	0.8
Nebraska	544	0.7
North Dakota	271	0.4
South Dakota	428	0.6

National Distribution of Offenses by Circuit and District (cont.)

CIRCUIT District	All Offenses	
	N	%
NINTH CIRCUIT	17,291	22.7
Alaska	138	0.2
Arizona	7,558	9.9
California		
Central	1,712	2.2
Eastern	1,009	1.3
Northern	676	0.9
Southern	3,199	4.2
Guam	49	0.1
Hawaii	196	0.3
Idaho	338	0.4
Montana	305	0.4
Nevada	625	0.8
Northern Mariana Islands	7	0.0
Oregon	516	0.7
Washington		
Eastern	353	0.5
Western	610	0.8
TENTH CIRCUIT	6,372	8.4
Colorado	622	0.8
Kansas	653	0.9
New Mexico	3,104	4.1
Oklahoma		
Eastern	103	0.1
Northern	192	0.3
Western	375	0.5
Utah	992	1.3
Wyoming	331	0.4
ELEVENTH CIRCUIT	6,441	8.5
Alabama		
Middle	227	0.3
Northern	428	0.6
Southern	421	0.6
Florida		
Middle	1,515	2.0
Northern	363	0.5
Southern	2,027	2.7
Georgia		
Middle	368	0.5
Northern	649	0.9
Southern	443	0.6

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**National Distribution of Selected Offenses by Circuit and District
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
District of Columbia	345	16	0.3	50	0.8	3	0.1	15	0.1	133	0.5	2	0.9	11	0.7
FIRST CIRCUIT	2,134	190	3.2	240	4.1	16	0.6	114	0.5	1,129	4.6	10	4.4	39	2.4
Maine	193	39	0.7	17	0.3	2	0.1	4	0.0	70	0.3	1	0.4	8	0.5
Massachusetts	538	61	1.0	85	1.4	5	0.2	44	0.2	192	0.8	1	0.4	16	1.0
New Hampshire	201	26	0.4	25	0.4	0	0.0	6	0.0	85	0.3	1	0.4	3	0.2
Puerto Rico	993	38	0.6	98	1.7	9	0.4	30	0.1	699	2.9	7	3.1	5	0.3
Rhode Island	209	26	0.4	15	0.3	0	0.0	30	0.1	83	0.3	0	0.0	7	0.4
SECOND CIRCUIT	4,307	245	4.2	556	9.4	48	1.9	462	2.2	1,787	7.3	14	6.2	114	7.0
Connecticut	335	48	0.8	37	0.6	0	0.0	6	0.0	164	0.7	2	0.9	5	0.3
New York															
Eastern	1,094	37	0.6	160	2.7	14	0.5	146	0.7	410	1.7	0	0.0	18	1.1
Northern	515	47	0.8	26	0.4	20	0.8	59	0.3	243	1.0	7	3.1	45	2.8
Southern	1,493	57	1.0	240	4.1	5	0.2	164	0.8	579	2.4	0	0.0	7	0.4
Western	713	36	0.6	82	1.4	7	0.3	80	0.4	309	1.3	5	2.2	35	2.1
Vermont	157	20	0.3	11	0.2	2	0.1	7	0.0	82	0.3	0	0.0	4	0.2
THIRD CIRCUIT	2,861	279	4.7	413	7.0	10	0.4	206	1.0	953	3.9	9	4.0	103	6.3
Delaware	112	24	0.4	7	0.1	0	0.0	9	0.0	27	0.1	1	0.4	6	0.4
New Jersey	787	82	1.4	134	2.3	5	0.2	33	0.2	223	0.9	0	0.0	21	1.3
Pennsylvania															
Eastern	957	100	1.7	164	2.8	2	0.1	76	0.4	328	1.3	0	0.0	23	1.4
Middle	488	22	0.4	54	0.9	2	0.1	45	0.2	177	0.7	6	2.7	15	0.9
Western	457	39	0.7	52	0.9	0	0.0	36	0.2	179	0.7	2	0.9	38	2.3
Virgin Islands	60	12	0.2	2	0.0	1	0.0	7	0.0	19	0.1	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.1	596	10.1	13	0.5	484	2.3	2,229	9.1	35	15.5	141	8.6
Maryland	780	110	1.9	87	1.5	2	0.1	54	0.3	251	1.0	15	6.6	31	1.9
North Carolina															
Eastern	779	148	2.5	68	1.2	0	0.0	56	0.3	346	1.4	4	1.8	8	0.5
Middle	523	159	2.7	22	0.4	0	0.0	57	0.3	153	0.6	1	0.4	20	1.2
Western	542	69	1.2	61	1.0	2	0.1	66	0.3	182	0.7	5	2.2	7	0.4
South Carolina	1,009	172	2.9	134	2.3	4	0.2	52	0.2	401	1.6	1	0.4	23	1.4
Virginia															
Eastern	1,145	75	1.3	168	2.8	5	0.2	175	0.8	389	1.6	8	3.5	30	1.8
Western	362	23	0.4	25	0.4	0	0.0	7	0.0	197	0.8	0	0.0	10	0.6
West Virginia															
Northern	283	35	0.6	15	0.3	0	0.0	12	0.1	144	0.6	0	0.0	7	0.4
Southern	307	41	0.7	16	0.3	0	0.0	5	0.0	166	0.7	1	0.4	5	0.3

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	12.0	672	11.4	1,275	50.1	7,950	37.4	4,956	20.2	20	8.8	188	11.5
Louisiana															
Eastern	340	33	0.6	58	1.0	1	0.0	19	0.1	120	0.5	0	0.0	8	0.5
Middle	134	27	0.5	29	0.5	0	0.0	16	0.1	37	0.2	0	0.0	0	0.0
Western	270	41	0.7	40	0.7	0	0.0	11	0.1	60	0.2	3	1.3	11	0.7
Mississippi															
Northern	181	32	0.5	20	0.3	0	0.0	5	0.0	65	0.3	1	0.4	18	1.1
Southern	299	23	0.4	72	1.2	3	0.1	22	0.1	77	0.3	1	0.4	5	0.3
Texas															
Eastern	987	98	1.7	93	1.6	17	0.7	82	0.4	460	1.9	1	0.4	25	1.5
Northern	897	86	1.5	80	1.4	9	0.4	142	0.7	259	1.1	7	3.1	42	2.6
Southern	8,158	182	3.1	120	2.0	938	36.8	4,656	21.9	1,735	7.1	3	1.3	24	1.5
Western	6,533	185	3.1	160	2.7	307	12.1	2,997	14.1	2,143	8.7	4	1.8	55	3.4
SIXTH CIRCUIT	5,324	847	14.4	579	9.8	14	0.5	416	2.0	1,946	7.9	23	10.2	181	11.1
Kentucky															
Eastern	585	55	0.9	51	0.9	0	0.0	22	0.1	259	1.1	6	2.7	19	1.2
Western	358	27	0.5	52	0.9	0	0.0	21	0.1	158	0.6	0	0.0	10	0.6
Michigan															
Eastern	810	126	2.1	97	1.6	2	0.1	104	0.5	243	1.0	4	1.8	35	2.1
Western	450	61	1.0	42	0.7	0	0.0	108	0.5	104	0.4	4	1.8	21	1.3
Ohio															
Northern	610	117	2.0	97	1.6	2	0.1	25	0.1	173	0.7	0	0.0	28	1.7
Southern	704	63	1.1	78	1.3	3	0.1	81	0.4	269	1.1	4	1.8	36	2.2
Tennessee															
Eastern	894	143	2.4	53	0.9	4	0.2	19	0.1	474	1.9	1	0.4	12	0.7
Middle	319	89	1.5	32	0.5	0	0.0	17	0.1	82	0.3	2	0.9	11	0.7
Western	594	166	2.8	77	1.3	3	0.1	19	0.1	184	0.8	2	0.9	9	0.6
SEVENTH CIRCUIT	2,931	377	6.4	341	5.8	4	0.2	214	1.0	1,182	4.8	23	10.2	103	6.3
Illinois															
Central	353	54	0.9	23	0.4	2	0.1	28	0.1	138	0.6	6	2.7	27	1.7
Northern	868	42	0.7	161	2.7	0	0.0	105	0.5	285	1.2	6	2.7	14	0.9
Southern	324	53	0.9	28	0.5	1	0.0	7	0.0	139	0.6	5	2.2	18	1.1
Indiana															
Northern	436	126	2.1	47	0.8	1	0.0	10	0.0	147	0.6	2	0.9	12	0.7
Southern	279	18	0.3	24	0.4	0	0.0	28	0.1	143	0.6	2	0.9	15	0.9
Wisconsin															
Eastern	487	65	1.1	38	0.6	0	0.0	18	0.1	262	1.1	1	0.4	14	0.9
Western	184	19	0.3	20	0.3	0	0.0	18	0.1	68	0.3	1	0.4	3	0.2
EIGHTH CIRCUIT	4,661	586	9.9	434	7.4	20	0.8	601	2.8	1,506	6.1	37	16.4	210	12.9
Arkansas															
Eastern	316	29	0.5	37	0.6	0	0.0	52	0.2	126	0.5	1	0.4	11	0.7
Western	313	26	0.4	13	0.2	4	0.2	94	0.4	91	0.4	6	2.7	9	0.6
Iowa															
Northern	516	66	1.1	22	0.4	3	0.1	136	0.6	184	0.8	6	2.7	20	1.2
Southern	386	52	0.9	44	0.7	6	0.2	28	0.1	148	0.6	1	0.4	25	1.5
Minnesota	438	39	0.7	61	1.0	1	0.0	42	0.2	159	0.6	6	2.7	13	0.8
Missouri															
Eastern	810	124	2.1	106	1.8	2	0.1	25	0.1	225	0.9	7	3.1	54	3.3
Western	639	162	2.7	72	1.2	2	0.1	33	0.2	174	0.7	7	3.1	27	1.7
Nebraska	544	50	0.8	50	0.8	0	0.0	95	0.4	219	0.9	2	0.9	23	1.4
North Dakota	271	15	0.3	6	0.1	2	0.1	46	0.2	76	0.3	0	0.0	19	1.2
South Dakota	428	23	0.4	23	0.4	0	0.0	50	0.2	104	0.4	1	0.4	9	0.6

National Distribution of Selected Offenses by Circuit and District (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses		
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	
NINTH CIRCUIT	17,287	628	10.7	807	13.7	937	36.8	7,211	33.9	5,172	21.1	18	8.0	280	17.2	
	Alaska	138	19	0.3	8	0.1	0	0.0	4	0.0	66	0.3	0	0.0	7	0.4
	Arizona	7,558	103	1.7	61	1.0	331	13.0	4,542	21.4	2,054	8.4	1	0.4	28	1.7
	California															
	Central	1,712	59	1.0	236	4.0	33	1.3	439	2.1	511	2.1	2	0.9	50	3.1
	Eastern	1,009	42	0.7	68	1.2	0	0.0	369	1.7	295	1.2	5	2.2	38	2.3
	Northern	676	62	1.1	104	1.8	2	0.1	154	0.7	159	0.6	2	0.9	24	1.5
	Southern	3,199	37	0.6	37	0.6	557	21.9	1,129	5.3	1,151	4.7	1	0.4	39	2.4
	Guam	49	1	0.0	12	0.2	2	0.1	1	0.0	12	0.0	0	0.0	0	0.0
	Hawaii	196	10	0.2	19	0.3	1	0.0	5	0.0	103	0.4	1	0.4	8	0.5
	Idaho	338	28	0.5	30	0.5	0	0.0	93	0.4	134	0.5	1	0.4	9	0.6
	Montana	305	20	0.3	24	0.4	0	0.0	12	0.1	116	0.5	1	0.4	23	1.4
	Nevada	625	84	1.4	66	1.1	3	0.1	152	0.7	131	0.5	0	0.0	17	1.0
	Northern Mariana Islands	7	1	0.0	0	0.0	0	0.0	0	0.0	2	0.0	0	0.0	0	0.0
	Oregon	512	66	1.1	50	0.8	0	0.0	73	0.3	155	0.6	3	1.3	18	1.1
	Washington															
	Eastern	353	40	0.7	16	0.3	2	0.1	136	0.6	91	0.4	0	0.0	5	0.3
	Western	610	56	0.9	76	1.3	6	0.2	102	0.5	192	0.8	1	0.4	14	0.9
TENTH CIRCUIT	6,371	489	8.3	257	4.4	111	4.4	2,880	13.5	1,487	6.1	12	5.3	96	5.9	
	Colorado	622	86	1.5	44	0.7	4	0.2	181	0.9	159	0.6	0	0.0	8	0.5
	Kansas	653	82	1.4	47	0.8	12	0.5	62	0.3	251	1.0	2	0.9	16	1.0
	New Mexico	3,104	104	1.8	17	0.3	87	3.4	1,957	9.2	593	2.4	0	0.0	16	1.0
	Oklahoma															
	Eastern	102	16	0.3	17	0.3	0	0.0	5	0.0	21	0.1	0	0.0	2	0.1
	Northern	192	31	0.5	23	0.4	0	0.0	38	0.2	48	0.2	0	0.0	3	0.2
	Western	375	33	0.6	43	0.7	0	0.0	64	0.3	114	0.5	3	1.3	12	0.7
	Utah	992	103	1.7	59	1.0	8	0.3	490	2.3	161	0.7	5	2.2	28	1.7
	Wyoming	331	34	0.6	7	0.1	0	0.0	83	0.4	140	0.6	2	0.9	11	0.7
ELEVENTH CIRCUIT	6,441	700	11.9	953	16.2	95	3.7	711	3.3	2,022	8.3	23	10.2	166	10.2	
	Alabama															
	Middle	227	24	0.4	23	0.4	0	0.0	17	0.1	66	0.3	0	0.0	5	0.3
	Northern	428	109	1.8	58	1.0	2	0.1	32	0.2	84	0.3	3	1.3	16	1.0
	Southern	421	64	1.1	54	0.9	3	0.1	10	0.0	166	0.7	2	0.9	8	0.5
	Florida															
	Middle	1,515	149	2.5	173	2.9	27	1.1	302	1.4	534	2.2	6	2.7	49	3.0
	Northern	363	49	0.8	28	0.5	1	0.0	17	0.1	115	0.5	1	0.4	16	1.0
	Southern	2,027	92	1.6	461	7.8	49	1.9	161	0.8	640	2.6	3	1.3	32	2.0
	Georgia															
	Middle	368	41	0.7	26	0.4	0	0.0	43	0.2	96	0.4	3	1.3	6	0.4
	Northern	649	71	1.2	86	1.5	13	0.5	120	0.6	153	0.6	3	1.3	22	1.3
	Southern	443	101	1.7	44	0.7	0	0.0	9	0.0	168	0.7	2	0.9	12	0.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Proportion of Caseload in Each Circuit and District for Selected Offenses
Fiscal Year 2011**

CIRCUIT	TOTAL	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	76,191	5,896	7.7	5,898	7.7	2,546	3.3	21,264	27.9	24,502	32.2	226	0.3	1,632	2.1
D.C. CIRCUIT	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
District of Columbia	345	16	4.6	50	14.5	3	0.9	15	4.3	133	38.6	2	0.6	11	3.2
FIRST CIRCUIT	2,134	190	8.9	240	11.2	16	0.7	114	5.3	1,129	52.9	10	0.5	39	1.8
Maine	193	39	20.2	17	8.8	2	1.0	4	2.1	70	36.3	1	0.5	8	4.1
Massachusetts	538	61	11.3	85	15.8	5	0.9	44	8.2	192	35.7	1	0.2	16	3.0
New Hampshire	201	26	12.9	25	12.4	0	0.0	6	3.0	85	42.3	1	0.5	3	1.5
Puerto Rico	993	38	3.8	98	9.9	9	0.9	30	3.0	699	70.4	7	0.7	5	0.5
Rhode Island	209	26	12.4	15	7.2	0	0.0	30	14.4	83	39.7	0	0.0	7	3.3
SECOND CIRCUIT	4,307	245	5.7	556	12.9	48	1.1	462	10.7	1,787	41.5	14	0.3	114	2.6
Connecticut	335	48	14.3	37	11.0	0	0.0	6	1.8	164	49.0	2	0.6	5	1.5
New York															
Eastern	1,094	37	3.4	160	14.6	14	1.3	146	13.3	410	37.5	0	0.0	18	1.6
Northern	515	47	9.1	26	5.0	20	3.9	59	11.5	243	47.2	7	1.4	45	8.7
Southern	1,493	57	3.8	240	16.1	5	0.3	164	11.0	579	38.8	0	0.0	7	0.5
Western	713	36	5.0	82	11.5	7	1.0	80	11.2	309	43.3	5	0.7	35	4.9
Vermont	157	20	12.7	11	7.0	2	1.3	7	4.5	82	52.2	0	0.0	4	2.5
THIRD CIRCUIT	2,861	279	9.8	413	14.4	10	0.3	206	7.2	953	33.3	9	0.3	103	3.6
Delaware	112	24	21.4	7	6.3	0	0.0	9	8.0	27	24.1	1	0.9	6	5.4
New Jersey	787	82	10.4	134	17.0	5	0.6	33	4.2	223	28.3	0	0.0	21	2.7
Pennsylvania															
Eastern	957	100	10.4	164	17.1	2	0.2	76	7.9	328	34.3	0	0.0	23	2.4
Middle	488	22	4.5	54	11.1	2	0.4	45	9.2	177	36.3	6	1.2	15	3.1
Western	457	39	8.5	52	11.4	0	0.0	36	7.9	179	39.2	2	0.4	38	8.3
Virgin Islands	60	12	20.0	2	3.3	1	1.7	7	11.7	19	31.7	0	0.0	0	0.0
FOURTH CIRCUIT	5,730	832	14.5	596	10.4	13	0.2	484	8.4	2,229	38.9	35	0.6	141	2.5
Maryland	780	110	14.1	87	11.2	2	0.3	54	6.9	251	32.2	15	1.9	31	4.0
North Carolina															
Eastern	779	148	19.0	68	8.7	0	0.0	56	7.2	346	44.4	4	0.5	8	1.0
Middle	523	159	30.4	22	4.2	0	0.0	57	10.9	153	29.3	1	0.2	20	3.8
Western	542	69	12.7	61	11.3	2	0.4	66	12.2	182	33.6	5	0.9	7	1.3
South Carolina	1,009	172	17.0	134	13.3	4	0.4	52	5.2	401	39.7	1	0.1	23	2.3
Virginia															
Eastern	1,145	75	6.6	168	14.7	5	0.4	175	15.3	389	34.0	8	0.7	30	2.6
Western	362	23	6.4	25	6.9	0	0.0	7	1.9	197	54.4	0	0.0	10	2.8
West Virginia															
Northern	283	35	12.4	15	5.3	0	0.0	12	4.2	144	50.9	0	0.0	7	2.5
Southern	307	41	13.4	16	5.2	0	0.0	5	1.6	166	54.1	1	0.3	5	1.6

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,799	707	4.0	672	3.8	1,275	7.2	7,950	44.7	4,956	27.8	20	0.1	188	1.1
Louisiana															
Eastern	340	33	9.7	58	17.1	1	0.3	19	5.6	120	35.3	0	0.0	8	2.4
Middle	134	27	20.1	29	21.6	0	0.0	16	11.9	37	27.6	0	0.0	0	0.0
Western	270	41	15.2	40	14.8	0	0.0	11	4.1	60	22.2	3	1.1	11	4.1
Mississippi															
Northern	181	32	17.7	20	11.0	0	0.0	5	2.8	65	35.9	1	0.6	18	9.9
Southern	299	23	7.7	72	24.1	3	1.0	22	7.4	77	25.8	1	0.3	5	1.7
Texas															
Eastern	987	98	9.9	93	9.4	17	1.7	82	8.3	460	46.6	1	0.1	25	2.5
Northern	897	86	9.6	80	8.9	9	1.0	142	15.8	259	28.9	7	0.8	42	4.7
Southern	8,158	182	2.2	120	1.5	938	11.5	4,656	57.1	1,735	21.3	3	0.0	24	0.3
Western	6,533	185	2.8	160	2.4	307	4.7	2,997	45.9	2,143	32.8	4	0.1	55	0.8
SIXTH CIRCUIT	5,324	847	15.9	579	10.9	14	0.3	416	7.8	1,946	36.6	23	0.4	181	3.4
Kentucky															
Eastern	585	55	9.4	51	8.7	0	0.0	22	3.8	259	44.3	6	1.0	19	3.2
Western	358	27	7.5	52	14.5	0	0.0	21	5.9	158	44.1	0	0.0	10	2.8
Michigan															
Eastern	810	126	15.6	97	12.0	2	0.2	104	12.8	243	30.0	4	0.5	35	4.3
Western	450	61	13.6	42	9.3	0	0.0	108	24.0	104	23.1	4	0.9	21	4.7
Ohio															
Northern	610	117	19.2	97	15.9	2	0.3	25	4.1	173	28.4	0	0.0	28	4.6
Southern	704	63	8.9	78	11.1	3	0.4	81	11.5	269	38.2	4	0.6	36	5.1
Tennessee															
Eastern	894	143	16.0	53	5.9	4	0.4	19	2.1	474	53.0	1	0.1	12	1.3
Middle	319	89	27.9	32	10.0	0	0.0	17	5.3	82	25.7	2	0.6	11	3.4
Western	594	166	27.9	77	13.0	3	0.5	19	3.2	184	31.0	2	0.3	9	1.5
SEVENTH CIRCUIT	2,931	377	12.9	341	11.6	4	0.1	214	7.3	1,182	40.3	23	0.8	103	3.5
Illinois															
Central	353	54	15.3	23	6.5	2	0.6	28	7.9	138	39.1	6	1.7	27	7.6
Northern	868	42	4.8	161	18.5	0	0.0	105	12.1	285	32.8	6	0.7	14	1.6
Southern	324	53	16.4	28	8.6	1	0.3	7	2.2	139	42.9	5	1.5	18	5.6
Indiana															
Northern	436	126	28.9	47	10.8	1	0.2	10	2.3	147	33.7	2	0.5	12	2.8
Southern	279	18	6.5	24	8.6	0	0.0	28	10.0	143	51.3	2	0.7	15	5.4
Wisconsin															
Eastern	487	65	13.3	38	7.8	0	0.0	18	3.7	262	53.8	1	0.2	14	2.9
Western	184	19	10.3	20	10.9	0	0.0	18	9.8	68	37.0	1	0.5	3	1.6
EIGHTH CIRCUIT	4,661	586	12.6	434	9.3	20	0.4	601	12.9	1,506	32.3	37	0.8	210	4.5
Arkansas															
Eastern	316	29	9.2	37	11.7	0	0.0	52	16.5	126	39.9	1	0.3	11	3.5
Western	313	26	8.3	13	4.2	4	1.3	94	30.0	91	29.1	6	1.9	9	2.9
Iowa															
Northern	516	66	12.8	22	4.3	3	0.6	136	26.4	184	35.7	6	1.2	20	3.9
Southern	386	52	13.5	44	11.4	6	1.6	28	7.3	148	38.3	1	0.3	25	6.5
Minnesota	438	39	8.9	61	13.9	1	0.2	42	9.6	159	36.3	6	1.4	13	3.0
Missouri															
Eastern	810	124	15.3	106	13.1	2	0.2	25	3.1	225	27.8	7	0.9	54	6.7
Western	639	162	25.4	72	11.3	2	0.3	33	5.2	174	27.2	7	1.1	27	4.2
Nebraska	544	50	9.2	50	9.2	0	0.0	95	17.5	219	40.3	2	0.4	23	4.2
North Dakota	271	15	5.5	6	2.2	2	0.7	46	17.0	76	28.0	0	0.0	19	7.0
South Dakota	428	23	5.4	23	5.4	0	0.0	50	11.7	104	24.3	1	0.2	9	2.1

Proportion of Caseload in Each Circuit and District for Selected Offenses (cont.)

CIRCUIT	District	Firearms Offenses		Fraud Offenses		Alien Smuggling Offenses		Illegal Entry Offenses		Drug Trafficking Offenses		Child Pornography Production Offenses		Child Pornography Non-Production Offenses	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	17,287	628	3.6	807	4.7	937	5.4	7,211	41.7	5,172	29.9	18	0.1	280	1.6
	Alaska	138	19 13.8	8	5.8	0	0.0	4	2.9	66	47.8	0	0.0	7	5.1
	Arizona	7,558	103 1.4	61	0.8	331	4.4	4,542	60.1	2,054	27.2	1	0.0	28	0.4
	California														
	Central	1,712	59 3.4	236	13.8	33	1.9	439	25.6	511	29.8	2	0.1	50	2.9
	Eastern	1,009	42 4.2	68	6.7	0	0.0	369	36.6	295	29.2	5	0.5	38	3.8
	Northern	676	62 9.2	104	15.4	2	0.3	154	22.8	159	23.5	2	0.3	24	3.6
	Southern	3,199	37 1.2	37	1.2	557	17.4	1,129	35.3	1,151	36.0	1	0.0	39	1.2
	Guam	49	1 2.0	12	24.5	2	4.1	1	2.0	12	24.5	0	0.0	0	0.0
	Hawaii	196	10 5.1	19	9.7	1	0.5	5	2.6	103	52.6	1	0.5	8	4.1
	Idaho	338	28 8.3	30	8.9	0	0.0	93	27.5	134	39.6	1	0.3	9	2.7
	Montana	305	20 6.6	24	7.9	0	0.0	12	3.9	116	38.0	1	0.3	23	7.5
	Nevada	625	84 13.4	66	10.6	3	0.5	152	24.3	131	21.0	0	0.0	17	2.7
	Northern Mariana Islands	7	1 14.3	0	0.0	0	0.0	0	0.0	2	28.6	0	0.0	0	0.0
	Oregon	512	66 12.9	50	9.8	0	0.0	73	14.3	155	30.3	3	0.6	18	3.5
	Washington														
	Eastern	353	40 11.3	16	4.5	2	0.6	136	38.5	91	25.8	0	0.0	5	1.4
	Western	610	56 9.2	76	12.5	6	1.0	102	16.7	192	31.5	1	0.2	14	2.3
TENTH CIRCUIT	6,371	489	7.7	257	4.0	111	1.7	2,880	45.2	1,487	23.3	12	0.2	96	1.5
	Colorado	622	86 13.8	44	7.1	4	0.6	181	29.1	159	25.6	0	0.0	8	1.3
	Kansas	653	82 12.6	47	7.2	12	1.8	62	9.5	251	38.4	2	0.3	16	2.5
	New Mexico	3,104	104 3.4	17	0.5	87	2.8	1,957	63.0	593	19.1	0	0.0	16	0.5
	Oklahoma														
	Eastern	102	16 15.7	17	16.7	0	0.0	5	4.9	21	20.6	0	0.0	2	2.0
	Northern	192	31 16.1	23	12.0	0	0.0	38	19.8	48	25.0	0	0.0	3	1.6
	Western	375	33 8.8	43	11.5	0	0.0	64	17.1	114	30.4	3	0.8	12	3.2
	Utah	992	103 10.4	59	5.9	8	0.8	490	49.4	161	16.2	5	0.5	28	2.8
	Wyoming	331	34 10.3	7	2.1	0	0.0	83	25.1	140	42.3	2	0.6	11	3.3
ELEVENTH CIRCUIT	6,441	700	10.9	953	14.8	95	1.5	711	11.0	2,022	31.4	23	0.4	166	2.6
	Alabama														
	Middle	227	24 10.6	23	10.1	0	0.0	17	7.5	66	29.1	0	0.0	5	2.2
	Northern	428	109 25.5	58	13.6	2	0.5	32	7.5	84	19.6	3	0.7	16	3.7
	Southern	421	64 15.2	54	12.8	3	0.7	10	2.4	166	39.4	2	0.5	8	1.9
	Florida														
	Middle	1,515	149 9.8	173	11.4	27	1.8	302	19.9	534	35.2	6	0.4	49	3.2
	Northern	363	49 13.5	28	7.7	1	0.3	17	4.7	115	31.7	1	0.3	16	4.4
	Southern	2,027	92 4.5	461	22.7	49	2.4	161	7.9	640	31.6	3	0.1	32	1.6
	Georgia														
	Middle	368	41 11.1	26	7.1	0	0.0	43	11.7	96	26.1	3	0.8	6	1.6
	Northern	649	71 10.9	86	13.3	13	2.0	120	18.5	153	23.6	3	0.5	22	3.4
	Southern	443	101 22.8	44	9.9	0	0.0	9	2.0	168	37.9	2	0.5	12	2.7

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Within Range Sentences by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	2,295	1,549	67.5	637	507	79.6	2,999	1,929	64.3	5,977	2,455	41.1
D.C. CIRCUIT	7	5	71.4	3	3	100.0	8	5	62.5	49	9	18.4
District of Columbia	7	5	71.4	3	3	100.0	8	5	62.5	49	9	18.4
FIRST CIRCUIT	114	62	54.4	19	16	84.2	90	70	77.8	117	42	35.9
Maine	37	30	81.1	4	4	100.0	24	24	100.0	29	15	51.7
Massachusetts	52	16	30.8	4	2	50.0	34	25	73.5	48	15	31.3
New Hampshire	17	11	64.7	2	2	100.0	8	7	87.5	12	8	66.7
Puerto Rico	4	2	50.0	9	8	88.9	22	13	59.1	15	4	26.7
Rhode Island	4	3	75.0	0	0	0.0	2	1	50.0	13	0	0.0
SECOND CIRCUIT	175	95	54.3	59	36	61.0	205	104	50.7	466	150	32.2
Connecticut	29	14	48.3	7	4	57.1	24	12	50.0	33	7	21.2
New York												
Eastern	37	13	35.1	23	8	34.8	34	5	14.7	72	12	16.7
Northern	40	24	60.0	6	5	83.3	41	32	78.0	144	55	38.2
Southern	27	16	59.3	9	7	77.8	40	12	30.0	61	11	18.0
Western	33	25	75.8	9	8	88.9	63	41	65.1	135	62	45.9
Vermont	9	3	33.3	5	4	80.0	3	2	66.7	21	3	14.3
THIRD CIRCUIT	148	85	57.4	29	21	72.4	223	136	61.0	432	146	33.8
Delaware	5	3	60.0	0	0	0.0	5	4	80.0	31	9	29.0
New Jersey	65	39	60.0	11	8	72.7	89	54	60.7	118	43	36.4
Pennsylvania												
Eastern	31	13	41.9	2	1	50.0	35	14	40.0	68	16	23.5
Middle	27	15	55.6	8	5	62.5	45	26	57.8	72	22	30.6
Western	20	15	75.0	8	7	87.5	48	37	77.1	141	54	38.3
Virgin Islands	0	0	0.0	0	0	0.0	1	1	100.0	2	2	100.0
FOURTH CIRCUIT	253	195	77.1	57	47	82.5	267	189	70.8	541	257	47.5
Maryland	47	25	53.2	7	3	42.9	42	20	47.6	92	38	41.3
North Carolina												
Eastern	19	12	63.2	10	7	70.0	16	12	75.0	42	34	81.0
Middle	18	16	88.9	5	5	100.0	19	16	84.2	31	14	45.2
Western	32	23	71.9	2	2	100.0	21	20	95.2	40	22	55.0
South Carolina	41	36	87.8	16	14	87.5	51	31	60.8	80	35	43.8
Virginia												
Eastern	60	50	83.3	7	7	100.0	75	53	70.7	178	81	45.5
Western	15	13	86.7	6	6	100.0	22	19	86.4	27	7	25.9
West Virginia												
Northern	7	7	100.0	4	3	75.0	13	10	76.9	32	17	53.1
Southern	14	13	92.9	0	0	0.0	8	8	100.0	19	9	47.4

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	291	216	74.2	79	62	78.5	301	234	77.7	606	358	59.1
Louisiana												
Eastern	11	7	63.6	2	1	50.0	9	5	55.6	28	18	64.3
Middle	5	4	80.0	2	0	0.0	6	2	33.3	10	5	50.0
Western	25	18	72.0	10	6	60.0	34	27	79.4	38	23	60.5
Mississippi												
Northern	3	3	100.0	2	1	50.0	18	10	55.6	32	19	59.4
Southern	18	12	66.7	0	0	0.0	12	10	83.3	40	24	60.0
Texas												
Eastern	33	29	87.9	17	13	76.5	61	51	83.6	102	71	69.6
Northern	43	36	83.7	16	15	93.8	48	42	87.5	125	78	62.4
Southern	103	74	71.8	18	14	77.8	49	36	73.5	79	43	54.4
Western	50	33	66.0	12	12	100.0	64	51	79.7	152	77	50.7
SIXTH CIRCUIT	214	134	62.6	69	54	78.3	334	199	59.6	595	239	40.2
Kentucky												
Eastern	19	12	63.2	12	8	66.7	39	29	74.4	62	42	67.7
Western	15	11	73.3	3	2	66.7	36	20	55.6	49	25	51.0
Michigan												
Eastern	29	11	37.9	9	7	77.8	46	26	56.5	118	43	36.4
Western	18	10	55.6	6	5	83.3	34	20	58.8	55	20	36.4
Ohio												
Northern	47	27	57.4	20	15	75.0	65	33	50.8	90	22	24.4
Southern	24	13	54.2	5	5	100.0	39	21	53.8	104	18	17.3
Tennessee												
Eastern	25	18	72.0	6	5	83.3	28	23	82.1	57	42	73.7
Middle	12	10	83.3	3	3	100.0	20	15	75.0	23	9	39.1
Western	25	22	88.0	5	4	80.0	27	12	44.4	37	18	48.6
SEVENTH CIRCUIT	148	117	79.1	39	32	82.1	177	129	72.9	351	151	43.0
Illinois												
Central	38	32	84.2	8	6	75.0	44	28	63.6	78	39	50.0
Northern	35	25	71.4	13	10	76.9	26	16	61.5	46	22	47.8
Southern	11	7	63.6	2	1	50.0	22	19	86.4	61	30	49.2
Indiana												
Northern	14	11	78.6	7	7	100.0	16	14	87.5	33	21	63.6
Southern	29	26	89.7	5	5	100.0	29	23	79.3	73	27	37.0
Wisconsin												
Eastern	6	5	83.3	3	3	100.0	21	11	52.4	45	6	13.3
Western	15	11	73.3	1	0	0.0	19	18	94.7	15	6	40.0
EIGHTH CIRCUIT	182	137	75.3	57	47	82.5	299	228	76.3	729	332	45.5
Arkansas												
Eastern	19	17	89.5	2	2	100.0	21	11	52.4	51	23	45.1
Western	9	7	77.8	4	4	100.0	25	21	84.0	40	26	65.0
Iowa												
Northern	11	8	72.7	6	6	100.0	26	21	80.8	53	30	56.6
Southern	14	10	71.4	4	1	25.0	25	17	68.0	84	34	40.5
Minnesota	24	14	58.3	2	2	100.0	16	10	62.5	49	17	34.7
Missouri												
Eastern	50	46	92.0	12	10	83.3	88	71	80.7	217	125	57.6
Western	19	15	78.9	12	10	83.3	48	38	79.2	85	38	44.7
Nebraska	12	7	58.3	4	4	100.0	25	16	64.0	73	12	16.4
North Dakota	10	5	50.0	7	5	71.4	13	12	92.3	40	18	45.0
South Dakota	14	8	57.1	4	3	75.0	12	11	91.7	37	9	24.3

Rate of Within Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	294	167	56.8	96	73	76.0	548	273	49.8	1,105	332	30.0
Alaska	12	7	58.3	2	2	100.0	15	7	46.7	20	5	25.0
Arizona	28	9	32.1	5	2	40.0	35	8	22.9	101	21	20.8
California												
Central	15	11	73.3	15	12	80.0	66	34	51.5	224	54	24.1
Eastern	45	31	68.9	16	14	87.5	137	85	62.0	156	64	41.0
Northern	33	24	72.7	11	8	72.7	57	16	28.1	87	19	21.8
Southern	24	7	29.2	4	2	50.0	14	5	35.7	107	26	24.3
Guam	0	0	0.0	0	0	0.0	4	3	75.0	0	0	0.0
Hawaii	15	9	60.0	4	4	100.0	14	3	21.4	21	3	14.3
Idaho	11	7	63.6	0	0	0.0	16	8	50.0	40	17	42.5
Montana	24	10	41.7	5	5	100.0	54	42	77.8	103	49	47.6
Nevada	19	18	94.7	5	5	100.0	22	19	86.4	62	34	54.8
Northern Mariana Islands	0	0	0.0	0	0	0.0	1	1	100.0	0	0	0.0
Oregon	21	6	28.6	5	1	20.0	38	20	52.6	71	21	29.6
Washington												
Eastern	10	7	70.0	4	4	100.0	29	12	41.4	32	5	15.6
Western	37	21	56.8	20	14	70.0	46	10	21.7	81	14	17.3
TENTH CIRCUIT	159	107	67.3	49	46	93.9	214	146	68.2	339	136	40.1
Colorado	23	16	69.6	8	8	100.0	36	26	72.2	27	12	44.4
Kansas	41	24	58.5	12	12	100.0	45	31	68.9	56	21	37.5
New Mexico	17	13	76.5	6	5	83.3	4	3	75.0	35	19	54.3
Oklahoma												
Eastern	4	1	25.0	1	1	100.0	6	6	100.0	8	6	75.0
Northern	21	14	66.7	3	3	100.0	12	11	91.7	28	14	50.0
Western	18	16	88.9	8	8	100.0	22	13	59.1	43	17	39.5
Utah	23	14	60.9	6	4	66.7	58	37	63.8	100	32	32.0
Wyoming	12	9	75.0	5	5	100.0	31	19	61.3	42	15	35.7
ELEVENTH CIRCUIT	310	229	73.9	81	70	86.4	333	216	64.9	647	303	46.8
Alabama												
Middle	8	2	25.0	2	1	50.0	16	10	62.5	23	7	30.4
Northern	40	35	87.5	12	9	75.0	30	22	73.3	67	45	67.2
Southern	15	12	80.0	1	1	100.0	24	19	79.2	31	13	41.9
Florida												
Middle	99	80	80.8	26	23	88.5	102	66	64.7	204	66	32.4
Northern	21	17	81.0	5	5	100.0	18	11	61.1	55	31	56.4
Southern	72	40	55.6	13	13	100.0	69	53	76.8	146	73	50.0
Georgia												
Middle	13	10	76.9	1	0	0.0	16	9	56.3	16	13	81.3
Northern	37	28	75.7	14	13	92.9	39	13	33.3	63	28	44.4
Southern	5	5	100.0	7	5	71.4	19	13	68.4	42	27	64.3

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Above Range Sentences by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	2,295	48	2.1	637	25	3.9	2,999	84	2.8	5,977	110	1.8
D.C. CIRCUIT	7	0	0.0	3	0	0.0	8	2	25.0	49	0	0.0
District of Columbia	7	0	0.0	3	0	0.0	8	2	25.0	49	0	0.0
FIRST CIRCUIT	114	0	0.0	19	1	5.3	90	3	3.3	117	2	1.7
Maine	37	0	0.0	4	0	0.0	24	0	0.0	29	0	0.0
Massachusetts	52	0	0.0	4	0	0.0	34	0	0.0	48	1	2.1
New Hampshire	17	0	0.0	2	0	0.0	8	0	0.0	12	0	0.0
Puerto Rico	4	0	0.0	9	1	11.1	22	3	13.6	15	1	6.7
Rhode Island	4	0	0.0	0	0	0.0	2	0	0.0	13	0	0.0
SECOND CIRCUIT	175	5	2.9	59	2	3.4	205	10	4.9	466	1	0.2
Connecticut	29	0	0.0	7	1	14.3	24	2	8.3	33	0	0.0
New York												
Eastern	37	0	0.0	23	0	0.0	34	1	2.9	72	0	0.0
Northern	40	3	7.5	6	0	0.0	41	1	2.4	144	0	0.0
Southern	27	1	3.7	9	1	11.1	40	2	5.0	61	0	0.0
Western	33	1	3.0	9	0	0.0	63	4	6.3	135	1	0.7
Vermont	9	0	0.0	5	0	0.0	3	0	0.0	21	0	0.0
THIRD CIRCUIT	148	3	2.0	29	2	6.9	223	4	1.8	432	3	0.7
Delaware	5	0	0.0	0	0	0.0	5	0	0.0	31	0	0.0
New Jersey	65	2	3.1	11	0	0.0	89	1	1.1	118	1	0.8
Pennsylvania												
Eastern	31	0	0.0	2	0	0.0	35	1	2.9	68	0	0.0
Middle	27	0	0.0	8	1	12.5	45	1	2.2	72	1	1.4
Western	20	1	5.0	8	1	12.5	48	1	2.1	141	1	0.7
Virgin Islands	0	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
FOURTH CIRCUIT	253	4	1.6	57	2	3.5	267	4	1.5	541	9	1.7
Maryland	47	1	2.1	7	0	0.0	42	0	0.0	92	1	1.1
North Carolina												
Eastern	19	2	10.5	10	1	10.0	16	0	0.0	42	3	7.1
Middle	18	0	0.0	5	0	0.0	19	1	5.3	31	0	0.0
Western	32	0	0.0	2	0	0.0	21	0	0.0	40	1	2.5
South Carolina	41	0	0.0	16	0	0.0	51	1	2.0	80	0	0.0
Virginia												
Eastern	60	1	1.7	7	0	0.0	75	1	1.3	178	3	1.7
Western	15	0	0.0	6	0	0.0	22	0	0.0	27	1	3.7
West Virginia												
Northern	7	0	0.0	4	1	25.0	13	1	7.7	32	0	0.0
Southern	14	0	0.0	0	0	0.0	8	0	0.0	19	0	0.0

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	291	9	3.1	79	4	5.1	301	15	5.0	606	31	5.1
Louisiana												
Eastern	11	0	0.0	2	0	0.0	9	0	0.0	28	1	3.6
Middle	5	0	0.0	2	1	50.0	6	1	16.7	10	1	10.0
Western	25	0	0.0	10	1	10.0	34	2	5.9	38	2	5.3
Mississippi												
Northern	3	0	0.0	2	0	0.0	18	4	22.2	32	2	6.3
Southern	18	0	0.0	0	0	0.0	12	0	0.0	40	3	7.5
Texas												
Eastern	33	0	0.0	17	0	0.0	61	2	3.3	102	3	2.9
Northern	43	0	0.0	16	0	0.0	48	1	2.1	125	8	6.4
Southern	103	7	6.8	18	2	11.1	49	2	4.1	79	4	5.1
Western	50	2	4.0	12	0	0.0	64	3	4.7	152	7	4.6
SIXTH CIRCUIT	214	3	1.4	69	2	2.9	334	8	2.4	595	12	2.0
Kentucky												
Eastern	19	0	0.0	12	1	8.3	39	3	7.7	62	2	3.2
Western	15	1	6.7	3	0	0.0	36	0	0.0	49	0	0.0
Michigan												
Eastern	29	2	6.9	9	0	0.0	46	1	2.2	118	4	3.4
Western	18	0	0.0	6	1	16.7	34	2	5.9	55	2	3.6
Ohio												
Northern	47	0	0.0	20	0	0.0	65	0	0.0	90	1	1.1
Southern	24	0	0.0	5	0	0.0	39	0	0.0	104	2	1.9
Tennessee												
Eastern	25	0	0.0	6	0	0.0	28	1	3.6	57	1	1.8
Middle	12	0	0.0	3	0	0.0	20	1	5.0	23	0	0.0
Western	25	0	0.0	5	0	0.0	27	0	0.0	37	0	0.0
SEVENTH CIRCUIT	148	8	5.4	39	6	15.4	177	7	4.0	351	5	1.4
Illinois												
Central	38	1	2.6	8	2	25.0	44	4	9.1	78	0	0.0
Northern	35	3	8.6	13	3	23.1	26	1	3.8	46	0	0.0
Southern	11	0	0.0	2	0	0.0	22	2	9.1	61	2	3.3
Indiana												
Northern	14	0	0.0	7	0	0.0	16	0	0.0	33	1	3.0
Southern	29	1	3.4	5	0	0.0	29	0	0.0	73	2	2.7
Wisconsin												
Eastern	6	0	0.0	3	0	0.0	21	0	0.0	45	0	0.0
Western	15	3	20.0	1	1	100.0	19	0	0.0	15	0	0.0
EIGHTH CIRCUIT	182	2	1.1	57	2	3.5	299	8	2.7	729	11	1.5
Arkansas												
Eastern	19	0	0.0	2	0	0.0	21	2	9.5	51	2	3.9
Western	9	0	0.0	4	0	0.0	25	0	0.0	40	1	2.5
Iowa												
Northern	11	1	9.1	6	0	0.0	26	2	7.7	53	0	0.0
Southern	14	0	0.0	4	0	0.0	25	2	8.0	84	0	0.0
Minnesota	24	0	0.0	2	0	0.0	16	0	0.0	49	1	2.0
Missouri												
Eastern	50	0	0.0	12	1	8.3	88	1	1.1	217	1	0.5
Western	19	1	5.3	12	1	8.3	48	1	2.1	85	4	4.7
Nebraska	12	0	0.0	4	0	0.0	25	0	0.0	73	1	1.4
North Dakota	10	0	0.0	7	0	0.0	13	0	0.0	40	1	2.5
South Dakota	14	0	0.0	4	0	0.0	12	0	0.0	37	0	0.0

Rate of Above Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	294	3	1.0	96	0	0.0	548	14	2.6	1,105	15	1.4
Alaska	12	0	0.0	2	0	0.0	15	0	0.0	20	0	0.0
Arizona	28	0	0.0	5	0	0.0	35	0	0.0	101	0	0.0
California												
Central	15	0	0.0	15	0	0.0	66	1	1.5	224	5	2.2
Eastern	45	0	0.0	16	0	0.0	137	2	1.5	156	1	0.6
Northern	33	0	0.0	11	0	0.0	57	3	5.3	87	2	2.3
Southern	24	1	4.2	4	0	0.0	14	0	0.0	107	0	0.0
Guam	0	0	0.0	0	0	0.0	4	0	0.0	0	0	0.0
Hawaii	15	0	0.0	4	0	0.0	14	0	0.0	21	0	0.0
Idaho	11	0	0.0	0	0	0.0	16	0	0.0	40	0	0.0
Montana	24	0	0.0	5	0	0.0	54	1	1.9	103	1	1.0
Nevada	19	0	0.0	5	0	0.0	22	1	4.5	62	1	1.6
Northern Mariana Islands	0	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Oregon	21	1	4.8	5	0	0.0	38	1	2.6	71	3	4.2
Washington												
Eastern	10	0	0.0	4	0	0.0	29	1	3.4	32	1	3.1
Western	37	1	2.7	20	0	0.0	46	4	8.7	81	1	1.2
TENTH CIRCUIT	159	2	1.3	49	0	0.0	214	2	0.9	339	9	2.7
Colorado	23	0	0.0	8	0	0.0	36	0	0.0	27	0	0.0
Kansas	41	0	0.0	12	0	0.0	45	0	0.0	56	1	1.8
New Mexico	17	0	0.0	6	0	0.0	4	0	0.0	35	1	2.9
Oklahoma												
Eastern	4	0	0.0	1	0	0.0	6	0	0.0	8	0	0.0
Northern	21	0	0.0	3	0	0.0	12	0	0.0	28	0	0.0
Western	18	0	0.0	8	0	0.0	22	0	0.0	43	2	4.7
Utah	23	1	4.3	6	0	0.0	58	1	1.7	100	4	4.0
Wyoming	12	1	8.3	5	0	0.0	31	1	3.2	42	1	2.4
ELEVENTH CIRCUIT	310	9	2.9	81	4	4.9	333	7	2.1	647	12	1.9
Alabama												
Middle	8	0	0.0	2	1	50.0	16	2	12.5	23	0	0.0
Northern	40	3	7.5	12	2	16.7	30	2	6.7	67	3	4.5
Southern	15	0	0.0	1	0	0.0	24	0	0.0	31	1	3.2
Florida												
Middle	99	4	4.0	26	0	0.0	102	0	0.0	204	2	1.0
Northern	21	0	0.0	5	0	0.0	18	1	5.6	55	2	3.6
Southern	72	1	1.4	13	0	0.0	69	0	0.0	146	3	2.1
Georgia												
Middle	13	1	7.7	1	1	100.0	16	1	6.3	16	0	0.0
Northern	37	0	0.0	14	0	0.0	39	1	2.6	63	0	0.0
Southern	5	0	0.0	7	0	0.0	19	0	0.0	42	1	2.4

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Government Sponsored Sentences by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	2,295	164	7.1	637	24	3.8	2,999	224	7.5	5,977	781	13.1
D.C. CIRCUIT	7	1	14.3	3	0	0.0	8	0	0.0	49	17	34.7
District of Columbia	7	1	14.3	3	0	0.0	8	0	0.0	49	17	34.7
FIRST CIRCUIT	114	11	9.6	19	0	0.0	90	7	7.8	117	22	18.8
Maine	37	1	2.7	4	0	0.0	24	0	0.0	29	0	0.0
Massachusetts	52	5	9.6	4	0	0.0	34	3	8.8	48	14	29.2
New Hampshire	17	5	29.4	2	0	0.0	8	1	12.5	12	2	16.7
Puerto Rico	4	0	0.0	9	0	0.0	22	3	13.6	15	4	26.7
Rhode Island	4	0	0.0	0	0	0.0	2	0	0.0	13	2	15.4
SECOND CIRCUIT	175	12	6.9	59	3	5.1	205	15	7.3	466	47	10.1
Connecticut	29	2	6.9	7	0	0.0	24	2	8.3	33	3	9.1
New York												
Eastern	37	3	8.1	23	2	8.7	34	3	8.8	72	1	1.4
Northern	40	5	12.5	6	0	0.0	41	2	4.9	144	9	6.3
Southern	27	1	3.7	9	0	0.0	40	0	0.0	61	4	6.6
Western	33	1	3.0	9	1	11.1	63	8	12.7	135	26	19.3
Vermont	9	0	0.0	5	0	0.0	3	0	0.0	21	4	19.0
THIRD CIRCUIT	148	20	13.5	29	1	3.4	223	12	5.4	432	44	10.2
Delaware	5	1	20.0	0	0	0.0	5	0	0.0	31	2	6.5
New Jersey	65	6	9.2	11	0	0.0	89	3	3.4	118	8	6.8
Pennsylvania												
Eastern	31	6	19.4	2	0	0.0	35	0	0.0	68	3	4.4
Middle	27	4	14.8	8	1	12.5	45	7	15.6	72	27	37.5
Western	20	3	15.0	8	0	0.0	48	2	4.2	141	4	2.8
Virgin Islands	0	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
FOURTH CIRCUIT	253	17	6.7	57	0	0.0	267	18	6.7	541	46	8.5
Maryland	47	5	10.6	7	0	0.0	42	9	21.4	92	18	19.6
North Carolina												
Eastern	19	1	5.3	10	0	0.0	16	2	12.5	42	0	0.0
Middle	18	1	5.6	5	0	0.0	19	0	0.0	31	0	0.0
Western	32	2	6.3	2	0	0.0	21	1	4.8	40	3	7.5
South Carolina	41	1	2.4	16	0	0.0	51	2	3.9	80	3	3.8
Virginia												
Eastern	60	7	11.7	7	0	0.0	75	4	5.3	178	10	5.6
Western	15	0	0.0	6	0	0.0	22	0	0.0	27	7	25.9
West Virginia												
Northern	7	0	0.0	4	0	0.0	13	0	0.0	32	4	12.5
Southern	14	0	0.0	0	0	0.0	8	0	0.0	19	1	5.3

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	291	19	6.5	79	3	3.8	301	11	3.7	606	33	5.4
Louisiana												
Eastern	11	0	0.0	2	0	0.0	9	0	0.0	28	1	3.6
Middle	5	0	0.0	2	0	0.0	6	2	33.3	10	1	10.0
Western	25	2	8.0	10	1	10.0	34	0	0.0	38	0	0.0
Mississippi												
Northern	3	0	0.0	2	0	0.0	18	1	5.6	32	1	3.1
Southern	18	3	16.7	0	0	0.0	12	1	8.3	40	3	7.5
Texas												
Eastern	33	0	0.0	17	1	5.9	61	0	0.0	102	7	6.9
Northern	43	4	9.3	16	0	0.0	48	1	2.1	125	8	6.4
Southern	103	6	5.8	18	1	5.6	49	4	8.2	79	2	2.5
Western	50	4	8.0	12	0	0.0	64	2	3.1	152	10	6.6
SIXTH CIRCUIT	214	17	7.9	69	2	2.9	334	24	7.2	595	73	12.3
Kentucky												
Eastern	19	2	10.5	12	2	16.7	39	3	7.7	62	6	9.7
Western	15	1	6.7	3	0	0.0	36	5	13.9	49	5	10.2
Michigan												
Eastern	29	1	3.4	9	0	0.0	46	5	10.9	118	16	13.6
Western	18	1	5.6	6	0	0.0	34	0	0.0	55	2	3.6
Ohio												
Northern	47	3	6.4	20	0	0.0	65	1	1.5	90	3	3.3
Southern	24	5	20.8	5	0	0.0	39	1	2.6	104	32	30.8
Tennessee												
Eastern	25	4	16.0	6	0	0.0	28	2	7.1	57	1	1.8
Middle	12	0	0.0	3	0	0.0	20	1	5.0	23	5	21.7
Western	25	0	0.0	5	0	0.0	27	6	22.2	37	3	8.1
SEVENTH CIRCUIT	148	5	3.4	39	0	0.0	177	7	4.0	351	48	13.7
Illinois												
Central	38	2	5.3	8	0	0.0	44	4	9.1	78	2	2.6
Northern	35	1	2.9	13	0	0.0	26	1	3.8	46	2	4.3
Southern	11	2	18.2	2	0	0.0	22	0	0.0	61	4	6.6
Indiana												
Northern	14	0	0.0	7	0	0.0	16	0	0.0	33	5	15.2
Southern	29	0	0.0	5	0	0.0	29	1	3.4	73	24	32.9
Wisconsin												
Eastern	6	0	0.0	3	0	0.0	21	1	4.8	45	11	24.4
Western	15	0	0.0	1	0	0.0	19	0	0.0	15	0	0.0
EIGHTH CIRCUIT	182	8	4.4	57	4	7.0	299	16	5.4	729	88	12.1
Arkansas												
Eastern	19	0	0.0	2	0	0.0	21	2	9.5	51	8	15.7
Western	9	0	0.0	4	0	0.0	25	1	4.0	40	1	2.5
Iowa												
Northern	11	0	0.0	6	0	0.0	26	0	0.0	53	3	5.7
Southern	14	2	14.3	4	0	0.0	25	0	0.0	84	17	20.2
Minnesota	24	1	4.2	2	0	0.0	16	2	12.5	49	2	4.1
Missouri												
Eastern	50	0	0.0	12	0	0.0	88	5	5.7	217	24	11.1
Western	19	0	0.0	12	1	8.3	48	3	6.3	85	10	11.8
Nebraska	12	1	8.3	4	0	0.0	25	2	8.0	73	19	26.0
North Dakota	10	4	40.0	7	2	28.6	13	0	0.0	40	4	10.0
South Dakota	14	0	0.0	4	1	25.0	12	1	8.3	37	0	0.0

Rate of Government Sponsored Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	294	19	6.5	96	9	9.4	548	77	14.1	1,105	284	25.7
Alaska	12	0	0.0	2	0	0.0	15	2	13.3	20	1	5.0
Arizona	28	2	7.1	5	2	40.0	35	18	51.4	101	44	43.6
California												
Central	15	0	0.0	15	2	13.3	66	4	6.1	224	55	24.6
Eastern	45	1	2.2	16	0	0.0	137	15	10.9	156	35	22.4
Northern	33	3	9.1	11	2	18.2	57	15	26.3	87	36	41.4
Southern	24	2	8.3	4	2	50.0	14	4	28.6	107	6	5.6
Guam	0	0	0.0	0	0	0.0	4	1	25.0	0	0	0.0
Hawaii	15	2	13.3	4	0	0.0	14	1	7.1	21	2	9.5
Idaho	11	2	18.2	0	0	0.0	16	0	0.0	40	1	2.5
Montana	24	0	0.0	5	0	0.0	54	0	0.0	103	2	1.9
Nevada	19	0	0.0	5	0	0.0	22	0	0.0	62	7	11.3
Northern Mariana Islands	0	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Oregon	21	3	14.3	5	1	20.0	38	5	13.2	71	26	36.6
Washington												
Eastern	10	1	10.0	4	0	0.0	29	3	10.3	32	8	25.0
Western	37	3	8.1	20	0	0.0	46	9	19.6	81	61	75.3
TENTH CIRCUIT	159	13	8.2	49	0	0.0	214	16	7.5	339	49	14.5
Colorado	23	1	4.3	8	0	0.0	36	0	0.0	27	7	25.9
Kansas	41	3	7.3	12	0	0.0	45	5	11.1	56	16	28.6
New Mexico	17	1	5.9	6	0	0.0	4	1	25.0	35	9	25.7
Oklahoma												
Eastern	4	1	25.0	1	0	0.0	6	0	0.0	8	0	0.0
Northern	21	1	4.8	3	0	0.0	12	0	0.0	28	0	0.0
Western	18	1	5.6	8	0	0.0	22	0	0.0	43	2	4.7
Utah	23	4	17.4	6	0	0.0	58	6	10.3	100	9	9.0
Wyoming	12	1	8.3	5	0	0.0	31	4	12.9	42	6	14.3
ELEVENTH CIRCUIT	310	22	7.1	81	2	2.5	333	21	6.3	647	30	4.6
Alabama												
Middle	8	5	62.5	2	0	0.0	16	4	25.0	23	3	13.0
Northern	40	0	0.0	12	0	0.0	30	1	3.3	67	4	6.0
Southern	15	1	6.7	1	0	0.0	24	0	0.0	31	0	0.0
Florida												
Middle	99	7	7.1	26	1	3.8	102	4	3.9	204	9	4.4
Northern	21	3	14.3	5	0	0.0	18	1	5.6	55	1	1.8
Southern	72	5	6.9	13	0	0.0	69	3	4.3	146	2	1.4
Georgia												
Middle	13	0	0.0	1	0	0.0	16	3	18.8	16	0	0.0
Northern	37	1	2.7	14	1	7.1	39	5	12.8	63	9	14.3
Southern	5	0	0.0	7	0	0.0	19	0	0.0	42	2	4.8

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	2,295	161	7.0	637	15	2.4	2,999	102	3.4	5,977	158	2.6
D.C. CIRCUIT	7	1	14.3	3	0	0.0	8	0	0.0	49	9	18.4
District of Columbia	7	1	14.3	3	0	0.0	8	0	0.0	49	9	18.4
FIRST CIRCUIT	114	11	9.6	19	0	0.0	90	1	1.1	117	0	0.0
Maine	37	1	2.7	4	0	0.0	24	0	0.0	29	0	0.0
Massachusetts	52	5	9.6	4	0	0.0	34	0	0.0	48	0	0.0
New Hampshire	17	5	29.4	2	0	0.0	8	0	0.0	12	0	0.0
Puerto Rico	4	0	0.0	9	0	0.0	22	1	4.5	15	0	0.0
Rhode Island	4	0	0.0	0	0	0.0	2	0	0.0	13	0	0.0
SECOND CIRCUIT	175	12	6.9	59	3	5.1	205	9	4.4	466	9	1.9
Connecticut	29	2	6.9	7	0	0.0	24	2	8.3	33	2	6.1
New York												
Eastern	37	3	8.1	23	2	8.7	34	1	2.9	72	1	1.4
Northern	40	5	12.5	6	0	0.0	41	1	2.4	144	4	2.8
Southern	27	1	3.7	9	0	0.0	40	0	0.0	61	0	0.0
Western	33	1	3.0	9	1	11.1	63	5	7.9	135	2	1.5
Vermont	9	0	0.0	5	0	0.0	3	0	0.0	21	0	0.0
THIRD CIRCUIT	148	20	13.5	29	1	3.4	223	8	3.6	432	13	3.0
Delaware	5	1	20.0	0	0	0.0	5	0	0.0	31	0	0.0
New Jersey	65	6	9.2	11	0	0.0	89	3	3.4	118	2	1.7
Pennsylvania												
Eastern	31	6	19.4	2	0	0.0	35	0	0.0	68	3	4.4
Middle	27	4	14.8	8	1	12.5	45	4	8.9	72	5	6.9
Western	20	3	15.0	8	0	0.0	48	1	2.1	141	3	2.1
Virgin Islands	0	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
FOURTH CIRCUIT	253	17	6.7	57	0	0.0	267	13	4.9	541	11	2.0
Maryland	47	5	10.6	7	0	0.0	42	6	14.3	92	5	5.4
North Carolina												
Eastern	19	1	5.3	10	0	0.0	16	2	12.5	42	0	0.0
Middle	18	1	5.6	5	0	0.0	19	0	0.0	31	0	0.0
Western	32	2	6.3	2	0	0.0	21	1	4.8	40	1	2.5
South Carolina	41	1	2.4	16	0	0.0	51	2	3.9	80	0	0.0
Virginia												
Eastern	60	7	11.7	7	0	0.0	75	2	2.7	178	1	0.6
Western	15	0	0.0	6	0	0.0	22	0	0.0	27	1	3.7
West Virginia												
Northern	7	0	0.0	4	0	0.0	13	0	0.0	32	2	6.3
Southern	14	0	0.0	0	0	0.0	8	0	0.0	19	1	5.3

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	291	18	6.2	79	2	2.5	301	7	2.3	606	6	1.0
Louisiana												
Eastern	11	0	0.0	2	0	0.0	9	0	0.0	28	0	0.0
Middle	5	0	0.0	2	0	0.0	6	1	16.7	10	1	10.0
Western	25	2	8.0	10	1	10.0	34	0	0.0	38	0	0.0
Mississippi												
Northern	3	0	0.0	2	0	0.0	18	0	0.0	32	0	0.0
Southern	18	3	16.7	0	0	0.0	12	1	8.3	40	0	0.0
Texas												
Eastern	33	0	0.0	17	1	5.9	61	0	0.0	102	0	0.0
Northern	43	4	9.3	16	0	0.0	48	1	2.1	125	3	2.4
Southern	103	5	4.9	18	0	0.0	49	3	6.1	79	0	0.0
Western	50	4	8.0	12	0	0.0	64	1	1.6	152	2	1.3
SIXTH CIRCUIT	214	17	7.9	69	1	1.4	334	12	3.6	595	26	4.4
Kentucky												
Eastern	19	2	10.5	12	1	8.3	39	3	7.7	62	4	6.5
Western	15	1	6.7	3	0	0.0	36	3	8.3	49	3	6.1
Michigan												
Eastern	29	1	3.4	9	0	0.0	46	4	8.7	118	5	4.2
Western	18	1	5.6	6	0	0.0	34	0	0.0	55	2	3.6
Ohio												
Northern	47	3	6.4	20	0	0.0	65	0	0.0	90	0	0.0
Southern	24	5	20.8	5	0	0.0	39	0	0.0	104	10	9.6
Tennessee												
Eastern	25	4	16.0	6	0	0.0	28	2	7.1	57	1	1.8
Middle	12	0	0.0	3	0	0.0	20	0	0.0	23	1	4.3
Western	25	0	0.0	5	0	0.0	27	0	0.0	37	0	0.0
SEVENTH CIRCUIT	148	5	3.4	39	0	0.0	177	7	4.0	351	26	7.4
Illinois												
Central	38	2	5.3	8	0	0.0	44	4	9.1	78	2	2.6
Northern	35	1	2.9	13	0	0.0	26	1	3.8	46	1	2.2
Southern	11	2	18.2	2	0	0.0	22	0	0.0	61	0	0.0
Indiana												
Northern	14	0	0.0	7	0	0.0	16	0	0.0	33	2	6.1
Southern	29	0	0.0	5	0	0.0	29	1	3.4	73	18	24.7
Wisconsin												
Eastern	6	0	0.0	3	0	0.0	21	1	4.8	45	3	6.7
Western	15	0	0.0	1	0	0.0	19	0	0.0	15	0	0.0
EIGHTH CIRCUIT	182	8	4.4	57	3	5.3	299	8	2.7	729	12	1.6
Arkansas												
Eastern	19	0	0.0	2	0	0.0	21	2	9.5	51	0	0.0
Western	9	0	0.0	4	0	0.0	25	1	4.0	40	1	2.5
Iowa												
Northern	11	0	0.0	6	0	0.0	26	0	0.0	53	2	3.8
Southern	14	2	14.3	4	0	0.0	25	0	0.0	84	1	1.2
Minnesota	24	1	4.2	2	0	0.0	16	1	6.3	49	1	2.0
Missouri												
Eastern	50	0	0.0	12	0	0.0	88	2	2.3	217	2	0.9
Western	19	0	0.0	12	1	8.3	48	2	4.2	85	0	0.0
Nebraska	12	1	8.3	4	0	0.0	25	0	0.0	73	2	2.7
North Dakota	10	4	40.0	7	1	14.3	13	0	0.0	40	3	7.5
South Dakota	14	0	0.0	4	1	25.0	12	0	0.0	37	0	0.0

Rate of §5K1.1 Substantial Assistance Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	294	18	6.1	96	4	4.2	548	23	4.2	1,105	26	2.4
Alaska	12	0	0.0	2	0	0.0	15	0	0.0	20	0	0.0
Arizona	28	2	7.1	5	0	0.0	35	3	8.6	101	1	1.0
California												
Central	15	0	0.0	15	1	6.7	66	0	0.0	224	5	2.2
Eastern	45	1	2.2	16	0	0.0	137	8	5.8	156	9	5.8
Northern	33	2	6.1	11	2	18.2	57	11	19.3	87	2	2.3
Southern	24	2	8.3	4	0	0.0	14	0	0.0	107	1	0.9
Guam	0	0	0.0	0	0	0.0	4	0	0.0	0	0	0.0
Hawaii	15	2	13.3	4	0	0.0	14	0	0.0	21	2	9.5
Idaho	11	2	18.2	0	0	0.0	16	0	0.0	40	0	0.0
Montana	24	0	0.0	5	0	0.0	54	0	0.0	103	0	0.0
Nevada	19	0	0.0	5	0	0.0	22	0	0.0	62	2	3.2
Northern Mariana Islands	0	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Oregon	21	3	14.3	5	1	20.0	38	0	0.0	71	1	1.4
Washington												
Eastern	10	1	10.0	4	0	0.0	29	0	0.0	32	1	3.1
Western	37	3	8.1	20	0	0.0	46	1	2.2	81	2	2.5
TENTH CIRCUIT	159	12	7.5	49	0	0.0	214	4	1.9	339	6	1.8
Colorado	23	1	4.3	8	0	0.0	36	0	0.0	27	1	3.7
Kansas	41	3	7.3	12	0	0.0	45	0	0.0	56	1	1.8
New Mexico	17	0	0.0	6	0	0.0	4	0	0.0	35	0	0.0
Oklahoma												
Eastern	4	1	25.0	1	0	0.0	6	0	0.0	8	0	0.0
Northern	21	1	4.8	3	0	0.0	12	0	0.0	28	0	0.0
Western	18	1	5.6	8	0	0.0	22	0	0.0	43	1	2.3
Utah	23	4	17.4	6	0	0.0	58	3	5.2	100	1	1.0
Wyoming	12	1	8.3	5	0	0.0	31	1	3.2	42	2	4.8
ELEVENTH CIRCUIT	310	22	7.1	81	1	1.2	333	10	3.0	647	14	2.2
Alabama												
Middle	8	5	62.5	2	0	0.0	16	2	12.5	23	1	4.3
Northern	40	0	0.0	12	0	0.0	30	1	3.3	67	2	3.0
Southern	15	1	6.7	1	0	0.0	24	0	0.0	31	0	0.0
Florida												
Middle	99	7	7.1	26	1	3.8	102	2	2.0	204	5	2.5
Northern	21	3	14.3	5	0	0.0	18	0	0.0	55	1	1.8
Southern	72	5	6.9	13	0	0.0	69	1	1.4	146	2	1.4
Georgia												
Middle	13	0	0.0	1	0	0.0	16	3	18.8	16	0	0.0
Northern	37	1	2.7	14	0	0.0	39	1	2.6	63	2	3.2
Southern	5	0	0.0	7	0	0.0	19	0	0.0	42	1	2.4

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	2,295	n/a	n/a	637	2	0.3	2,999	9	0.3	5,977	3	0.1
D.C. CIRCUIT	7	n/a	n/a	3	0	0.0	8	0	0.0	49	0	0.0
District of Columbia	7	n/a	n/a	3	0	0.0	8	0	0.0	49	0	0.0
FIRST CIRCUIT	114	n/a	n/a	19	0	0.0	90	0	0.0	117	1	0.9
Maine	37	n/a	n/a	4	0	0.0	24	0	0.0	29	0	0.0
Massachusetts	52	n/a	n/a	4	0	0.0	34	0	0.0	48	0	0.0
New Hampshire	17	n/a	n/a	2	0	0.0	8	0	0.0	12	0	0.0
Puerto Rico	4	n/a	n/a	9	0	0.0	22	0	0.0	15	1	6.7
Rhode Island	4	n/a	n/a	0	0	0.0	2	0	0.0	13	0	0.0
SECOND CIRCUIT	175	n/a	n/a	59	0	0.0	205	0	0.0	466	0	0.0
Connecticut	29	n/a	n/a	7	0	0.0	24	0	0.0	33	0	0.0
New York												
Eastern	37	n/a	n/a	23	0	0.0	34	0	0.0	72	0	0.0
Northern	40	n/a	n/a	6	0	0.0	41	0	0.0	144	0	0.0
Southern	27	n/a	n/a	9	0	0.0	40	0	0.0	61	0	0.0
Western	33	n/a	n/a	9	0	0.0	63	0	0.0	135	0	0.0
Vermont	9	n/a	n/a	5	0	0.0	3	0	0.0	21	0	0.0
THIRD CIRCUIT	148	n/a	n/a	29	0	0.0	223	0	0.0	432	0	0.0
Delaware	5	n/a	n/a	0	0	0.0	5	0	0.0	31	0	0.0
New Jersey	65	n/a	n/a	11	0	0.0	89	0	0.0	118	0	0.0
Pennsylvania												
Eastern	31	n/a	n/a	2	0	0.0	35	0	0.0	68	0	0.0
Middle	27	n/a	n/a	8	0	0.0	45	0	0.0	72	0	0.0
Western	20	n/a	n/a	8	0	0.0	48	0	0.0	141	0	0.0
Virgin Islands	0	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
FOURTH CIRCUIT	253	n/a	n/a	57	0	0.0	267	0	0.0	541	0	0.0
Maryland	47	n/a	n/a	7	0	0.0	42	0	0.0	92	0	0.0
North Carolina												
Eastern	19	n/a	n/a	10	0	0.0	16	0	0.0	42	0	0.0
Middle	18	n/a	n/a	5	0	0.0	19	0	0.0	31	0	0.0
Western	32	n/a	n/a	2	0	0.0	21	0	0.0	40	0	0.0
South Carolina	41	n/a	n/a	16	0	0.0	51	0	0.0	80	0	0.0
Virginia												
Eastern	60	n/a	n/a	7	0	0.0	75	0	0.0	178	0	0.0
Western	15	n/a	n/a	6	0	0.0	22	0	0.0	27	0	0.0
West Virginia												
Northern	7	n/a	n/a	4	0	0.0	13	0	0.0	32	0	0.0
Southern	14	n/a	n/a	0	0	0.0	8	0	0.0	19	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	291	n/a	n/a	79	0	0.0	301	0	0.0	606	0	0.0
Louisiana												
Eastern	11	n/a	n/a	2	0	0.0	9	0	0.0	28	0	0.0
Middle	5	n/a	n/a	2	0	0.0	6	0	0.0	10	0	0.0
Western	25	n/a	n/a	10	0	0.0	34	0	0.0	38	0	0.0
Mississippi												
Northern	3	n/a	n/a	2	0	0.0	18	0	0.0	32	0	0.0
Southern	18	n/a	n/a	0	0	0.0	12	0	0.0	40	0	0.0
Texas												
Eastern	33	n/a	n/a	17	0	0.0	61	0	0.0	102	0	0.0
Northern	43	n/a	n/a	16	0	0.0	48	0	0.0	125	0	0.0
Southern	103	n/a	n/a	18	0	0.0	49	0	0.0	79	0	0.0
Western	50	n/a	n/a	12	0	0.0	64	0	0.0	152	0	0.0
SIXTH CIRCUIT	214	n/a	n/a	69	0	0.0	334	0	0.0	595	0	0.0
Kentucky												
Eastern	19	n/a	n/a	12	0	0.0	39	0	0.0	62	0	0.0
Western	15	n/a	n/a	3	0	0.0	36	0	0.0	49	0	0.0
Michigan												
Eastern	29	n/a	n/a	9	0	0.0	46	0	0.0	118	0	0.0
Western	18	n/a	n/a	6	0	0.0	34	0	0.0	55	0	0.0
Ohio												
Northern	47	n/a	n/a	20	0	0.0	65	0	0.0	90	0	0.0
Southern	24	n/a	n/a	5	0	0.0	39	0	0.0	104	0	0.0
Tennessee												
Eastern	25	n/a	n/a	6	0	0.0	28	0	0.0	57	0	0.0
Middle	12	n/a	n/a	3	0	0.0	20	0	0.0	23	0	0.0
Western	25	n/a	n/a	5	0	0.0	27	0	0.0	37	0	0.0
SEVENTH CIRCUIT	148	n/a	n/a	39	0	0.0	177	0	0.0	351	0	0.0
Illinois												
Central	38	n/a	n/a	8	0	0.0	44	0	0.0	78	0	0.0
Northern	35	n/a	n/a	13	0	0.0	26	0	0.0	46	0	0.0
Southern	11	n/a	n/a	2	0	0.0	22	0	0.0	61	0	0.0
Indiana												
Northern	14	n/a	n/a	7	0	0.0	16	0	0.0	33	0	0.0
Southern	29	n/a	n/a	5	0	0.0	29	0	0.0	73	0	0.0
Wisconsin												
Eastern	6	n/a	n/a	3	0	0.0	21	0	0.0	45	0	0.0
Western	15	n/a	n/a	1	0	0.0	19	0	0.0	15	0	0.0
EIGHTH CIRCUIT	182	n/a	n/a	57	0	0.0	299	0	0.0	729	0	0.0
Arkansas												
Eastern	19	n/a	n/a	2	0	0.0	21	0	0.0	51	0	0.0
Western	9	n/a	n/a	4	0	0.0	25	0	0.0	40	0	0.0
Iowa												
Northern	11	n/a	n/a	6	0	0.0	26	0	0.0	53	0	0.0
Southern	14	n/a	n/a	4	0	0.0	25	0	0.0	84	0	0.0
Minnesota	24	n/a	n/a	2	0	0.0	16	0	0.0	49	0	0.0
Missouri												
Eastern	50	n/a	n/a	12	0	0.0	88	0	0.0	217	0	0.0
Western	19	n/a	n/a	12	0	0.0	48	0	0.0	85	0	0.0
Nebraska	12	n/a	n/a	4	0	0.0	25	0	0.0	73	0	0.0
North Dakota	10	n/a	n/a	7	0	0.0	13	0	0.0	40	0	0.0
South Dakota	14	n/a	n/a	4	0	0.0	12	0	0.0	37	0	0.0

Rate of §5K3.1 Early Disposition Program Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	294	n/a	n/a	96	2	2.1	548	9	1.6	1,105	2	0.2
Alaska	12	n/a	n/a	2	0	0.0	15	0	0.0	20	0	0.0
Arizona	28	n/a	n/a	5	2	40.0	35	8	22.9	101	2	2.0
California												
Central	15	n/a	n/a	15	0	0.0	66	0	0.0	224	0	0.0
Eastern	45	n/a	n/a	16	0	0.0	137	0	0.0	156	0	0.0
Northern	33	n/a	n/a	11	0	0.0	57	0	0.0	87	0	0.0
Southern	24	n/a	n/a	4	0	0.0	14	1	7.1	107	0	0.0
Guam	0	n/a	n/a	0	0	0.0	4	0	0.0	0	0	0.0
Hawaii	15	n/a	n/a	4	0	0.0	14	0	0.0	21	0	0.0
Idaho	11	n/a	n/a	0	0	0.0	16	0	0.0	40	0	0.0
Montana	24	n/a	n/a	5	0	0.0	54	0	0.0	103	0	0.0
Nevada	19	n/a	n/a	5	0	0.0	22	0	0.0	62	0	0.0
Northern Mariana Islands	0	n/a	n/a	0	0	0.0	1	0	0.0	0	0	0.0
Oregon	21	n/a	n/a	5	0	0.0	38	0	0.0	71	0	0.0
Washington												
Eastern	10	n/a	n/a	4	0	0.0	29	0	0.0	32	0	0.0
Western	37	n/a	n/a	20	0	0.0	46	0	0.0	81	0	0.0
TENTH CIRCUIT	159	n/a	n/a	49	0	0.0	214	0	0.0	339	0	0.0
Colorado	23	n/a	n/a	8	0	0.0	36	0	0.0	27	0	0.0
Kansas	41	n/a	n/a	12	0	0.0	45	0	0.0	56	0	0.0
New Mexico	17	n/a	n/a	6	0	0.0	4	0	0.0	35	0	0.0
Oklahoma												
Eastern	4	n/a	n/a	1	0	0.0	6	0	0.0	8	0	0.0
Northern	21	n/a	n/a	3	0	0.0	12	0	0.0	28	0	0.0
Western	18	n/a	n/a	8	0	0.0	22	0	0.0	43	0	0.0
Utah	23	n/a	n/a	6	0	0.0	58	0	0.0	100	0	0.0
Wyoming	12	n/a	n/a	5	0	0.0	31	0	0.0	42	0	0.0
ELEVENTH CIRCUIT	310	n/a	n/a	81	0	0.0	333	0	0.0	647	0	0.0
Alabama												
Middle	8	n/a	n/a	2	0	0.0	16	0	0.0	23	0	0.0
Northern	40	n/a	n/a	12	0	0.0	30	0	0.0	67	0	0.0
Southern	15	n/a	n/a	1	0	0.0	24	0	0.0	31	0	0.0
Florida												
Middle	99	n/a	n/a	26	0	0.0	102	0	0.0	204	0	0.0
Northern	21	n/a	n/a	5	0	0.0	18	0	0.0	55	0	0.0
Southern	72	n/a	n/a	13	0	0.0	69	0	0.0	146	0	0.0
Georgia												
Middle	13	n/a	n/a	1	0	0.0	16	0	0.0	16	0	0.0
Northern	37	n/a	n/a	14	0	0.0	39	0	0.0	63	0	0.0
Southern	5	n/a	n/a	7	0	0.0	19	0	0.0	42	0	0.0

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Other Government Sponsored Below Range Sentences by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	<i>(6/13/96 - 04/30/03)</i>			<i>(5/1/03 - 6/24/04)</i>			<i>(1/12/05 - 12/10/07)</i>			<i>(12/11/07-9/30/11)</i>		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	2,295	n/a	n/a	637	7	1.1	2,999	113	3.8	5,977	620	10.4
D.C. CIRCUIT	7	n/a	n/a	3	0	0.0	8	0	0.0	49	8	16.3
District of Columbia	7	n/a	n/a	3	0	0.0	8	0	0.0	49	8	16.3
FIRST CIRCUIT	114	n/a	n/a	19	0	0.0	90	6	6.7	117	21	17.9
Maine	37	n/a	n/a	4	0	0.0	24	0	0.0	29	0	0.0
Massachusetts	52	n/a	n/a	4	0	0.0	34	3	8.8	48	14	29.2
New Hampshire	17	n/a	n/a	2	0	0.0	8	1	12.5	12	2	16.7
Puerto Rico	4	n/a	n/a	9	0	0.0	22	2	9.1	15	3	20.0
Rhode Island	4	n/a	n/a	0	0	0.0	2	0	0.0	13	2	15.4
SECOND CIRCUIT	175	n/a	n/a	59	0	0.0	205	6	2.9	466	38	8.2
Connecticut	29	n/a	n/a	7	0	0.0	24	0	0.0	33	1	3.0
New York												
Eastern	37	n/a	n/a	23	0	0.0	34	2	5.9	72	0	0.0
Northern	40	n/a	n/a	6	0	0.0	41	1	2.4	144	5	3.5
Southern	27	n/a	n/a	9	0	0.0	40	0	0.0	61	4	6.6
Western	33	n/a	n/a	9	0	0.0	63	3	4.8	135	24	17.8
Vermont	9	n/a	n/a	5	0	0.0	3	0	0.0	21	4	19.0
THIRD CIRCUIT	148	n/a	n/a	29	0	0.0	223	4	1.8	432	31	7.2
Delaware	5	n/a	n/a	0	0	0.0	5	0	0.0	31	2	6.5
New Jersey	65	n/a	n/a	11	0	0.0	89	0	0.0	118	6	5.1
Pennsylvania												
Eastern	31	n/a	n/a	2	0	0.0	35	0	0.0	68	0	0.0
Middle	27	n/a	n/a	8	0	0.0	45	3	6.7	72	22	30.6
Western	20	n/a	n/a	8	0	0.0	48	1	2.1	141	1	0.7
Virgin Islands	0	n/a	n/a	0	0	0.0	1	0	0.0	2	0	0.0
FOURTH CIRCUIT	253	n/a	n/a	57	0	0.0	267	5	1.9	541	35	6.5
Maryland	47	n/a	n/a	7	0	0.0	42	3	7.1	92	13	14.1
North Carolina												
Eastern	19	n/a	n/a	10	0	0.0	16	0	0.0	42	0	0.0
Middle	18	n/a	n/a	5	0	0.0	19	0	0.0	31	0	0.0
Western	32	n/a	n/a	2	0	0.0	21	0	0.0	40	2	5.0
South Carolina	41	n/a	n/a	16	0	0.0	51	0	0.0	80	3	3.8
Virginia												
Eastern	60	n/a	n/a	7	0	0.0	75	2	2.7	178	9	5.1
Western	15	n/a	n/a	6	0	0.0	22	0	0.0	27	6	22.2
West Virginia												
Northern	7	n/a	n/a	4	0	0.0	13	0	0.0	32	2	6.3
Southern	14	n/a	n/a	0	0	0.0	8	0	0.0	19	0	0.0

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	291	n/a	n/a	79	1	1.3	301	4	1.3	606	27	4.5
Louisiana												
Eastern	11	n/a	n/a	2	0	0.0	9	0	0.0	28	1	3.6
Middle	5	n/a	n/a	2	0	0.0	6	1	16.7	10	0	0.0
Western	25	n/a	n/a	10	0	0.0	34	0	0.0	38	0	0.0
Mississippi												
Northern	3	n/a	n/a	2	0	0.0	18	1	5.6	32	1	3.1
Southern	18	n/a	n/a	0	0	0.0	12	0	0.0	40	3	7.5
Texas												
Eastern	33	n/a	n/a	17	0	0.0	61	0	0.0	102	7	6.9
Northern	43	n/a	n/a	16	0	0.0	48	0	0.0	125	5	4.0
Southern	103	n/a	n/a	18	1	5.6	49	1	2.0	79	2	2.5
Western	50	n/a	n/a	12	0	0.0	64	1	1.6	152	8	5.3
SIXTH CIRCUIT	214	n/a	n/a	69	1	1.4	334	12	3.6	595	47	7.9
Kentucky												
Eastern	19	n/a	n/a	12	1	8.3	39	0	0.0	62	2	3.2
Western	15	n/a	n/a	3	0	0.0	36	2	5.6	49	2	4.1
Michigan												
Eastern	29	n/a	n/a	9	0	0.0	46	1	2.2	118	11	9.3
Western	18	n/a	n/a	6	0	0.0	34	0	0.0	55	0	0.0
Ohio												
Northern	47	n/a	n/a	20	0	0.0	65	1	1.5	90	3	3.3
Southern	24	n/a	n/a	5	0	0.0	39	1	2.6	104	22	21.2
Tennessee												
Eastern	25	n/a	n/a	6	0	0.0	28	0	0.0	57	0	0.0
Middle	12	n/a	n/a	3	0	0.0	20	1	5.0	23	4	17.4
Western	25	n/a	n/a	5	0	0.0	27	6	22.2	37	3	8.1
SEVENTH CIRCUIT	148	n/a	n/a	39	0	0.0	177	0	0.0	351	22	6.3
Illinois												
Central	38	n/a	n/a	8	0	0.0	44	0	0.0	78	0	0.0
Northern	35	n/a	n/a	13	0	0.0	26	0	0.0	46	1	2.2
Southern	11	n/a	n/a	2	0	0.0	22	0	0.0	61	4	6.6
Indiana												
Northern	14	n/a	n/a	7	0	0.0	16	0	0.0	33	3	9.1
Southern	29	n/a	n/a	5	0	0.0	29	0	0.0	73	6	8.2
Wisconsin												
Eastern	6	n/a	n/a	3	0	0.0	21	0	0.0	45	8	17.8
Western	15	n/a	n/a	1	0	0.0	19	0	0.0	15	0	0.0
EIGHTH CIRCUIT	182	n/a	n/a	57	1	1.8	299	8	2.7	729	76	10.4
Arkansas												
Eastern	19	n/a	n/a	2	0	0.0	21	0	0.0	51	8	15.7
Western	9	n/a	n/a	4	0	0.0	25	0	0.0	40	0	0.0
Iowa												
Northern	11	n/a	n/a	6	0	0.0	26	0	0.0	53	1	1.9
Southern	14	n/a	n/a	4	0	0.0	25	0	0.0	84	16	19.0
Minnesota	24	n/a	n/a	2	0	0.0	16	1	6.3	49	1	2.0
Missouri												
Eastern	50	n/a	n/a	12	0	0.0	88	3	3.4	217	22	10.1
Western	19	n/a	n/a	12	0	0.0	48	1	2.1	85	10	11.8
Nebraska	12	n/a	n/a	4	0	0.0	25	2	8.0	73	17	23.3
North Dakota	10	n/a	n/a	7	1	14.3	13	0	0.0	40	1	2.5
South Dakota	14	n/a	n/a	4	0	0.0	12	1	8.3	37	0	0.0

Rate of Other Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	294	n/a	n/a	96	3	3.1	548	45	8.2	1,105	256	23.2
Alaska	12	n/a	n/a	2	0	0.0	15	2	13.3	20	1	5.0
Arizona	28	n/a	n/a	5	0	0.0	35	7	20.0	101	41	40.6
California												
Central	15	n/a	n/a	15	1	6.7	66	4	6.1	224	50	22.3
Eastern	45	n/a	n/a	16	0	0.0	137	7	5.1	156	26	16.7
Northern	33	n/a	n/a	11	0	0.0	57	4	7.0	87	34	39.1
Southern	24	n/a	n/a	4	2	50.0	14	3	21.4	107	5	4.7
Guam	0	n/a	n/a	0	0	0.0	4	1	25.0	0	0	0.0
Hawaii	15	n/a	n/a	4	0	0.0	14	1	7.1	21	0	0.0
Idaho	11	n/a	n/a	0	0	0.0	16	0	0.0	40	1	2.5
Montana	24	n/a	n/a	5	0	0.0	54	0	0.0	103	2	1.9
Nevada	19	n/a	n/a	5	0	0.0	22	0	0.0	62	5	8.1
Northern Mariana Islands	0	n/a	n/a	0	0	0.0	1	0	0.0	0	0	0.0
Oregon	21	n/a	n/a	5	0	0.0	38	5	13.2	71	25	35.2
Washington												
Eastern	10	n/a	n/a	4	0	0.0	29	3	10.3	32	7	21.9
Western	37	n/a	n/a	20	0	0.0	46	8	17.4	81	59	72.8
TENTH CIRCUIT	159	n/a	n/a	49	0	0.0	214	12	5.6	339	43	12.7
Colorado	23	n/a	n/a	8	0	0.0	36	0	0.0	27	6	22.2
Kansas	41	n/a	n/a	12	0	0.0	45	5	11.1	56	15	26.8
New Mexico	17	n/a	n/a	6	0	0.0	4	1	25.0	35	9	25.7
Oklahoma												
Eastern	4	n/a	n/a	1	0	0.0	6	0	0.0	8	0	0.0
Northern	21	n/a	n/a	3	0	0.0	12	0	0.0	28	0	0.0
Western	18	n/a	n/a	8	0	0.0	22	0	0.0	43	1	2.3
Utah	23	n/a	n/a	6	0	0.0	58	3	5.2	100	8	8.0
Wyoming	12	n/a	n/a	5	0	0.0	31	3	9.7	42	4	9.5
ELEVENTH CIRCUIT	310	n/a	n/a	81	1	1.2	333	11	3.3	647	16	2.5
Alabama												
Middle	8	n/a	n/a	2	0	0.0	16	2	12.5	23	2	8.7
Northern	40	n/a	n/a	12	0	0.0	30	0	0.0	67	2	3.0
Southern	15	n/a	n/a	1	0	0.0	24	0	0.0	31	0	0.0
Florida												
Middle	99	n/a	n/a	26	0	0.0	102	2	2.0	204	4	2.0
Northern	21	n/a	n/a	5	0	0.0	18	1	5.6	55	0	0.0
Southern	72	n/a	n/a	13	0	0.0	69	2	2.9	146	0	0.0
Georgia												
Middle	13	n/a	n/a	1	0	0.0	16	0	0.0	16	0	0.0
Northern	37	n/a	n/a	14	1	7.1	39	4	10.3	63	7	11.1
Southern	5	n/a	n/a	7	0	0.0	19	0	0.0	42	1	2.4

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT District	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
TOTAL	2,295	534	23.3	637	81	12.7	2,999	762	25.4	5,977	2,631	44.0
D.C. CIRCUIT	7	1	14.3	3	0	0.0	8	1	12.5	49	23	46.9
District of Columbia	7	1	14.3	3	0	0.0	8	1	12.5	49	23	46.9
FIRST CIRCUIT	114	41	36.0	19	2	10.5	90	10	11.1	117	51	43.6
Maine	37	6	16.2	4	0	0.0	24	0	0.0	29	14	48.3
Massachusetts	52	31	59.6	4	2	50.0	34	6	17.6	48	18	37.5
New Hampshire	17	1	5.9	2	0	0.0	8	0	0.0	12	2	16.7
Puerto Rico	4	2	50.0	9	0	0.0	22	3	13.6	15	6	40.0
Rhode Island	4	1	25.0	0	0	0.0	2	1	50.0	13	11	84.6
SECOND CIRCUIT	175	63	36.0	59	18	30.5	205	76	37.1	466	268	57.5
Connecticut	29	13	44.8	7	2	28.6	24	8	33.3	33	23	69.7
New York												
Eastern	37	21	56.8	23	13	56.5	34	25	73.5	72	59	81.9
Northern	40	8	20.0	6	1	16.7	41	6	14.6	144	80	55.6
Southern	27	9	33.3	9	1	11.1	40	26	65.0	61	46	75.4
Western	33	6	18.2	9	0	0.0	63	10	15.9	135	46	34.1
Vermont	9	6	66.7	5	1	20.0	3	1	33.3	21	14	66.7
THIRD CIRCUIT	148	40	27.0	29	5	17.2	223	71	31.8	432	239	55.3
Delaware	5	1	20.0	0	0	0.0	5	1	20.0	31	20	64.5
New Jersey	65	18	27.7	11	3	27.3	89	31	34.8	118	66	55.9
Pennsylvania												
Eastern	31	12	38.7	2	1	50.0	35	20	57.1	68	49	72.1
Middle	27	8	29.6	8	1	12.5	45	11	24.4	72	22	30.6
Western	20	1	5.0	8	0	0.0	48	8	16.7	141	82	58.2
Virgin Islands	0	0	0.0	0	0	0.0	1	0	0.0	2	0	0.0
FOURTH CIRCUIT	253	37	14.6	57	8	14.0	267	56	21.0	541	229	42.3
Maryland	47	16	34.0	7	4	57.1	42	13	31.0	92	35	38.0
North Carolina												
Eastern	19	4	21.1	10	2	20.0	16	2	12.5	42	5	11.9
Middle	18	1	5.6	5	0	0.0	19	2	10.5	31	17	54.8
Western	32	7	21.9	2	0	0.0	21	0	0.0	40	14	35.0
South Carolina	41	4	9.8	16	2	12.5	51	17	33.3	80	42	52.5
Virginia												
Eastern	60	2	3.3	7	0	0.0	75	17	22.7	178	84	47.2
Western	15	2	13.3	6	0	0.0	22	3	13.6	27	12	44.4
West Virginia												
Northern	7	0	0.0	4	0	0.0	13	2	15.4	32	11	34.4
Southern	14	1	7.1	0	0	0.0	8	0	0.0	19	9	47.4

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	N	%	Total	N	%	Total	N	%	Total	N	%
FIFTH CIRCUIT	291	47	16.2	79	10	12.7	301	41	13.6	606	184	30.4
Louisiana												
Eastern	11	4	36.4	2	1	50.0	9	4	44.4	28	8	28.6
Middle	5	1	20.0	2	1	50.0	6	1	16.7	10	3	30.0
Western	25	5	20.0	10	2	20.0	34	5	14.7	38	13	34.2
Mississippi												
Northern	3	0	0.0	2	1	50.0	18	3	16.7	32	10	31.3
Southern	18	3	16.7	0	0	0.0	12	1	8.3	40	10	25.0
Texas												
Eastern	33	4	12.1	17	3	17.6	61	8	13.1	102	21	20.6
Northern	43	3	7.0	16	1	6.3	48	4	8.3	125	31	24.8
Southern	103	16	15.5	18	1	5.6	49	7	14.3	79	30	38.0
Western	50	11	22.0	12	0	0.0	64	8	12.5	152	58	38.2
SIXTH CIRCUIT	214	60	28.0	69	11	15.9	334	103	30.8	595	271	45.5
Kentucky												
Eastern	19	5	26.3	12	1	8.3	39	4	10.3	62	12	19.4
Western	15	2	13.3	3	1	33.3	36	11	30.6	49	19	38.8
Michigan												
Eastern	29	15	51.7	9	2	22.2	46	14	30.4	118	55	46.6
Western	18	7	38.9	6	0	0.0	34	12	35.3	55	31	56.4
Ohio												
Northern	47	17	36.2	20	5	25.0	65	31	47.7	90	64	71.1
Southern	24	6	25.0	5	0	0.0	39	17	43.6	104	52	50.0
Tennessee												
Eastern	25	3	12.0	6	1	16.7	28	2	7.1	57	13	22.8
Middle	12	2	16.7	3	0	0.0	20	3	15.0	23	9	39.1
Western	25	3	12.0	5	1	20.0	27	9	33.3	37	16	43.2
SEVENTH CIRCUIT	148	18	12.2	39	1	2.6	177	34	19.2	351	147	41.9
Illinois												
Central	38	3	7.9	8	0	0.0	44	8	18.2	78	37	47.4
Northern	35	6	17.1	13	0	0.0	26	8	30.8	46	22	47.8
Southern	11	2	18.2	2	1	50.0	22	1	4.5	61	25	41.0
Indiana												
Northern	14	3	21.4	7	0	0.0	16	2	12.5	33	6	18.2
Southern	29	2	6.9	5	0	0.0	29	5	17.2	73	20	27.4
Wisconsin												
Eastern	6	1	16.7	3	0	0.0	21	9	42.9	45	28	62.2
Western	15	1	6.7	1	0	0.0	19	1	5.3	15	9	60.0
EIGHTH CIRCUIT	182	35	19.2	57	4	7.0	299	47	15.7	729	298	40.9
Arkansas												
Eastern	19	2	10.5	2	0	0.0	21	6	28.6	51	18	35.3
Western	9	2	22.2	4	0	0.0	25	3	12.0	40	12	30.0
Iowa												
Northern	11	2	18.2	6	0	0.0	26	3	11.5	53	20	37.7
Southern	14	2	14.3	4	3	75.0	25	6	24.0	84	33	39.3
Minnesota	24	9	37.5	2	0	0.0	16	4	25.0	49	29	59.2
Missouri												
Eastern	50	4	8.0	12	1	8.3	88	11	12.5	217	67	30.9
Western	19	3	15.8	12	0	0.0	48	6	12.5	85	33	38.8
Nebraska	12	4	33.3	4	0	0.0	25	7	28.0	73	41	56.2
North Dakota	10	1	10.0	7	0	0.0	13	1	7.7	40	17	42.5
South Dakota	14	6	42.9	4	0	0.0	12	0	0.0	37	28	75.7

Rate of Non-Government Sponsored Below Range Sentences by Circuit and District (cont.)

CIRCUIT	<i>Koon</i> Period (6/13/96 - 04/30/03)			PROTECT Act Period (5/1/03 - 6/24/04)			<i>Booker</i> Period (1/12/05 - 12/10/07)			<i>Gall</i> Period (12/11/07-9/30/11)		
	Total	N	%	Total	N	%	Total	N	%	Total	N	%
NINTH CIRCUIT	294	105	35.7	96	14	14.6	548	184	33.6	1,105	474	42.9
Alaska	12	5	41.7	2	0	0.0	15	6	40.0	20	14	70.0
Arizona	28	17	60.7	5	1	20.0	35	9	25.7	101	36	35.6
California												
Central	15	4	26.7	15	1	6.7	66	27	40.9	224	110	49.1
Eastern	45	13	28.9	16	2	12.5	137	35	25.5	156	56	35.9
Northern	33	6	18.2	11	1	9.1	57	23	40.4	87	30	34.5
Southern	24	14	58.3	4	0	0.0	14	5	35.7	107	75	70.1
Guam	0	0	0.0	0	0	0.0	4	0	0.0	0	0	0.0
Hawaii	15	4	26.7	4	0	0.0	14	10	71.4	21	16	76.2
Idaho	11	2	18.2	0	0	0.0	16	8	50.0	40	22	55.0
Montana	24	14	58.3	5	0	0.0	54	11	20.4	103	51	49.5
Nevada	19	1	5.3	5	0	0.0	22	2	9.1	62	20	32.3
Northern Mariana Islands	0	0	0.0	0	0	0.0	1	0	0.0	0	0	0.0
Oregon	21	11	52.4	5	3	60.0	38	12	31.6	71	21	29.6
Washington												
Eastern	10	2	20.0	4	0	0.0	29	13	44.8	32	18	56.3
Western	37	12	32.4	20	6	30.0	46	23	50.0	81	5	6.2
TENTH CIRCUIT	159	37	23.3	49	3	6.1	214	50	23.4	339	145	42.8
Colorado	23	6	26.1	8	0	0.0	36	10	27.8	27	8	29.6
Kansas	41	14	34.1	12	0	0.0	45	9	20.0	56	18	32.1
New Mexico	17	3	17.6	6	1	16.7	4	0	0.0	35	6	17.1
Oklahoma												
Eastern	4	2	50.0	1	0	0.0	6	0	0.0	8	2	25.0
Northern	21	6	28.6	3	0	0.0	12	1	8.3	28	14	50.0
Western	18	1	5.6	8	0	0.0	22	9	40.9	43	22	51.2
Utah	23	4	17.4	6	2	33.3	58	14	24.1	100	55	55.0
Wyoming	12	1	8.3	5	0	0.0	31	7	22.6	42	20	47.6
ELEVENTH CIRCUIT	310	50	16.1	81	5	6.2	333	89	26.7	647	302	46.7
Alabama												
Middle	8	1	12.5	2	0	0.0	16	0	0.0	23	13	56.5
Northern	40	2	5.0	12	1	8.3	30	5	16.7	67	15	22.4
Southern	15	2	13.3	1	0	0.0	24	5	20.8	31	17	54.8
Florida												
Middle	99	8	8.1	26	2	7.7	102	32	31.4	204	127	62.3
Northern	21	1	4.8	5	0	0.0	18	5	27.8	55	21	38.2
Southern	72	26	36.1	13	0	0.0	69	13	18.8	146	68	46.6
Georgia												
Middle	13	2	15.4	1	0	0.0	16	3	18.8	16	3	18.8
Northern	37	8	21.6	14	0	0.0	39	20	51.3	63	26	41.3
Southern	5	0	0.0	7	2	28.6	19	6	31.6	42	12	28.6

Cases missing information necessary to determine sentence position relative to the guideline range were excluded from the analysis.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Length of Imprisonment by Circuit and District
Child Pornography Non-Production Offenses
Koon Period through *Gall* Period

CIRCUIT	<i>Koon</i> Period			PROTECT Act Period			<i>Booker</i> Period			<i>Gall</i> Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
TOTAL	2,300	36	34	637	45	47	3,001	88	82	5,977	115	93
D.C. CIRCUIT	7	37	36	3	34	36	8	131	146	49	120	70
District of Columbia	7	37	36	3	34	36	8	131	146	49	120	70
FIRST CIRCUIT	114	30	25	19	42	43	90	62	61	117	100	78
Maine	37	39	39	4	37	40	24	56	59	29	112	99
Massachusetts	52	22	13	4	39	32	34	70	67	48	95	72
New Hampshire	17	38	36	2	41	41	8	94	87	12	99	86
Puerto Rico	4	21	14	9	46	50	22	41	44	15	84	60
Rhode Island	4	24	20	0	0	0	2	83	75	13	111	66
SECOND CIRCUIT	175	36	30	59	45	38	205	91	76	466	117	81
Connecticut	29	27	21	7	56	57	24	63	48	33	66	48
New York												
Eastern	37	41	23	23	38	20	34	77	48	72	106	60
Northern	40	39	39	6	54	50	41	127	113	144	142	105
Southern	27	39	40	9	51	47	40	75	54	61	105	59
Western	33	31	30	9	52	54	63	94	88	135	115	90
Vermont	9	40	29	5	32	30	3	158	132	21	110	52
THIRD CIRCUIT	148	28	24	29	35	37	223	62	56	432	99	74
Delaware	5	30	33	0	0	0	5	56	48	31	86	68
New Jersey	65	24	21	11	39	38	89	44	39	118	76	54
Pennsylvania												
Eastern	31	41	30	2	49	18	35	78	68	68	117	80
Middle	27	26	22	8	31	39	45	80	72	72	135	103
Western	20	26	26	8	31	38	48	69	66	141	93	73
Virgin Islands	0	0	0	0	0	0	1	60	60	2	103	105
FOURTH CIRCUIT	254	34	33	57	43	45	267	79	77	541	114	98
Maryland	47	32	30	7	52	38	42	74	65	92	106	86
North Carolina												
Eastern	19	28	31	10	32	28	16	145	140	42	159	172
Middle	18	53	54	5	33	35	19	73	76	31	111	98
Western	32	28	22	2	26	26	21	79	80	40	158	138
South Carolina	41	35	35	16	52	50	51	60	52	80	81	62
Virginia												
Eastern	61	32	33	7	40	42	75	78	73	178	118	100
Western	15	32	32	6	53	54	22	99	105	27	121	92
West Virginia												
Northern	7	45	52	4	32	87	13	63	85	32	89	73
Southern	14	35	35	0	0	0	8	90	99	19	115	97

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months	Total	Mean Guideline Minimum	Mean Months
FIFTH CIRCUIT	291	44	43	79	45	48	301	95	96	606	117	107
Louisiana												
Eastern	11	30	29	2	42	29	9	66	59	28	100	94
Middle	5	44	42	2	49	47	6	78	66	10	81	68
Western	25	28	24	10	33	33	34	70	77	38	95	90
Mississippi												
Northern	3	50	51	2	27	21	18	59	68	32	89	82
Southern	18	32	29	0	0	0	12	53	55	40	93	98
Texas												
Eastern	33	36	38	17	33	33	61	79	80	102	89	86
Northern	43	72	64	16	51	58	48	125	130	125	147	137
Southern	103	43	45	18	52	58	49	137	130	79	120	112
Western	50	40	40	12	54	59	64	91	94	152	133	112
SIXTH CIRCUIT	214	34	32	69	57	61	334	101	90	595	132	106
Kentucky												
Eastern	19	28	23	12	123	132	39	117	123	62	133	129
Western	15	53	53	3	37	30	36	146	125	49	178	155
Michigan												
Eastern	29	31	27	9	55	58	46	74	64	118	118	90
Western	18	31	24	6	33	42	34	75	69	55	154	119
Ohio												
Northern	47	33	31	20	45	46	65	104	87	90	160	118
Southern	24	19	14	5	39	44	39	77	66	104	100	63
Tennessee												
Eastern	25	32	32	6	45	50	28	114	119	57	119	117
Middle	12	31	31	3	35	40	20	88	71	23	156	119
Western	25	48	53	5	38	37	27	116	95	37	113	99
SEVENTH CIRCUIT	148	39	42	39	56	69	177	101	102	351	147	124
Illinois												
Central	38	39	40	8	61	67	44	108	115	78	156	140
Northern	35	37	40	13	52	69	26	98	92	46	156	123
Southern	11	40	37	2	46	33	22	120	134	61	132	121
Indiana												
Northern	14	31	40	7	40	61	16	86	83	33	131	116
Southern	29	39	43	5	55	58	29	101	95	73	180	153
Wisconsin												
Eastern	6	25	23	3	34	34	21	77	60	45	106	62
Western	15	52	66	1	262	360	19	110	121	15	122	110
EIGHTH CIRCUIT	183	32	30	57	44	49	299	91	90	729	111	89
Arkansas												
Eastern	19	50	45	2	89	91	21	58	65	51	92	84
Western	9	30	28	4	33	38	25	105	104	40	141	128
Iowa												
Northern	11	35	37	6	54	63	26	104	114	53	155	126
Southern	14	33	32	4	52	43	25	143	146	84	134	108
Minnesota	25	31	28	2	44	45	16	110	103	49	110	87
Missouri												
Eastern	50	27	28	12	37	47	88	80	81	217	71	62
Western	19	24	26	12	55	68	48	103	95	85	154	132
Nebraska	12	24	21	4	35	35	25	59	49	73	139	78
North Dakota	10	43	36	7	34	32	13	89	89	40	94	86
South Dakota	14	27	25	4	23	17	12	60	61	37	90	53

Average Guideline Minimum and Length of Imprisonment by Circuit and District (cont.)

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
	(6/13/96 - 04/30/03)			(5/1/03 - 6/24/04)			(1/12/05 - 12/10/07)			(12/11/07-9/30/11)		
District	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean	Total	Mean	Mean
		Guideline			Guideline			Guideline			Guideline	
		Minimum	Months		Minimum	Months		Minimum	Months		Minimum	Months
NINTH CIRCUIT	295	34	30	96	36	34	550	77	68	1,105	103	76
Alaska	13	31	28	2	27	34	15	82	71	20	109	83
Arizona	28	26	18	5	62	47	35	74	57	101	107	68
California												
Central	15	29	26	15	30	29	68	62	53	224	91	63
Eastern	45	36	32	16	45	44	137	85	78	156	130	101
Northern	33	38	39	11	32	31	57	63	50	87	97	68
Southern	24	42	32	4	22	20	14	58	48	107	84	61
Guam	0	0	0	0	0	0	4	77	54	0	0	0
Hawaii	15	29	24	4	55	55	14	65	50	21	81	50
Idaho	11	34	40	0	0	0	16	103	95	40	98	89
Montana	24	38	29	5	35	38	54	97	101	103	113	99
Nevada	19	38	42	5	37	38	22	83	86	62	99	88
Northern Mariana Islands	0	0	0	0	0	0	1	60	60	0	0	0
Oregon	21	26	19	5	34	25	38	64	62	71	98	73
Washington												
Eastern	10	31	27	4	35	35	29	92	66	32	100	69
Western	37	33	31	20	30	27	46	75	54	81	111	69
TENTH CIRCUIT	160	31	28	49	44	45	214	93	86	339	100	82
Colorado	23	24	24	8	50	53	36	93	92	27	109	91
Kansas	41	37	30	12	46	48	45	105	94	56	124	95
New Mexico	17	24	23	6	31	31	4	25	18	35	79	68
Oklahoma												
Eastern	4	38	22	1	51	51	6	72	77	8	89	81
Northern	21	31	29	3	21	22	12	94	101	28	87	74
Western	18	35	34	8	62	64	22	82	68	43	109	90
Utah	24	26	21	6	41	38	58	75	71	100	79	67
Wyoming	12	41	43	5	33	34	31	128	116	42	132	108
ELEVENTH CIRCUIT	311	41	41	81	51	55	333	103	97	647	129	108
Alabama												
Middle	8	27	18	2	47	73	16	95	110	23	166	135
Northern	40	47	57	12	59	69	30	110	111	67	109	107
Southern	15	31	29	1	27	33	24	100	87	31	131	98
Florida												
Middle	100	36	35	26	48	51	102	103	95	204	129	101
Northern	21	38	35	5	48	44	18	124	141	55	160	138
Southern	72	46	42	13	42	44	69	114	107	146	134	113
Georgia												
Middle	13	27	29	1	46	60	16	60	55	16	93	94
Northern	37	47	46	14	65	70	39	99	80	63	124	95
Southern	5	58	63	7	42	40	19	91	82	42	108	102

Sentences of probation only are included as zero (0) months of imprisonment. Life sentences and other sentences exceeding 470 months are capped at 470 months. This analysis includes time of confinement as described in USSG §5C1.1 (Imposition of a Term of Imprisonment). Some cases were excluded due to missing or indeterminable sentencing information.

Guideline minimums account for applicable statutory mandatory penalties. Guideline minimums of life and other guideline minimums exceeding 470 months are capped at 470 months.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	Koon Period (6/13/96 - 4/30/03)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Alabama, Middle	62.5	5	8
North Dakota	40.0	4	10
New Hampshire	29.4	5	17
Oklahoma, Eastern	25.0	1	4
Ohio, Southern	20.8	5	24
Delaware	20.0	1	5
Pennsylvania, Eastern	19.4	6	31
Illinois, Southern	18.2	2	11
Idaho	18.2	2	11
Utah	17.4	4	23
Mississippi, Southern	16.7	3	18
Tennessee, Eastern	16.0	4	25
Pennsylvania, Western	15.0	3	20
Pennsylvania, Middle	14.8	4	27
Oregon	14.3	3	21
Florida, Northern	14.3	3	21
Iowa, Southern	14.3	2	14
District of Columbia	14.3	1	7
Hawaii	13.3	2	15
New York, Northern	12.5	5	40
Virginia, Eastern	11.7	7	60
Maryland	10.6	5	47
Kentucky, Eastern	10.5	2	19
Washington, Eastern	10.0	1	10
Massachusetts	9.6	5	52
Texas, Northern	9.3	4	43
New Jersey	9.2	6	65
California, Northern	9.1	3	33
California, Southern	8.3	2	24
Nebraska	8.3	1	12
Wyoming	8.3	1	12
New York, Eastern	8.1	3	37
Washington, Western	8.1	3	37
Texas, Western	8.0	4	50
Louisiana, Western	8.0	2	25
Kansas	7.3	3	41
Arizona	7.1	2	28
Florida, Middle	7.1	7	99
Florida, Southern	6.9	5	72
Connecticut	6.9	2	29
Kentucky, Western	6.7	1	15
Alabama, Southern	6.7	1	15

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

<i>Koon</i>				
Period				
(6/13/96 - 4/30/03)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed	
Ohio, Northern	6.4	3	47	
North Carolina, Western	6.3	2	32	
New Mexico	5.9	1	17	
Texas, Southern	5.8	6	103	
North Carolina, Middle	5.6	1	18	
Michigan, Western	5.6	1	18	
Oklahoma, Western	5.6	1	18	
Illinois, Central	5.3	2	38	
North Carolina, Eastern	5.3	1	19	
Oklahoma, Northern	4.8	1	21	
Colorado	4.3	1	23	
Minnesota	4.2	1	24	
New York, Southern	3.7	1	27	
Michigan, Eastern	3.4	1	29	
New York, Western	3.0	1	33	
Illinois, Northern	2.9	1	35	
Maine	2.7	1	37	
Georgia, Northern	2.7	1	37	
South Carolina	2.4	1	41	
California, Eastern	2.2	1	45	
Missouri, Eastern	0.0	0	50	
Alabama, Northern	0.0	0	40	
Texas, Eastern	0.0	0	33	
Indiana, Southern	0.0	0	29	
Tennessee, Western	0.0	0	25	
Montana	0.0	0	24	
Arkansas, Eastern	0.0	0	19	
Missouri, Western	0.0	0	19	
Nevada	0.0	0	19	
Virginia, Western	0.0	0	15	
Wisconsin, Western	0.0	0	15	
California, Central	0.0	0	15	
West Virginia, Southern	0.0	0	14	
Indiana, Northern	0.0	0	14	
South Dakota	0.0	0	14	
Georgia, Middle	0.0	0	13	
Tennessee, Middle	0.0	0	12	
Alaska	0.0	0	12	
Louisiana, Eastern	0.0	0	11	
Iowa, Northern	0.0	0	11	
Vermont	0.0	0	9	
Arkansas, Western	0.0	0	9	
West Virginia, Northern	0.0	0	7	
Wisconsin, Eastern	0.0	0	6	
Louisiana, Middle	0.0	0	5	
Georgia, Southern	0.0	0	5	
Puerto Rico	0.0	0	4	
Rhode Island	0.0	0	4	
Mississippi, Northern	0.0	0	3	

The following districts had no child pornography non-production offenses in the selected time period: Virgin Islands, Guam, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	PROTECT Act Period (5/1/03 - 6/24/04)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
California, Southern	50.0	2	4
Arizona	40.0	2	5
North Dakota	28.6	2	7
South Dakota	25.0	1	4
Oregon	20.0	1	5
California, Northern	18.2	2	11
Kentucky, Eastern	16.7	2	12
California, Central	13.3	2	15
Pennsylvania, Middle	12.5	1	8
New York, Western	11.1	1	9
Louisiana, Western	10.0	1	10
New York, Eastern	8.7	2	23
Missouri, Western	8.3	1	12
Georgia, Northern	7.1	1	14
Texas, Eastern	5.9	1	17
Texas, Southern	5.6	1	18
Florida, Middle	3.8	1	26
Ohio, Northern	0.0	0	20
Washington, Western	0.0	0	20
South Carolina	0.0	0	16
Texas, Northern	0.0	0	16
California, Eastern	0.0	0	16
Illinois, Northern	0.0	0	13
Florida, Southern	0.0	0	13
Texas, Western	0.0	0	12
Missouri, Eastern	0.0	0	12
Kansas	0.0	0	12
Alabama, Northern	0.0	0	12
New Jersey	0.0	0	11
North Carolina, Eastern	0.0	0	10
Puerto Rico	0.0	0	9
New York, Southern	0.0	0	9
Michigan, Eastern	0.0	0	9
Pennsylvania, Western	0.0	0	8
Illinois, Central	0.0	0	8
Colorado	0.0	0	8
Oklahoma, Western	0.0	0	8
Connecticut	0.0	0	7
Maryland	0.0	0	7
Virginia, Eastern	0.0	0	7
Indiana, Northern	0.0	0	7
Georgia, Southern	0.0	0	7

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

PROTECT Act				
Period				
(5/1/03 - 6/24/04)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed	
New York, Northern	0.0	0		6
Virginia, Western	0.0	0		6
Michigan, Western	0.0	0		6
Tennessee, Eastern	0.0	0		6
Iowa, Northern	0.0	0		6
New Mexico	0.0	0		6
Utah	0.0	0		6
Vermont	0.0	0		5
North Carolina, Middle	0.0	0		5
Ohio, Southern	0.0	0		5
Tennessee, Western	0.0	0		5
Indiana, Southern	0.0	0		5
Montana	0.0	0		5
Nevada	0.0	0		5
Wyoming	0.0	0		5
Florida, Northern	0.0	0		5
Maine	0.0	0		4
Massachusetts	0.0	0		4
West Virginia, Northern	0.0	0		4
Arkansas, Western	0.0	0		4
Iowa, Southern	0.0	0		4
Nebraska	0.0	0		4
Hawaii	0.0	0		4
Washington, Eastern	0.0	0		4
District of Columbia	0.0	0		3
Kentucky, Western	0.0	0		3
Tennessee, Middle	0.0	0		3
Wisconsin, Eastern	0.0	0		3
Oklahoma, Northern	0.0	0		3
New Hampshire	0.0	0		2
Pennsylvania, Eastern	0.0	0		2
North Carolina, Western	0.0	0		2
Louisiana, Eastern	0.0	0		2
Louisiana, Middle	0.0	0		2
Mississippi, Northern	0.0	0		2
Illinois, Southern	0.0	0		2
Arkansas, Eastern	0.0	0		2
Minnesota	0.0	0		2
Alaska	0.0	0		2
Alabama, Middle	0.0	0		2
Wisconsin, Western	0.0	0		1
Oklahoma, Eastern	0.0	0		1
Alabama, Southern	0.0	0		1
Georgia, Middle	0.0	0		1

The following districts had no child pornography non-production offenses in the selected time period: Rhode Island, Delaware, Virgin Islands, Southern West Virginia, Southern Mississippi, Guam, Idaho, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Arizona	51.4	18	35
Louisiana, Middle	33.3	2	6
California, Southern	28.6	4	14
California, Northern	26.3	15	57
Alabama, Middle	25.0	4	16
Guam	25.0	1	4
New Mexico	25.0	1	4
Tennessee, Western	22.2	6	27
Maryland	21.4	9	42
Washington, Western	19.6	9	46
Georgia, Middle	18.8	3	16
Pennsylvania, Middle	15.6	7	45
Kentucky, Western	13.9	5	36
Puerto Rico	13.6	3	22
Alaska	13.3	2	15
Oregon	13.2	5	38
Wyoming	12.9	4	31
Georgia, Northern	12.8	5	39
New York, Western	12.7	8	63
North Carolina, Eastern	12.5	2	16
Minnesota	12.5	2	16
New Hampshire	12.5	1	8
Kansas	11.1	5	45
California, Eastern	10.9	15	137
Michigan, Eastern	10.9	5	46
Utah	10.3	6	58
Washington, Eastern	10.3	3	29
Arkansas, Eastern	9.5	2	21
Illinois, Central	9.1	4	44
Massachusetts	8.8	3	34
New York, Eastern	8.8	3	34
Connecticut	8.3	2	24
Mississippi, Southern	8.3	1	12
South Dakota	8.3	1	12
Texas, Southern	8.2	4	49
Nebraska	8.0	2	25
Kentucky, Eastern	7.7	3	39
Tennessee, Eastern	7.1	2	28
Hawaii	7.1	1	14
Missouri, Western	6.3	3	48
California, Central	6.1	4	66
Missouri, Eastern	5.7	5	88

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed	
Mississippi, Northern	5.6	1	18	
Florida, Northern	5.6	1	18	
Virginia, Eastern	5.3	4	75	
Tennessee, Middle	5.0	1	20	
New York, Northern	4.9	2	41	
North Carolina, Western	4.8	1	21	
Wisconsin, Eastern	4.8	1	21	
Florida, Southern	4.3	3	69	
Pennsylvania, Western	4.2	2	48	
Arkansas, Western	4.0	1	25	
Florida, Middle	3.9	4	102	
South Carolina	3.9	2	51	
Illinois, Northern	3.8	1	26	
Indiana, Southern	3.4	1	29	
New Jersey	3.4	3	89	
Alabama, Northern	3.3	1	30	
Texas, Western	3.1	2	64	
Ohio, Southern	2.6	1	39	
Texas, Northern	2.1	1	48	
Ohio, Northern	1.5	1	65	
Texas, Eastern	0.0	0	61	
Montana	0.0	0	54	
New York, Southern	0.0	0	40	
Colorado	0.0	0	36	
Pennsylvania, Eastern	0.0	0	35	
Louisiana, Western	0.0	0	34	
Michigan, Western	0.0	0	34	
Iowa, Northern	0.0	0	26	
Iowa, Southern	0.0	0	25	
Maine	0.0	0	24	
Alabama, Southern	0.0	0	24	
Virginia, Western	0.0	0	22	
Illinois, Southern	0.0	0	22	
Nevada	0.0	0	22	
Oklahoma, Western	0.0	0	22	
North Carolina, Middle	0.0	0	19	
Wisconsin, Western	0.0	0	19	
Georgia, Southern	0.0	0	19	
Indiana, Northern	0.0	0	16	
Idaho	0.0	0	16	
West Virginia, Northern	0.0	0	13	
North Dakota	0.0	0	13	
Oklahoma, Northern	0.0	0	12	
Louisiana, Eastern	0.0	0	9	
District of Columbia	0.0	0	8	
West Virginia, Southern	0.0	0	8	
Oklahoma, Eastern	0.0	0	6	
Delaware	0.0	0	5	
Vermont	0.0	0	3	
Rhode Island	0.0	0	2	
Virgin Islands	0.0	0	1	
Northern Mariana Islands	0.0	0	1	

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	<i>Gall</i> Period	
		(12/11/07 - 9/30/11)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Washington, Western	75.3	61	81
Arizona	43.6	44	101
California, Northern	41.4	36	87
Pennsylvania, Middle	37.5	27	72
Oregon	36.6	26	71
District of Columbia	34.7	17	49
Indiana, Southern	32.9	24	73
Ohio, Southern	30.8	32	104
Massachusetts	29.2	14	48
Kansas	28.6	16	56
Puerto Rico	26.7	4	15
Nebraska	26.0	19	73
Virginia, Western	25.9	7	27
Colorado	25.9	7	27
New Mexico	25.7	9	35
Washington, Eastern	25.0	8	32
California, Central	24.6	55	224
Wisconsin, Eastern	24.4	11	45
California, Eastern	22.4	35	156
Tennessee, Middle	21.7	5	23
Iowa, Southern	20.2	17	84
Maryland	19.6	18	92
New York, Western	19.3	26	135
Vermont	19.0	4	21
New Hampshire	16.7	2	12
Arkansas, Eastern	15.7	8	51
Rhode Island	15.4	2	13
Indiana, Northern	15.2	5	33
Georgia, Northern	14.3	9	63
Wyoming	14.3	6	42
Michigan, Eastern	13.6	16	118
Alabama, Middle	13.0	3	23
West Virginia, Northern	12.5	4	32
Missouri, Western	11.8	10	85
Nevada	11.3	7	62
Missouri, Eastern	11.1	24	217
Kentucky, Western	10.2	5	49
North Dakota	10.0	4	40
Louisiana, Middle	10.0	1	10
Kentucky, Eastern	9.7	6	62
Hawaii	9.5	2	21
Connecticut	9.1	3	33

**Spread of Rates of Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

District	Percent	Gall	
		Period	
		(12/11/07 - 9/30/11)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Utah	9.0	9	100
Tennessee, Western	8.1	3	37
North Carolina, Western	7.5	3	40
Mississippi, Southern	7.5	3	40
Texas, Eastern	6.9	7	102
New Jersey	6.8	8	118
Texas, Western	6.6	10	152
New York, Southern	6.6	4	61
Illinois, Southern	6.6	4	61
Delaware	6.5	2	31
Texas, Northern	6.4	8	125
New York, Northern	6.3	9	144
Alabama, Northern	6.0	4	67
Iowa, Northern	5.7	3	53
Virginia, Eastern	5.6	10	178
California, Southern	5.6	6	107
West Virginia, Southern	5.3	1	19
Alaska	5.0	1	20
Georgia, Southern	4.8	2	42
Oklahoma, Western	4.7	2	43
Florida, Middle	4.4	9	204
Pennsylvania, Eastern	4.4	3	68
Illinois, Northern	4.3	2	46
Minnesota	4.1	2	49
South Carolina	3.8	3	80
Michigan, Western	3.6	2	55
Louisiana, Eastern	3.6	1	28
Ohio, Northern	3.3	3	90
Mississippi, Northern	3.1	1	32
Pennsylvania, Western	2.8	4	141
Illinois, Central	2.6	2	78
Texas, Southern	2.5	2	79
Arkansas, Western	2.5	1	40
Idaho	2.5	1	40
Montana	1.9	2	103
Florida, Northern	1.8	1	55
Tennessee, Eastern	1.8	1	57
New York, Eastern	1.4	1	72
Florida, Southern	1.4	2	146
North Carolina, Eastern	0.0	0	42
Louisiana, Western	0.0	0	38
South Dakota	0.0	0	37
North Carolina, Middle	0.0	0	31
Alabama, Southern	0.0	0	31
Maine	0.0	0	29
Oklahoma, Northern	0.0	0	28
Georgia, Middle	0.0	0	16
Wisconsin, Western	0.0	0	15
Oklahoma, Eastern	0.0	0	8
Virgin Islands	0.0	0	2

The following districts had no child pornography non-production offenses in the selected time period: Guam, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses**

District	Percent	<i>Koon</i> Period	
		(6/13/96 - 4/30/03)	
		Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Alabama, Middle	62.5	5	8
North Dakota	40.0	4	10
New Hampshire	29.4	5	17
Oklahoma, Eastern	25.0	1	4
Ohio, Southern	20.8	5	24
Delaware	20.0	1	5
Pennsylvania, Eastern	19.4	6	31
Illinois, Southern	18.2	2	11
Idaho	18.2	2	11
Utah	17.4	4	23
Mississippi, Southern	16.7	3	18
Tennessee, Eastern	16.0	4	25
Pennsylvania, Western	15.0	3	20
Pennsylvania, Middle	14.8	4	27
Oregon	14.3	3	21
Florida, Northern	14.3	3	21
Iowa, Southern	14.3	2	14
District of Columbia	14.3	1	7
Hawaii	13.3	2	15
New York, Northern	12.5	5	40
Virginia, Eastern	11.7	7	60
Maryland	10.6	5	47
Kentucky, Eastern	10.5	2	19
Washington, Eastern	10.0	1	10
Massachusetts	9.6	5	52
Texas, Northern	9.3	4	43
New Jersey	9.2	6	65
California, Southern	8.3	2	24
Nebraska	8.3	1	12
Wyoming	8.3	1	12
New York, Eastern	8.1	3	37
Washington, Western	8.1	3	37
Texas, Western	8.0	4	50
Louisiana, Western	8.0	2	25
Kansas	7.3	3	41
Arizona	7.1	2	28
Florida, Middle	7.1	7	99
Florida, Southern	6.9	5	72
Connecticut	6.9	2	29
Kentucky, Western	6.7	1	15
Alabama, Southern	6.7	1	15
Ohio, Northern	6.4	3	47

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses (cont.)**

Koon

Period

(6/13/96 - 4/30/03)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
North Carolina, Western	6.3	2	32
California, Northern	6.1	2	33
North Carolina, Middle	5.6	1	18
Michigan, Western	5.6	1	18
Oklahoma, Western	5.6	1	18
Illinois, Central	5.3	2	38
North Carolina, Eastern	5.3	1	19
Texas, Southern	4.9	5	103
Oklahoma, Northern	4.8	1	21
Colorado	4.3	1	23
Minnesota	4.2	1	24
New York, Southern	3.7	1	27
Michigan, Eastern	3.4	1	29
New York, Western	3.0	1	33
Illinois, Northern	2.9	1	35
Maine	2.7	1	37
Georgia, Northern	2.7	1	37
South Carolina	2.4	1	41
California, Eastern	2.2	1	45
Missouri, Eastern	0.0	0	50
Alabama, Northern	0.0	0	40
Texas, Eastern	0.0	0	33
Indiana, Southern	0.0	0	29
Tennessee, Western	0.0	0	25
Montana	0.0	0	24
Arkansas, Eastern	0.0	0	19
Missouri, Western	0.0	0	19
Nevada	0.0	0	19
New Mexico	0.0	0	17
Virginia, Western	0.0	0	15
Wisconsin, Western	0.0	0	15
California, Central	0.0	0	15
West Virginia, Southern	0.0	0	14
Indiana, Northern	0.0	0	14
South Dakota	0.0	0	14
Georgia, Middle	0.0	0	13
Tennessee, Middle	0.0	0	12
Alaska	0.0	0	12
Louisiana, Eastern	0.0	0	11
Iowa, Northern	0.0	0	11
Vermont	0.0	0	9
Arkansas, Western	0.0	0	9
West Virginia, Northern	0.0	0	7
Wisconsin, Eastern	0.0	0	6
Louisiana, Middle	0.0	0	5
Georgia, Southern	0.0	0	5
Puerto Rico	0.0	0	4
Rhode Island	0.0	0	4
Mississippi, Northern	0.0	0	3

The following districts had no child pornography non-production offenses in the selected time period: Virgin Islands, Guam, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses**

District	Percent	PROTECT Act Period (5/1/03 - 6/24/04)	
		Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
South Dakota	25.0	1	4
Oregon	20.0	1	5
California, Northern	18.2	2	11
North Dakota	14.3	1	7
Pennsylvania, Middle	12.5	1	8
New York, Western	11.1	1	9
Louisiana, Western	10.0	1	10
New York, Eastern	8.7	2	23
Kentucky, Eastern	8.3	1	12
Missouri, Western	8.3	1	12
California, Central	6.7	1	15
Texas, Eastern	5.9	1	17
Florida, Middle	3.8	1	26
Ohio, Northern	0.0	0	20
Washington, Western	0.0	0	20
Texas, Southern	0.0	0	18
South Carolina	0.0	0	16
Texas, Northern	0.0	0	16
California, Eastern	0.0	0	16
Georgia, Northern	0.0	0	14
Illinois, Northern	0.0	0	13
Florida, Southern	0.0	0	13
Texas, Western	0.0	0	12
Missouri, Eastern	0.0	0	12
Kansas	0.0	0	12
Alabama, Northern	0.0	0	12
New Jersey	0.0	0	11
North Carolina, Eastern	0.0	0	10
Puerto Rico	0.0	0	9
New York, Southern	0.0	0	9
Michigan, Eastern	0.0	0	9
Pennsylvania, Western	0.0	0	8
Illinois, Central	0.0	0	8
Colorado	0.0	0	8
Oklahoma, Western	0.0	0	8
Connecticut	0.0	0	7
Maryland	0.0	0	7
Virginia, Eastern	0.0	0	7
Indiana, Northern	0.0	0	7
Georgia, Southern	0.0	0	7
New York, Northern	0.0	0	6
Virginia, Western	0.0	0	6

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses (cont.)**

**PROTECT Act
Period**

(5/1/03 - 6/24/04)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Michigan, Western	0.0	0	6
Tennessee, Eastern	0.0	0	6
Iowa, Northern	0.0	0	6
New Mexico	0.0	0	6
Utah	0.0	0	6
Vermont	0.0	0	5
North Carolina, Middle	0.0	0	5
Ohio, Southern	0.0	0	5
Tennessee, Western	0.0	0	5
Indiana, Southern	0.0	0	5
Arizona	0.0	0	5
Montana	0.0	0	5
Nevada	0.0	0	5
Wyoming	0.0	0	5
Florida, Northern	0.0	0	5
Maine	0.0	0	4
Massachusetts	0.0	0	4
West Virginia, Northern	0.0	0	4
Arkansas, Western	0.0	0	4
Iowa, Southern	0.0	0	4
Nebraska	0.0	0	4
California, Southern	0.0	0	4
Hawaii	0.0	0	4
Washington, Eastern	0.0	0	4
District of Columbia	0.0	0	3
Kentucky, Western	0.0	0	3
Tennessee, Middle	0.0	0	3
Wisconsin, Eastern	0.0	0	3
Oklahoma, Northern	0.0	0	3
New Hampshire	0.0	0	2
Pennsylvania, Eastern	0.0	0	2
North Carolina, Western	0.0	0	2
Louisiana, Eastern	0.0	0	2
Louisiana, Middle	0.0	0	2
Mississippi, Northern	0.0	0	2
Illinois, Southern	0.0	0	2
Arkansas, Eastern	0.0	0	2
Minnesota	0.0	0	2
Alaska	0.0	0	2
Alabama, Middle	0.0	0	2
Wisconsin, Western	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Alabama, Southern	0.0	0	1
Georgia, Middle	0.0	0	1

The following districts had no child pornography non-production offenses in the selected time period: Rhode Island, Delaware, Virgin Islands, Southern West Virginia, Southern Mississippi, Guam, Idaho, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses**

District	Percent	Booker Period (1/12/05 - 12/10/07)	
		Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
California, Northern	19.3	11	57
Georgia, Middle	18.8	3	16
Louisiana, Middle	16.7	1	6
Maryland	14.3	6	42
North Carolina, Eastern	12.5	2	16
Alabama, Middle	12.5	2	16
Arkansas, Eastern	9.5	2	21
Illinois, Central	9.1	4	44
Pennsylvania, Middle	8.9	4	45
Michigan, Eastern	8.7	4	46
Arizona	8.6	3	35
Kentucky, Western	8.3	3	36
Connecticut	8.3	2	24
Mississippi, Southern	8.3	1	12
New York, Western	7.9	5	63
Kentucky, Eastern	7.7	3	39
Tennessee, Eastern	7.1	2	28
Minnesota	6.3	1	16
Texas, Southern	6.1	3	49
California, Eastern	5.8	8	137
Utah	5.2	3	58
North Carolina, Western	4.8	1	21
Wisconsin, Eastern	4.8	1	21
Puerto Rico	4.5	1	22
Missouri, Western	4.2	2	48
Arkansas, Western	4.0	1	25
South Carolina	3.9	2	51
Illinois, Northern	3.8	1	26
Indiana, Southern	3.4	1	29
New Jersey	3.4	3	89
Alabama, Northern	3.3	1	30
Wyoming	3.2	1	31
New York, Eastern	2.9	1	34
Virginia, Eastern	2.7	2	75
Georgia, Northern	2.6	1	39
New York, Northern	2.4	1	41
Missouri, Eastern	2.3	2	88
Washington, Western	2.2	1	46
Pennsylvania, Western	2.1	1	48
Texas, Northern	2.1	1	48
Florida, Middle	2.0	2	102
Texas, Western	1.6	1	64

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses (cont.)**

Booker

Period

(1/12/05 - 12/10/07)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Florida, Southern	1.4	1	69
California, Central	0.0	0	66
Ohio, Northern	0.0	0	65
Texas, Eastern	0.0	0	61
Montana	0.0	0	54
Kansas	0.0	0	45
New York, Southern	0.0	0	40
Ohio, Southern	0.0	0	39
Oregon	0.0	0	38
Colorado	0.0	0	36
Pennsylvania, Eastern	0.0	0	35
Massachusetts	0.0	0	34
Louisiana, Western	0.0	0	34
Michigan, Western	0.0	0	34
Washington, Eastern	0.0	0	29
Tennessee, Western	0.0	0	27
Iowa, Northern	0.0	0	26
Iowa, Southern	0.0	0	25
Nebraska	0.0	0	25
Maine	0.0	0	24
Alabama, Southern	0.0	0	24
Virginia, Western	0.0	0	22
Illinois, Southern	0.0	0	22
Nevada	0.0	0	22
Oklahoma, Western	0.0	0	22
Tennessee, Middle	0.0	0	20
North Carolina, Middle	0.0	0	19
Wisconsin, Western	0.0	0	19
Georgia, Southern	0.0	0	19
Mississippi, Northern	0.0	0	18
Florida, Northern	0.0	0	18
Indiana, Northern	0.0	0	16
Idaho	0.0	0	16
Alaska	0.0	0	15
California, Southern	0.0	0	14
Hawaii	0.0	0	14
West Virginia, Northern	0.0	0	13
North Dakota	0.0	0	13
South Dakota	0.0	0	12
Oklahoma, Northern	0.0	0	12
Louisiana, Eastern	0.0	0	9
District of Columbia	0.0	0	8
New Hampshire	0.0	0	8
West Virginia, Southern	0.0	0	8
Oklahoma, Eastern	0.0	0	6
Delaware	0.0	0	5
Guam	0.0	0	4
New Mexico	0.0	0	4
Vermont	0.0	0	3
Rhode Island	0.0	0	2
Virgin Islands	0.0	0	1
Northern Mariana Islands	0.0	0	1

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses**

District	Percent	Gall Period	
		Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
		(12/11/07 - 9/30/11)	
Indiana, Southern	24.7	18	73
District of Columbia	18.4	9	49
Louisiana, Middle	10.0	1	10
Ohio, Southern	9.6	10	104
Hawaii	9.5	2	21
North Dakota	7.5	3	40
Pennsylvania, Middle	6.9	5	72
Wisconsin, Eastern	6.7	3	45
Kentucky, Eastern	6.5	4	62
West Virginia, Northern	6.3	2	32
Kentucky, Western	6.1	3	49
Connecticut	6.1	2	33
Indiana, Northern	6.1	2	33
California, Eastern	5.8	9	156
Maryland	5.4	5	92
West Virginia, Southern	5.3	1	19
Wyoming	4.8	2	42
Pennsylvania, Eastern	4.4	3	68
Tennessee, Middle	4.3	1	23
Alabama, Middle	4.3	1	23
Michigan, Eastern	4.2	5	118
Iowa, Northern	3.8	2	53
Virginia, Western	3.7	1	27
Colorado	3.7	1	27
Michigan, Western	3.6	2	55
Nevada	3.2	2	62
Georgia, Northern	3.2	2	63
Washington, Eastern	3.1	1	32
Alabama, Northern	3.0	2	67
New York, Northern	2.8	4	144
Nebraska	2.7	2	73
Illinois, Central	2.6	2	78
North Carolina, Western	2.5	1	40
Arkansas, Western	2.5	1	40
Washington, Western	2.5	2	81
Florida, Middle	2.5	5	204
Texas, Northern	2.4	3	125
Georgia, Southern	2.4	1	42
Oklahoma, Western	2.3	1	43
California, Northern	2.3	2	87
California, Central	2.2	5	224
Illinois, Northern	2.2	1	46

**Spread of Rates of §5K1.1 Substantial Assistance Sentences
Child Pornography Non-Production Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Pennsylvania, Western	2.1	3	141
Minnesota	2.0	1	49
Florida, Northern	1.8	1	55
Kansas	1.8	1	56
Tennessee, Eastern	1.8	1	57
New Jersey	1.7	2	118
New York, Western	1.5	2	135
Oregon	1.4	1	71
New York, Eastern	1.4	1	72
Florida, Southern	1.4	2	146
Texas, Western	1.3	2	152
Iowa, Southern	1.2	1	84
Utah	1.0	1	100
Arizona	1.0	1	101
California, Southern	0.9	1	107
Missouri, Eastern	0.9	2	217
Virginia, Eastern	0.6	1	178
Montana	0.0	0	103
Texas, Eastern	0.0	0	102
Ohio, Northern	0.0	0	90
Missouri, Western	0.0	0	85
South Carolina	0.0	0	80
Texas, Southern	0.0	0	79
New York, Southern	0.0	0	61
Illinois, Southern	0.0	0	61
Arkansas, Eastern	0.0	0	51
Massachusetts	0.0	0	48
North Carolina, Eastern	0.0	0	42
Mississippi, Southern	0.0	0	40
Idaho	0.0	0	40
Louisiana, Western	0.0	0	38
Tennessee, Western	0.0	0	37
South Dakota	0.0	0	37
New Mexico	0.0	0	35
Mississippi, Northern	0.0	0	32
Delaware	0.0	0	31
North Carolina, Middle	0.0	0	31
Alabama, Southern	0.0	0	31
Maine	0.0	0	29
Louisiana, Eastern	0.0	0	28
Oklahoma, Northern	0.0	0	28
Vermont	0.0	0	21
Alaska	0.0	0	20
Georgia, Middle	0.0	0	16
Puerto Rico	0.0	0	15
Wisconsin, Western	0.0	0	15
Rhode Island	0.0	0	13
New Hampshire	0.0	0	12
Oklahoma, Eastern	0.0	0	8
Virgin Islands	0.0	0	2

The following districts had no child pornography non-production offenses in the selected time period: Guam, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	PROTECT Act Period (5/1/03 - 6/24/04)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
California, Southern	50.0	2	4
North Dakota	14.3	1	7
Kentucky, Eastern	8.3	1	12
Georgia, Northern	7.1	1	14
California, Central	6.7	1	15
Texas, Southern	5.6	1	18
Florida, Middle	0.0	0	26
New York, Eastern	0.0	0	23
Ohio, Northern	0.0	0	20
Washington, Western	0.0	0	20
Texas, Eastern	0.0	0	17
South Carolina	0.0	0	16
Texas, Northern	0.0	0	16
California, Eastern	0.0	0	16
Illinois, Northern	0.0	0	13
Florida, Southern	0.0	0	13
Texas, Western	0.0	0	12
Missouri, Eastern	0.0	0	12
Missouri, Western	0.0	0	12
Kansas	0.0	0	12
Alabama, Northern	0.0	0	12
New Jersey	0.0	0	11
California, Northern	0.0	0	11
North Carolina, Eastern	0.0	0	10
Louisiana, Western	0.0	0	10
Puerto Rico	0.0	0	9
New York, Southern	0.0	0	9
New York, Western	0.0	0	9
Michigan, Eastern	0.0	0	9
Pennsylvania, Middle	0.0	0	8
Pennsylvania, Western	0.0	0	8
Illinois, Central	0.0	0	8
Colorado	0.0	0	8
Oklahoma, Western	0.0	0	8
Connecticut	0.0	0	7
Maryland	0.0	0	7
Virginia, Eastern	0.0	0	7
Indiana, Northern	0.0	0	7
Georgia, Southern	0.0	0	7
New York, Northern	0.0	0	6
Virginia, Western	0.0	0	6
Michigan, Western	0.0	0	6

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

District	PROTECT Act			
	Period			
	(5/1/03 - 6/24/04)			
Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed		
Tennessee, Eastern	0.0	0		6
Iowa, Northern	0.0	0		6
New Mexico	0.0	0		6
Utah	0.0	0		6
Vermont	0.0	0		5
North Carolina, Middle	0.0	0		5
Ohio, Southern	0.0	0		5
Tennessee, Western	0.0	0		5
Indiana, Southern	0.0	0		5
Arizona	0.0	0		5
Montana	0.0	0		5
Nevada	0.0	0		5
Oregon	0.0	0		5
Wyoming	0.0	0		5
Florida, Northern	0.0	0		5
Maine	0.0	0		4
Massachusetts	0.0	0		4
West Virginia, Northern	0.0	0		4
Arkansas, Western	0.0	0		4
Iowa, Southern	0.0	0		4
Nebraska	0.0	0		4
South Dakota	0.0	0		4
Hawaii	0.0	0		4
Washington, Eastern	0.0	0		4
District of Columbia	0.0	0		3
Kentucky, Western	0.0	0		3
Tennessee, Middle	0.0	0		3
Wisconsin, Eastern	0.0	0		3
Oklahoma, Northern	0.0	0		3
New Hampshire	0.0	0		2
Pennsylvania, Eastern	0.0	0		2
North Carolina, Western	0.0	0		2
Louisiana, Eastern	0.0	0		2
Louisiana, Middle	0.0	0		2
Mississippi, Northern	0.0	0		2
Illinois, Southern	0.0	0		2
Arkansas, Eastern	0.0	0		2
Minnesota	0.0	0		2
Alaska	0.0	0		2
Alabama, Middle	0.0	0		2
Wisconsin, Western	0.0	0		1
Oklahoma, Eastern	0.0	0		1
Alabama, Southern	0.0	0		1
Georgia, Middle	0.0	0		1

The following districts had no child pornography non-production offenses in the selected time period: Rhode Island, Delaware, Virgin Islands, Southern West Virginia, Southern Mississippi, Guam, Idaho, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Guam	25.0	1	4
New Mexico	25.0	1	4
Tennessee, Western	22.2	6	27
California, Southern	21.4	3	14
Arizona	20.0	7	35
Washington, Western	17.4	8	46
Louisiana, Middle	16.7	1	6
Alaska	13.3	2	15
Oregon	13.2	5	38
Alabama, Middle	12.5	2	16
New Hampshire	12.5	1	8
Kansas	11.1	5	45
Washington, Eastern	10.3	3	29
Georgia, Northern	10.3	4	39
Wyoming	9.7	3	31
Puerto Rico	9.1	2	22
Massachusetts	8.8	3	34
South Dakota	8.3	1	12
Nebraska	8.0	2	25
Maryland	7.1	3	42
Hawaii	7.1	1	14
California, Northern	7.0	4	57
Pennsylvania, Middle	6.7	3	45
Minnesota	6.3	1	16
California, Central	6.1	4	66
New York, Eastern	5.9	2	34
Kentucky, Western	5.6	2	36
Mississippi, Northern	5.6	1	18
Florida, Northern	5.6	1	18
Utah	5.2	3	58
California, Eastern	5.1	7	137
Tennessee, Middle	5.0	1	20
New York, Western	4.8	3	63
Missouri, Eastern	3.4	3	88
Florida, Southern	2.9	2	69
Virginia, Eastern	2.7	2	75
Ohio, Southern	2.6	1	39
New York, Northern	2.4	1	41
Michigan, Eastern	2.2	1	46
Pennsylvania, Western	2.1	1	48
Missouri, Western	2.1	1	48
Texas, Southern	2.0	1	49

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

<i>Booker</i>				
Period				
(1/12/05 - 12/10/07)				
District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed	
Florida, Middle	2.0	2	102	
Texas, Western	1.6	1	64	
Ohio, Northern	1.5	1	65	
New Jersey	0.0	0	89	
Texas, Eastern	0.0	0	61	
Montana	0.0	0	54	
South Carolina	0.0	0	51	
Texas, Northern	0.0	0	48	
Illinois, Central	0.0	0	44	
New York, Southern	0.0	0	40	
Kentucky, Eastern	0.0	0	39	
Colorado	0.0	0	36	
Pennsylvania, Eastern	0.0	0	35	
Louisiana, Western	0.0	0	34	
Michigan, Western	0.0	0	34	
Alabama, Northern	0.0	0	30	
Indiana, Southern	0.0	0	29	
Tennessee, Eastern	0.0	0	28	
Illinois, Northern	0.0	0	26	
Iowa, Northern	0.0	0	26	
Arkansas, Western	0.0	0	25	
Iowa, Southern	0.0	0	25	
Maine	0.0	0	24	
Connecticut	0.0	0	24	
Alabama, Southern	0.0	0	24	
Virginia, Western	0.0	0	22	
Illinois, Southern	0.0	0	22	
Nevada	0.0	0	22	
Oklahoma, Western	0.0	0	22	
North Carolina, Western	0.0	0	21	
Wisconsin, Eastern	0.0	0	21	
Arkansas, Eastern	0.0	0	21	
North Carolina, Middle	0.0	0	19	
Wisconsin, Western	0.0	0	19	
Georgia, Southern	0.0	0	19	
North Carolina, Eastern	0.0	0	16	
Indiana, Northern	0.0	0	16	
Idaho	0.0	0	16	
Georgia, Middle	0.0	0	16	
West Virginia, Northern	0.0	0	13	
North Dakota	0.0	0	13	
Mississippi, Southern	0.0	0	12	
Oklahoma, Northern	0.0	0	12	
Louisiana, Eastern	0.0	0	9	
District of Columbia	0.0	0	8	
West Virginia, Southern	0.0	0	8	
Oklahoma, Eastern	0.0	0	6	
Delaware	0.0	0	5	
Vermont	0.0	0	3	
Rhode Island	0.0	0	2	
Virgin Islands	0.0	0	1	
Northern Mariana Islands	0.0	0	1	

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	<i>Gall</i> Period	
		(12/11/07 - 9/30/11)	
		Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Washington, Western	72.8	59	81
Arizona	40.6	41	101
California, Northern	39.1	34	87
Oregon	35.2	25	71
Pennsylvania, Middle	30.6	22	72
Massachusetts	29.2	14	48
Kansas	26.8	15	56
New Mexico	25.7	9	35
Nebraska	23.3	17	73
California, Central	22.3	50	224
Virginia, Western	22.2	6	27
Colorado	22.2	6	27
Washington, Eastern	21.9	7	32
Ohio, Southern	21.2	22	104
Puerto Rico	20.0	3	15
Iowa, Southern	19.0	16	84
Vermont	19.0	4	21
New York, Western	17.8	24	135
Wisconsin, Eastern	17.8	8	45
Tennessee, Middle	17.4	4	23
California, Eastern	16.7	26	156
New Hampshire	16.7	2	12
District of Columbia	16.3	8	49
Arkansas, Eastern	15.7	8	51
Rhode Island	15.4	2	13
Maryland	14.1	13	92
Missouri, Western	11.8	10	85
Georgia, Northern	11.1	7	63
Missouri, Eastern	10.1	22	217
Wyoming	9.5	4	42
Michigan, Eastern	9.3	11	118
Indiana, Northern	9.1	3	33
Alabama, Middle	8.7	2	23
Indiana, Southern	8.2	6	73
Tennessee, Western	8.1	3	37
Nevada	8.1	5	62
Utah	8.0	8	100
Mississippi, Southern	7.5	3	40
Texas, Eastern	6.9	7	102
New York, Southern	6.6	4	61
Illinois, Southern	6.6	4	61
Delaware	6.5	2	31

**Spread of Rates of Other Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
West Virginia, Northern	6.3	2	32
Texas, Western	5.3	8	152
New Jersey	5.1	6	118
Virginia, Eastern	5.1	9	178
North Carolina, Western	5.0	2	40
Alaska	5.0	1	20
California, Southern	4.7	5	107
Kentucky, Western	4.1	2	49
Texas, Northern	4.0	5	125
South Carolina	3.8	3	80
Louisiana, Eastern	3.6	1	28
New York, Northern	3.5	5	144
Ohio, Northern	3.3	3	90
Kentucky, Eastern	3.2	2	62
Mississippi, Northern	3.1	1	32
Connecticut	3.0	1	33
Alabama, Northern	3.0	2	67
Texas, Southern	2.5	2	79
North Dakota	2.5	1	40
Idaho	2.5	1	40
Georgia, Southern	2.4	1	42
Oklahoma, Western	2.3	1	43
Illinois, Northern	2.2	1	46
Minnesota	2.0	1	49
Florida, Middle	2.0	4	204
Montana	1.9	2	103
Iowa, Northern	1.9	1	53
Pennsylvania, Western	0.7	1	141
Florida, Southern	0.0	0	146
Illinois, Central	0.0	0	78
New York, Eastern	0.0	0	72
Pennsylvania, Eastern	0.0	0	68
Tennessee, Eastern	0.0	0	57
Michigan, Western	0.0	0	55
Florida, Northern	0.0	0	55
North Carolina, Eastern	0.0	0	42
Arkansas, Western	0.0	0	40
Louisiana, Western	0.0	0	38
South Dakota	0.0	0	37
North Carolina, Middle	0.0	0	31
Alabama, Southern	0.0	0	31
Maine	0.0	0	29
Oklahoma, Northern	0.0	0	28
Hawaii	0.0	0	21
West Virginia, Southern	0.0	0	19
Georgia, Middle	0.0	0	16
Wisconsin, Western	0.0	0	15
Louisiana, Middle	0.0	0	10
Oklahoma, Eastern	0.0	0	8
Virgin Islands	0.0	0	2

The following districts had no child pornography non-production offenses in the selected time period: Guam, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	<i>Koon</i> Period	
		(6/13/96 - 4/30/03)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Vermont	66.7	6	9
Arizona	60.7	17	28
Massachusetts	59.6	31	52
California, Southern	58.3	14	24
Montana	58.3	14	24
New York, Eastern	56.8	21	37
Oregon	52.4	11	21
Michigan, Eastern	51.7	15	29
Puerto Rico	50.0	2	4
Oklahoma, Eastern	50.0	2	4
Connecticut	44.8	13	29
South Dakota	42.9	6	14
Alaska	41.7	5	12
Michigan, Western	38.9	7	18
Pennsylvania, Eastern	38.7	12	31
Minnesota	37.5	9	24
Louisiana, Eastern	36.4	4	11
Ohio, Northern	36.2	17	47
Florida, Southern	36.1	26	72
Kansas	34.1	14	41
Maryland	34.0	16	47
New York, Southern	33.3	9	27
Nebraska	33.3	4	12
Washington, Western	32.4	12	37
Pennsylvania, Middle	29.6	8	27
California, Eastern	28.9	13	45
Oklahoma, Northern	28.6	6	21
New Jersey	27.7	18	65
California, Central	26.7	4	15
Hawaii	26.7	4	15
Kentucky, Eastern	26.3	5	19
Colorado	26.1	6	23
Ohio, Southern	25.0	6	24
Rhode Island	25.0	1	4
Arkansas, Western	22.2	2	9
Texas, Western	22.0	11	50
North Carolina, Western	21.9	7	32
Georgia, Northern	21.6	8	37
Indiana, Northern	21.4	3	14
North Carolina, Eastern	21.1	4	19
New York, Northern	20.0	8	40
Louisiana, Western	20.0	5	25

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

District	Percent	Koon Period (6/13/96 - 4/30/03)	
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Washington, Eastern	20.0	2	10
Delaware	20.0	1	5
Louisiana, Middle	20.0	1	5
New York, Western	18.2	6	33
California, Northern	18.2	6	33
Illinois, Southern	18.2	2	11
Iowa, Northern	18.2	2	11
Idaho	18.2	2	11
New Mexico	17.6	3	17
Utah	17.4	4	23
Illinois, Northern	17.1	6	35
Mississippi, Southern	16.7	3	18
Tennessee, Middle	16.7	2	12
Wisconsin, Eastern	16.7	1	6
Maine	16.2	6	37
Missouri, Western	15.8	3	19
Texas, Southern	15.5	16	103
Georgia, Middle	15.4	2	13
Iowa, Southern	14.3	2	14
District of Columbia	14.3	1	7
Virginia, Western	13.3	2	15
Kentucky, Western	13.3	2	15
Alabama, Southern	13.3	2	15
Alabama, Middle	12.5	1	8
Texas, Eastern	12.1	4	33
Tennessee, Eastern	12.0	3	25
Tennessee, Western	12.0	3	25
Arkansas, Eastern	10.5	2	19
North Dakota	10.0	1	10
South Carolina	9.8	4	41
Wyoming	8.3	1	12
Florida, Middle	8.1	8	99
Missouri, Eastern	8.0	4	50
Illinois, Central	7.9	3	38
West Virginia, Southern	7.1	1	14
Texas, Northern	7.0	3	43
Indiana, Southern	6.9	2	29
Wisconsin, Western	6.7	1	15
New Hampshire	5.9	1	17
North Carolina, Middle	5.6	1	18
Oklahoma, Western	5.6	1	18
Nevada	5.3	1	19
Alabama, Northern	5.0	2	40
Pennsylvania, Western	5.0	1	20
Florida, Northern	4.8	1	21
Virginia, Eastern	3.3	2	60
West Virginia, Northern	0.0	0	7
Georgia, Southern	0.0	0	5
Mississippi, Northern	0.0	0	3

The following districts had no child pornography non-production offenses in the selected time period: Virgin Islands, Guam, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	PROTECT Act	
		Period	
		(5/1/03 - 6/24/04)	
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Iowa, Southern	75.0	3	4
Oregon	60.0	3	5
Maryland	57.1	4	7
New York, Eastern	56.5	13	23
Massachusetts	50.0	2	4
Pennsylvania, Eastern	50.0	1	2
Louisiana, Eastern	50.0	1	2
Louisiana, Middle	50.0	1	2
Mississippi, Northern	50.0	1	2
Illinois, Southern	50.0	1	2
Utah	33.3	2	6
Kentucky, Western	33.3	1	3
Washington, Western	30.0	6	20
Connecticut	28.6	2	7
Georgia, Southern	28.6	2	7
New Jersey	27.3	3	11
Ohio, Northern	25.0	5	20
Michigan, Eastern	22.2	2	9
North Carolina, Eastern	20.0	2	10
Louisiana, Western	20.0	2	10
Vermont	20.0	1	5
Tennessee, Western	20.0	1	5
Arizona	20.0	1	5
Texas, Eastern	17.6	3	17
New York, Northern	16.7	1	6
Tennessee, Eastern	16.7	1	6
New Mexico	16.7	1	6
South Carolina	12.5	2	16
California, Eastern	12.5	2	16
Pennsylvania, Middle	12.5	1	8
New York, Southern	11.1	1	9
California, Northern	9.1	1	11
Kentucky, Eastern	8.3	1	12
Missouri, Eastern	8.3	1	12
Alabama, Northern	8.3	1	12
Florida, Middle	7.7	2	26
California, Central	6.7	1	15
Texas, Northern	6.3	1	16
Texas, Southern	5.6	1	18
Georgia, Northern	0.0	0	14
Illinois, Northern	0.0	0	13
Florida, Southern	0.0	0	13

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed	
Texas, Western	0.0	0	12
Missouri, Western	0.0	0	12
Kansas	0.0	0	12
Puerto Rico	0.0	0	9
New York, Western	0.0	0	9
Pennsylvania, Western	0.0	0	8
Illinois, Central	0.0	0	8
Colorado	0.0	0	8
Oklahoma, Western	0.0	0	8
Virginia, Eastern	0.0	0	7
Indiana, Northern	0.0	0	7
North Dakota	0.0	0	7
Virginia, Western	0.0	0	6
Michigan, Western	0.0	0	6
Iowa, Northern	0.0	0	6
North Carolina, Middle	0.0	0	5
Ohio, Southern	0.0	0	5
Indiana, Southern	0.0	0	5
Montana	0.0	0	5
Nevada	0.0	0	5
Wyoming	0.0	0	5
Florida, Northern	0.0	0	5
Maine	0.0	0	4
West Virginia, Northern	0.0	0	4
Arkansas, Western	0.0	0	4
Nebraska	0.0	0	4
South Dakota	0.0	0	4
California, Southern	0.0	0	4
Hawaii	0.0	0	4
Washington, Eastern	0.0	0	4
District of Columbia	0.0	0	3
Tennessee, Middle	0.0	0	3
Wisconsin, Eastern	0.0	0	3
Oklahoma, Northern	0.0	0	3
New Hampshire	0.0	0	2
North Carolina, Western	0.0	0	2
Arkansas, Eastern	0.0	0	2
Minnesota	0.0	0	2
Alaska	0.0	0	2
Alabama, Middle	0.0	0	2
Wisconsin, Western	0.0	0	1
Oklahoma, Eastern	0.0	0	1
Alabama, Southern	0.0	0	1
Georgia, Middle	0.0	0	1

The following districts had no child pornography non-production offenses in the selected time period: Rhode Island, Delaware, Virgin Islands, Southern West Virginia, Southern Mississippi, Guam, Idaho, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	<i>Booker</i>	
		Period	
		(1/12/05 - 12/10/07)	
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
New York, Eastern	73.5	25	34
Hawaii	71.4	10	14
New York, Southern	65.0	26	40
Pennsylvania, Eastern	57.1	20	35
Georgia, Northern	51.3	20	39
Washington, Western	50.0	23	46
Idaho	50.0	8	16
Rhode Island	50.0	1	2
Ohio, Northern	47.7	31	65
Washington, Eastern	44.8	13	29
Louisiana, Eastern	44.4	4	9
Ohio, Southern	43.6	17	39
Wisconsin, Eastern	42.9	9	21
California, Central	40.9	27	66
Oklahoma, Western	40.9	9	22
California, Northern	40.4	23	57
Alaska	40.0	6	15
California, Southern	35.7	5	14
Michigan, Western	35.3	12	34
New Jersey	34.8	31	89
South Carolina	33.3	17	51
Tennessee, Western	33.3	9	27
Connecticut	33.3	8	24
Vermont	33.3	1	3
Oregon	31.6	12	38
Georgia, Southern	31.6	6	19
Florida, Middle	31.4	32	102
Maryland	31.0	13	42
Illinois, Northern	30.8	8	26
Kentucky, Western	30.6	11	36
Michigan, Eastern	30.4	14	46
Arkansas, Eastern	28.6	6	21
Nebraska	28.0	7	25
Colorado	27.8	10	36
Florida, Northern	27.8	5	18
Arizona	25.7	9	35
California, Eastern	25.5	35	137
Minnesota	25.0	4	16
Pennsylvania, Middle	24.4	11	45
Utah	24.1	14	58
Iowa, Southern	24.0	6	25
Virginia, Eastern	22.7	17	75

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of Non- Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Wyoming	22.6	7	31
Alabama, Southern	20.8	5	24
Montana	20.4	11	54
Kansas	20.0	9	45
Delaware	20.0	1	5
Florida, Southern	18.8	13	69
Georgia, Middle	18.8	3	16
Illinois, Central	18.2	8	44
Massachusetts	17.6	6	34
Indiana, Southern	17.2	5	29
Pennsylvania, Western	16.7	8	48
Alabama, Northern	16.7	5	30
Mississippi, Northern	16.7	3	18
Louisiana, Middle	16.7	1	6
New York, Western	15.9	10	63
West Virginia, Northern	15.4	2	13
Tennessee, Middle	15.0	3	20
Louisiana, Western	14.7	5	34
New York, Northern	14.6	6	41
Texas, Southern	14.3	7	49
Puerto Rico	13.6	3	22
Virginia, Western	13.6	3	22
Texas, Eastern	13.1	8	61
Missouri, Eastern	12.5	11	88
Texas, Western	12.5	8	64
Missouri, Western	12.5	6	48
North Carolina, Eastern	12.5	2	16
Indiana, Northern	12.5	2	16
District of Columbia	12.5	1	8
Arkansas, Western	12.0	3	25
Iowa, Northern	11.5	3	26
North Carolina, Middle	10.5	2	19
Kentucky, Eastern	10.3	4	39
Nevada	9.1	2	22
Texas, Northern	8.3	4	48
Mississippi, Southern	8.3	1	12
Oklahoma, Northern	8.3	1	12
North Dakota	7.7	1	13
Tennessee, Eastern	7.1	2	28
Wisconsin, Western	5.3	1	19
Illinois, Southern	4.5	1	22
Maine	0.0	0	24
North Carolina, Western	0.0	0	21
Alabama, Middle	0.0	0	16
South Dakota	0.0	0	12
New Hampshire	0.0	0	8
West Virginia, Southern	0.0	0	8
Oklahoma, Eastern	0.0	0	6
Guam	0.0	0	4
New Mexico	0.0	0	4
Virgin Islands	0.0	0	1
Northern Mariana Islands	0.0	0	1

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses**

District	Percent	<i>Gall</i> Period	
		(12/11/07 - 9/30/11)	
		Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Rhode Island	84.6	11	13
New York, Eastern	81.9	59	72
Hawaii	76.2	16	21
South Dakota	75.7	28	37
New York, Southern	75.4	46	61
Pennsylvania, Eastern	72.1	49	68
Ohio, Northern	71.1	64	90
California, Southern	70.1	75	107
Alaska	70.0	14	20
Connecticut	69.7	23	33
Vermont	66.7	14	21
Delaware	64.5	20	31
Florida, Middle	62.3	127	204
Wisconsin, Eastern	62.2	28	45
Wisconsin, Western	60.0	9	15
Minnesota	59.2	29	49
Pennsylvania, Western	58.2	82	141
Alabama, Middle	56.5	13	23
Michigan, Western	56.4	31	55
Washington, Eastern	56.3	18	32
Nebraska	56.2	41	73
New Jersey	55.9	66	118
New York, Northern	55.6	80	144
Utah	55.0	55	100
Idaho	55.0	22	40
North Carolina, Middle	54.8	17	31
Alabama, Southern	54.8	17	31
South Carolina	52.5	42	80
Oklahoma, Western	51.2	22	43
Ohio, Southern	50.0	52	104
Oklahoma, Northern	50.0	14	28
Montana	49.5	51	103
California, Central	49.1	110	224
Maine	48.3	14	29
Illinois, Northern	47.8	22	46
Wyoming	47.6	20	42
Illinois, Central	47.4	37	78
West Virginia, Southern	47.4	9	19
Virginia, Eastern	47.2	84	178
District of Columbia	46.9	23	49
Michigan, Eastern	46.6	55	118
Florida, Southern	46.6	68	146

**Spread of Rates of Non-Government Sponsored Below Range Sentences
Child Pornography Non-Production Offenses (cont.)**

Gall

Period

(12/11/07 - 9/30/11)

District	Percent	Number of Non-Govt Sponsored Below Range Sentences Imposed	Total Number of Child Pornography Non-Production Sentences Imposed
Virginia, Western	44.4	12	27
Tennessee, Western	43.2	16	37
North Dakota	42.5	17	40
Georgia, Northern	41.3	26	63
Illinois, Southern	41.0	25	61
Puerto Rico	40.0	6	15
Iowa, Southern	39.3	33	84
Tennessee, Middle	39.1	9	23
Missouri, Western	38.8	33	85
Kentucky, Western	38.8	19	49
Florida, Northern	38.2	21	55
Texas, Western	38.2	58	152
Maryland	38.0	35	92
Texas, Southern	38.0	30	79
Iowa, Northern	37.7	20	53
Massachusetts	37.5	18	48
California, Eastern	35.9	56	156
Arizona	35.6	36	101
Arkansas, Eastern	35.3	18	51
North Carolina, Western	35.0	14	40
California, Northern	34.5	30	87
West Virginia, Northern	34.4	11	32
Louisiana, Western	34.2	13	38
New York, Western	34.1	46	135
Nevada	32.3	20	62
Kansas	32.1	18	56
Mississippi, Northern	31.3	10	32
Missouri, Eastern	30.9	67	217
Pennsylvania, Middle	30.6	22	72
Arkansas, Western	30.0	12	40
Louisiana, Middle	30.0	3	10
Colorado	29.6	8	27
Oregon	29.6	21	71
Georgia, Southern	28.6	12	42
Louisiana, Eastern	28.6	8	28
Indiana, Southern	27.4	20	73
Mississippi, Southern	25.0	10	40
Oklahoma, Eastern	25.0	2	8
Texas, Northern	24.8	31	125
Tennessee, Eastern	22.8	13	57
Alabama, Northern	22.4	15	67
Texas, Eastern	20.6	21	102
Kentucky, Eastern	19.4	12	62
Georgia, Middle	18.8	3	16
Indiana, Northern	18.2	6	33
New Mexico	17.1	6	35
New Hampshire	16.7	2	12
North Carolina, Eastern	11.9	5	42
Washington, Western	6.2	5	81
Virgin Islands	0.0	0	2

The following districts had no child pornography non-production offenses in the selected time period: Guam, and Northern Mariana Islands.

SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.