

## Analysis of Drug Trafficking Offenses

### INTRODUCTION

This section analyzes sentencing data for drug trafficking offenses in which the court imposed a sentence applying USSG §§2D1.1 or 2D1.2 as the primary sentencing guideline.<sup>1</sup> After a brief overview of the applicable statutes and the relevant guideline provisions, 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 for all drug trafficking offenses. It then provides the same data and analyses for five individual drug types: powder cocaine, crack cocaine, heroin, marijuana, and methamphetamine.

As used in this report, the term “drug trafficking offenses” refers to offenses sentenced pursuant to USSG §§2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) or 2D1.2 (Drug Offenses Occurring Near Protected Locations or Involving Underage or Pregnant Individuals; Attempt or Conspiracy). The term “drug trafficking offenders”

<sup>1</sup> 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 USSG §§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.

refers to those offenders sentenced for a drug trafficking offense pursuant to §§2D1.1 or 2D1.2. These two guidelines applied in 97.4 percent (n=24,502) of drug offenses sentenced pursuant to Chapter 2, Part D of the *Guidelines Manual* in fiscal year 2011.

Statutory mandatory minimum penalties influence the guideline minimum sentence and the sentence imposed in all drug types to some degree. Key determinants of the guideline minimum in drug trafficking offenses include the offender’s role in the offense, the applicable mandatory minimum sentence, and safety-valve eligibility.<sup>2</sup> This continues to be the case post-*Booker*. Marijuana trafficking offenders were granted safety-valve relief from an otherwise applicable guideline minimum sentence at the highest rates, at 57.0 percent in the *Gall* period, while crack cocaine trafficking offenders were granted such relief at the lowest rates, at 12.3 percent in the *Gall* period. Approximately 40 percent of powder cocaine and heroin trafficking offenders were granted safety valve relief, and approximately 35 percent of methamphetamine trafficking offenders were granted safety valve relief.

Average sentences for all drug trafficking offenders increased by approximately 15 percent between the *Koon* and *Booker* periods, from 72 months to 83 months, but decreased to 75 months in the *Gall* period. Average sentences for crack cocaine trafficking offenders decreased the most markedly during the *Gall* period, from 124 months in the *Booker* period to 110 months in the *Gall* period, largely due to recent changes in the statutes and guidelines applicable to crack cocaine trafficking offenses that generally reduced penalties for such offenses. Average sentences for marijuana trafficking offenders were the lowest sentences of any drug type, ranging from 34 to 40 months in every period. Average sentences for heroin trafficking offenders were the only drug trafficking sentences that increased throughout the periods, from 60 months in the *Koon* period to 70 months in the *Gall* period.

With a few exceptions, changes in the average sentence have closely tracked changes in the average guideline minimum for all drug types. The influence of the guidelines on the sentence imposed appeared to diminish in

<sup>2</sup> For more detailed information on mandatory minimum penalties and statutory relief mechanisms, see U.S. SENT’G COMM’N, REPORT TO CONGRESS: MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM, 7-36 (Oct. 2011).

crack cocaine trafficking offenses in fiscal years 2009 and 2010, but may have strengthened again concurrent with penalty reductions, though the change is small, and this may be too soon to determine. For methamphetamine trafficking offenders, the influence of the guidelines on the average sentence appears to have diminished since fiscal year 2007. For all other drug types, when the guideline minimum has increased, generally the average sentence has similarly increased, and when the average guideline minimum has decreased, so too has the average sentence.

The rate of within range sentences has generally decreased since *Booker* for each drug type. The decrease in rates of within range sentences was largely attributable to the increase in rates of non-government sponsored below range sentences. More districts have had higher rates of non-government sponsored below range sentences, and more variation in those rates, in the *Booker* and *Gall* periods than during any other periods. In the *Gall* period, non-government sponsored below range sentences were imposed in approximately 22 percent of crack cocaine and heroin trafficking offenses, approximately 18 percent of powder cocaine and methamphetamine trafficking offenses, and approximately 12 percent of marijuana trafficking offenses. A review of crack cocaine trafficking offenses by fiscal year, rather than by period, revealed that the rate of non-government sponsored below range sentences had generally increased over time, reaching a high of 30.9 percent in the fourth quarter of fiscal year 2010. Since then, the rate initially decreased in both the first and second quarters of fiscal year 2011, then increased in the third and fourth quarters, but the rates were still substantially below the 2010 high of 30.9 percent. The fiscal year 2011 decreases in non-government sponsored below range sentences may have been attributable to recent penalty reductions.

While more districts are imposing non-government sponsored below range sentences and at higher rates, the extent of the reduction below the guideline minimum for non-government sponsored below range sentences has consistently been lower than the extent for government sponsored below range sentences in every period. With some variation among drug types, judges in the *Gall* period granted reductions of approximately 35 percent below the guideline minimum for non-government sponsored below range sentences. The average extent of the non-government sponsored below range reduction for marijuana trafficking offenders was higher, at 40.9 percent,

while the average extent of the reduction for methamphetamine trafficking offenders was lower, at 28.7 percent.

Rates of government sponsored below range sentences consistently exceed rates of non-government sponsored below range sentences for every drug type. Although there have been increasing rates of government sponsored below range sentences for some drug types post-*Booker*, there has been less variation over time in rates government sponsored below range sentences than in rates of non-government sponsored below range sentences. In the *Gall* period, government sponsored below range sentences were imposed in approximately 30 percent of crack cocaine, heroin, and marijuana trafficking offenses, 35 percent of powder cocaine trafficking offenses, and 40 percent of methamphetamine trafficking offenses. The average extent of the reduction below the guideline minimum was higher in government sponsored below range sentences than in non-government sponsored below range sentences, at approximately 45 percent.

## DRUG TRAFFICKING OFFENSES AND USSG §§2D1.1, 2D1.2

### *Applicable Statutes – §2D1.1*

The drug trafficking statutes referenced to USSG §2D1.1 include:

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|-----------------|--|
| 21 U.S.C. § 841 | Prohibiting the distribution, possession with intent to distribute, or manufacture of controlled substances;                 |
| 21 U.S.C. § 846 | Prohibiting attempts and conspiracies to manufacture, distribute or possess with intent to distribute controlled substances; |
| 21 U.S.C. § 952 | Prohibiting the importation of controlled substances;  |
| 21 U.S.C. § 953 | Prohibiting the exportation of controlled substances; and  |

21 U.S.C. § 963 Prohibiting attempts and conspiracies to import or export controlled substances.

The penalty structures for these and other drug crimes are found in 21 U.S.C. §§ 841(b) and 960(b). The type and the quantity of the drug involved determine the minimum and maximum statutory penalties. Higher penalties apply if the offense involved death or serious bodily injury, or if the offender has a prior conviction for a felony drug offense.

Pursuant to 21 U.S.C. §§ 841(b)(1)(A) and 960(b)(1), a statutory range of ten years to life applies to offenses involving at least one kilogram of heroin, five kilograms of powder cocaine, 280 grams of cocaine base (crack cocaine), 1,000 kilograms of marijuana or 1,000 plants, and 50 grams of actual methamphetamine or 500 grams of a mixture of substance containing methamphetamine.<sup>3</sup> The Fair Sentencing Act of 2010 (the FSA), signed into law on August 3, 2010, increased the threshold amount of cocaine base triggering the statutory mandatory minimum sentence of ten years from 50 grams to 280 grams.<sup>4</sup>

Pursuant to 21 U.S.C. §§ 841(b)(1)(B) and 960(b)(2), a statutory range of five to 40 years applies to offenses involving at least 100 grams of heroin, 500 grams of powder cocaine, 28 grams of cocaine base (crack cocaine), 100 kilograms of marijuana or 100 plants, and five grams of actual methamphetamine or 50 grams of a mixture or substance containing methamphetamine.<sup>5</sup> The FSA increased the threshold amount of cocaine

<sup>3</sup> The statutory range of ten years to life also applies to offenses involving 100 grams or more of phencyclidine (PCP) or one kilogram or more of a mixture or substance containing PCP, ten grams or more of a mixture or substance containing lysergic acid diethylamide (LSD), and 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [ 1- ( 2-phenylethyl ) -4-piperidinyl ] propanamide or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide. See 21 U.S.C. §§ 841(b)(1)(A)(iv–vi), 960(b)(1)(D–F).

<sup>4</sup> Pub. L. No. 111–220 (2010).

<sup>5</sup> The statutory range of five to 40 years of imprisonment also applies to offenses involving ten grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing PCP, one gram or more of a mixture or substance containing lysergic acid diethylamide (LSD), and 40 grams or more of a mixture or

base triggering the statutory mandatory minimum sentence of five years from five grams to 28 grams and eliminated the five-year mandatory minimum sentence previously applicable to simple possession of cocaine base.<sup>6</sup>

Pursuant to 21 U.S.C. §§ 841(b)(1)(C) and 960(b)(3), a statutory range of zero to 20 years applies to offenses involving lesser quantities of drugs. In addition 21 U.S.C. §§ 841(b)(1)(D) and 960(b)(4) provide a statutory maximum of five years for offenses involving less than 50 kilograms of marijuana and for certain other lesser offenses.

Sections 841(b) and 960(b) include enhancement provisions based on the defendant’s prior record. A qualifying prior conviction increases a five- to 40-year range to a range of ten years to life. A qualifying prior conviction increases a ten-year mandatory minimum to a 20-year mandatory minimum (the maximum remains life); a second qualifying prior conviction increases a ten year mandatory minimum to mandatory life imprisonment.

Pursuant to 18 U.S.C. § 3553(f), a defendant may obtain relief from the application of the statutory mandatory minimum penalties listed above (so-called “safety valve” relief) if the court finds at sentencing that the defendant does not have more than one criminal history point and did not use violence or credible threats of violence or possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense; the offense did not result in death or serious bodily injury; the defendant did not hold a leadership role in the offense; and the defendant truthfully provided the government with all information and evidence concerning the offense.

substance containing a detectable amount of N-phenyl-N- [ 1- ( 2-phenylethyl ) -4-piperidinyl ] propanamide or ten grams or more of a mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide. See 21 U.S.C. §§ 841(b)(1)(B)(iv–vi), 960(b)(2)(D–F).

<sup>6</sup> Pub. L. No. 111–220.

*USSG §2D1.1 Drug Trafficking Guideline*Current Provisions of USSG §2D1.1

Under §2D1.1, unless the defendant is convicted of an offense in which death or serious bodily injury occurred,<sup>7</sup> the type and amount of drugs for which the defendant is held responsible are the most important factors in determining the sentence.<sup>8</sup> The base offense level in offenses not involving death or serious bodily injury is the offense level specified in the Drug Quantity Table.<sup>9</sup> The Drug Quantity Table lists the drugs and quantities

<sup>7</sup> If the defendant is convicted under certain statutes and “the offense of conviction establishes that death or serious bodily injury resulted from the use of the substance,” subsections (a)(1) – (4) provide for enhanced base offense levels of 43, 38, 30, and 26, respectively. USSG §2D1.1(a)(1) – (4) (Nov. 2012). Furthermore, subsection (d)(1) provides a cross reference to §2A1.1 (First Degree Murder) or §2A1.2 (Second Degree Murder) if the victim was killed under circumstances that would constitute murder under 18 U.S.C. § 1111, which defines murder as “the unlawful killing of a human being with malice aforethought”; and subsection (d)(2) provides that the higher offense level either under §2D1.1 or under the cross-reference to §2X1.1 (Attempt, Solicitation, or Conspiracy) applies if the defendant was convicted of 21 U.S.C. § 841(b)(7) (distribution of a controlled substance with intent to commit crime of violence). USSG §2D1.1(d)(1) – (2).

<sup>8</sup> The Drug Quantity Table ensures that the quantities triggering a mandatory minimum penalty carry a base offense level equal to the first range on the sentencing table that exceeds the mandatory minimum (*i.e.*, levels 26 and 32, respectively, for the commonly applied five- and ten-year mandatory minimums). For example, trafficking in at least 500 grams of powder cocaine carries a five-year mandatory minimum pursuant to 21 U.S.C. § 841(b)(1)(B), and the guidelines assign a base offense level of 26, yielding a guideline range just above the mandatory minimum for offenders in Criminal History Category I of 63 to 78 months. For quantities that are above or below the amounts that trigger the mandatory minimum penalty, the Drug Quantity Table extrapolates upward and downward from the mandatory minimum thresholds to set guidelines sentencing ranges for all drug quantities. For more detailed information on how the drug table interacts with relevant mandatory minimum penalties, *see* U.S. SENT’G COMM., REPORT TO CONGRESS: MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM, at 53-55.

<sup>9</sup> USSG §2D1.1(a)(5), (c).

receiving base offense level 38, decreasing by two offense levels through base offense level six.<sup>10</sup> For controlled substances not listed in the Drug Quantity Table, the guideline provides Drug Equivalency Tables, in which the quantity of a controlled substance not listed in the Drug Quantity Table is converted to its equivalent quantity of marijuana.<sup>11</sup> The base offense level that corresponds to the equivalent quantity of marijuana is then the base offense level for the controlled substance involved in the offense.<sup>12</sup>

If the defendant receives a mitigating role adjustment under USSG §3B1.2 (Mitigating Role), the base offense level determined by reference to the Drug Quantity Table may be reduced pursuant to §2D1.1(a)(5), which provides a graduated reduction for offenders whose quantity level under §2D1.1 results in a base offense level of 32 or greater.<sup>13</sup>

Once a defendant’s base offense level is determined, §2D1.1(b) provides a number of enhancements and reductions. Enhancements apply, for example, if a dangerous weapon (including a firearm) was possessed,<sup>14</sup> or if the defendant maintained premises for the purpose of manufacturing or distributing a controlled substance.<sup>15</sup> In addition, §2D1.1(b)(14) applies a 2-level enhancement if a defendant receives an adjustment under USSG §3B1.1 (Aggravating Role) and one or more additional aggravating factors are

<sup>10</sup> For example, a base offense level of 30 applies to offenses involving at least 700 grams but less than one kilogram of heroin, at least 3.5 kilograms but less than five kilograms of powder cocaine, and at least 196 grams but less than 280 grams of crack cocaine, *see* USSG §2D1.1(c)(5), while 30 kilograms or more of heroin, 150 kilograms or more of powder cocaine, and 8.4 kilograms or more of crack cocaine all receive the highest base offense level of 38, *see* USSG §2D1.1(c)(1).

<sup>11</sup> *See* USSG §2D1.1, comment. (n.8(D)).

<sup>12</sup> *See* USSG §2D1.1, comment. (n.8(A)(iii)).

<sup>13</sup> *See* USSG §§ 2D1.1(a)(5), 3B1.2(a)-(b), comment. (n.6).

<sup>14</sup> *See* USSG §2D1.1(b)(1).

<sup>15</sup> *See* USSG §2D1.1(b)(12). This enhancement was added to §2D1.1 pursuant to the FSA. *See* USSG App. C, amend. 748 (effective Nov. 1, 2011).

present.<sup>16</sup> In contrast, the offense level is reduced if the defendant receives the 4-level (“minimal participant”) reduction in §3B1.2(a) and certain other mitigating factors are present.<sup>17</sup> Finally, a 2-level reduction applies if the defendant meets the requirements for the “safety valve” reduction at USSG §5C1.2(a)(1)-(5) (Limitation on the Applicability of Statutory Minimum Sentences in Certain Cases).<sup>18</sup>

### History of USSG §2D1.1

Section 2D1.1 was promulgated in the first *Guidelines Manual* effective November 1, 1987. The guideline utilized a penalty structure anchored to the five- and ten-year mandatory minimum sentences for trafficking in listed weights of a “mixture or substance containing a detectable amount” of heroin, cocaine, cocaine base, PCP, LSD, fentanyl, and marijuana that Congress had established in the Anti-Drug Abuse Act of 1986 (the 1986 Act).<sup>19</sup> The Commission set two base offense levels—level 26 and level 32—at or above the five- and ten-year quantities established in the 1986 Act. The Commission then used these levels to develop the Drug Quantity Table by expanding the table upward and downward in 2-level

increments from the base offense levels of 26 and 32 to address higher and lower quantities of the drugs listed in the 1986 Act.<sup>20</sup>

For example, the 1986 Act applied the five-year mandatory minimum penalty to a first-time offense involving five grams or more of crack cocaine, or 500 grams or more of powder cocaine, and the ten-year mandatory minimum penalty to a first-time offense involving 50 grams or more of crack cocaine, or 5,000 grams or more of powder cocaine.<sup>21</sup> This penalty structure was incorporated into the *Guidelines Manual* as follows: offenses involving five grams or more of crack cocaine or 500 grams or more of powder cocaine were assigned a base offense level of 26, corresponding to a sentencing guideline range of 63 to 78 months for a defendant in Criminal History Category I (a guideline range that exceeded the five-year statutory minimum for such offenses by at least three months). Similarly, offenses involving 50 grams or more of crack cocaine or 5,000 grams or more of powder cocaine were assigned a base offense level of 32, corresponding to a sentencing guideline range of 121 to 151 months for a defendant in Criminal History Category I (a guideline range that exceeded the ten-year statutory minimum for such offenses by at least one month). Crack cocaine and powder cocaine offenses for quantities above and below the mandatory minimum penalty threshold quantities were set proportionately using the same 100-to-1 drug quantity ratio.

After the Drug Quantity Table was in place for the drugs listed in the 1986 Act, the Commission created the Drug Equivalency Table, which “provide[d] conversion factors for other substances” not covered by any mandatory minimum terms listed in the 1986 Act.<sup>22</sup> One gram of a substance containing methamphetamine, for example, was to be treated as the

<sup>16</sup> See USSG §2D1.1(b)(14)(A)-(E). This enhancement was added to §2D1.1 pursuant to the FSA. See USSG App. C, amend. 748 (effective Nov. 1, 2011). Examples of aggravating factors include using fear or friendship to involve a low-level participant in the illegal purchase or sale of controlled substances and distribution of a controlled substance to a vulnerable victim, among other factors.

<sup>17</sup> See USSG §2D1.1(b)(15). This reduction was added to §2D1.1 pursuant to the FSA. See USSG App. C, amend. 748 (effective Nov. 1, 2011). This reduction applies only if the offense involved all of the following factors: being motivated by an intimate or familial relationship or by threats or fear, receiving no monetary compensation for the offense, and having minimal knowledge of the scope and structure of the enterprise.

<sup>18</sup> See USSG §2D1.1(b)(16).

<sup>19</sup> Pub. L. No. 99-570 (1986).

<sup>20</sup> See USSG §2D1.1, comment. (Nov. 1987) (“The base offense levels in §2D1.1 are either provided directly by the Anti-Drug Abuse Act of 1986 or are proportional to the levels established by statute, and apply to all unlawful trafficking.”).

<sup>21</sup> Because 100 times more powder cocaine than crack cocaine was required to trigger the same mandatory minimum penalty, this penalty structure is commonly referred to as the “100-to-1 drug quantity ratio.”

<sup>22</sup> USSG §2D1.1, comment. n. 10 (Nov. 1987).

equivalent of two grams of a substance containing cocaine when applying the Drug Quantity Table.<sup>23</sup>

The Commission responded to enhancements in the 1986 Act for cases in which “death or serious bodily injury results,” or where the defendant commits the violation after one or more prior drug trafficking convictions<sup>24</sup> by setting a higher base offense level of 43 “for an offense that results in death or serious bodily injury with a prior conviction for a similar offense.”<sup>25</sup> In addition, a base offense level of 38 applied “for an offense that results in death or serious bodily injury and involved controlled substances (except Schedule III, IV, and V controlled substances and less than: (A) fifty kilograms of marihuana, (B) ten kilograms of hashish, and (c) one kilogram of hashish oil).”<sup>26</sup> All other offenses were subject to the base offense levels in the Drug Quantity Table.<sup>27</sup> A specific offense characteristic at §2D1.1(b) increased the base offense level by two levels if a firearm or other dangerous weapon was possessed during commission of the offense.<sup>28</sup>

Following promulgation of the initial §2D1.1, the Commission, prompted both by congressional action and on its own initiative, has reviewed and revised this guideline 67 times. This section first discusses general amendments affecting all drug types sentenced under §2D1.1 and then details specific amendments affecting crack cocaine and methamphetamine trafficking offenses.

General Amendments: In November 1989, the Commission amended the Drug Quantity Table to add base offense levels 38, 40, and 42 to “reflect offenses involving extremely large quantities of controlled

substances.”<sup>29</sup> However, effective November 1994, the Commission revised the drug quantity table to set the upper limit at level 38, stating that the extension of the table above level 38 “for quantity itself is not required to ensure adequate punishment given that organizers, leaders, managers and supervisors of such offenses will receive a 4-, 3-, or 2-level enhancement for their role in the offense, and any participants will receive an additional 2-level enhancement if a dangerous weapon is possessed in the offense.”<sup>30</sup> The Commission also added commentary recognizing that an upward departure above offense level 38 on the basis of drug quantity may be warranted.<sup>31</sup> In response to the Violent Crime Control and Law Enforcement Act of 1994,<sup>32</sup> the Commission added a guideline at §5C1.2 to implement the newly available safety valve relief for drug trafficking offenders.<sup>33</sup> Effective November 1995, the Commission added a 2-level reduction to §2D1.1(b) for those defendants meeting the requirements for the safety valve exception at §5C1.2.<sup>34</sup>

Effective November 2002, the Commission added a “mitigating role cap” to this guideline, providing a maximum base offense level of 30 if a drug trafficking defendant received a mitigating role adjustment under §3B1.2.<sup>35</sup> Two years later, the Commission revised the provision to provide a graduated reduction for offenders who qualified for the mitigating role adjustment and whose drug quantities resulted in base offense levels greater than level 30: a 2-level reduction for base offense level 32; a 3-level

<sup>23</sup> *Id.*

<sup>24</sup> *See* 21 U.S.C. § 841(b)(1)(A), (b)(1)(B), (b)(1)(C).

<sup>25</sup> USSG §2D1.1(a)(1) (Nov. 1987).

<sup>26</sup> USSG §2D1.1(a)(2) (Nov. 1987).

<sup>27</sup> USSG §2D1.1(a)(3) (Nov. 1987).

<sup>28</sup> USSG §2D1.1(b)(1) (Nov. 1987).

<sup>29</sup> *See* USSG App. C, amend. 125 (effective Nov. 1, 1989).

<sup>30</sup> *See* USSG App. C, amend. 505 (effective Nov. 1, 1994).

<sup>31</sup> *Id.*

<sup>32</sup> Pub. L. No. 103-322 (1994).

<sup>33</sup> *See* USSG App. C, amend. 509 (effective Sept. 23, 1994).

<sup>34</sup> *See* USSG App. C, amend. 515 (effective Nov. 1, 1995).

<sup>35</sup> *See* USSG App. C, amend. 640 (effective Nov. 1, 2002).

reduction for base offense levels 34 or 36; and a 4-level reduction for base offense level 38.<sup>36</sup>

In addition to reducing statutory mandatory minimum penalties for crack cocaine trafficking, the FSA included directives to the Commission to review and amend the guidelines to account for certain aggravating and mitigating circumstances in drug trafficking cases.<sup>37</sup> In response, the Commission amended §2D1.1(a)(5) to provide a reduced offense level for certain minimal participants.<sup>38</sup> The Commission also provided several 2-level enhancements for aggravating role and 2-level reductions for minimal participants.<sup>39</sup>

Crack Cocaine: Effective November 1, 2007, the Commission reduced the drug quantity thresholds to provide base offense levels that include the statutory mandatory minimum penalties for crack cocaine offenses (as opposed to base offense levels resulting in ranges that exceed the statutory mandatory minimum penalties, as set in the original *Guidelines Manual*).<sup>40</sup> Under the amendment, a first-time trafficking offense involving five grams of crack cocaine received a base offense level of 24, corresponding to a guideline sentencing range of 51 to 63 months, and a first-time trafficking offense involving 50 grams or more of crack cocaine received a base offense level of 30, corresponding to guideline sentencing range of 97 to 121 months.<sup>41</sup> Crack cocaine offenses for quantities above and below the mandatory minimum threshold quantities similarly were adjusted

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<sup>36</sup> See USSG App. C, amend. 668 (effective Nov. 1, 2004).

<sup>37</sup> Pub. L. No. 111-220.

<sup>38</sup> See USSG App. C, amend. 748 (effective Nov. 1, 2010) & amend. 750 (effective Nov. 1, 2011).

<sup>39</sup> *Id.*

<sup>40</sup> See USSG App. C, amend. 706 (effective Nov. 1, 2007) & amend. 711 (effective Nov. 1, 2007).

<sup>41</sup> *Id.*

downward by two levels.<sup>42</sup> This amendment was made retroactive effective March 3, 2008.<sup>43</sup>

The FSA, among other things, reduced the statutory mandatory minimum penalties for crack cocaine trafficking and eliminated the mandatory minimum sentence for simple possession of crack cocaine.<sup>44</sup> Specifically, the Act reduced the statutory penalties for offenses involving manufacturing or trafficking in crack cocaine by raising the quantities required to trigger statutory mandatory minimum terms of imprisonment — from five grams to 28 grams for a five-year mandatory minimum and from 50 to 280 grams for a ten-year mandatory minimum.

The Commission implemented the FSA's reduced penalties by setting the triggering quantities of crack cocaine for the five and ten-year mandatory minimum penalties (28 grams and 280 grams, respectively) at base offense levels 26 and 32, which corresponded to a sentencing range of 63 to 78 months and 121 to 151 months, respectively, for a defendant with little or no criminal history.<sup>45</sup> The Commission made this amendment retroactive effective November 1, 2011.<sup>46</sup>

Methamphetamine: In the Anti-Drug Abuse Act of 1988 (the 1988 Act), Congress established mandatory minimum sentences for methamphetamine (actual) (*i.e.*, “pure” methamphetamine) and methamphetamine mixtures.<sup>47</sup> Under the 1988 Act, the quantity triggering the five-year mandatory minimum was ten grams of methamphetamine (actual) or 100 grams of methamphetamine mixture, and the quantity triggering the ten-year mandatory minimum was 100 grams of

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<sup>42</sup> *Id.*

<sup>43</sup> See USSG App. C, amend. 712 (effective March 3, 2008).

<sup>44</sup> Pub. L. No. 111-220.

<sup>45</sup> See USSG App. C, amend. 748 (effective Nov. 1, 2010).

<sup>46</sup> See USSG App. C, amend. 759 (effective Nov. 1, 2011).

<sup>47</sup> Pub. L. No. 100-690 (1988).

methamphetamine (actual) or one kilogram of methamphetamine mixture.<sup>48</sup> In response to the new mandatory minimum provisions, the Commission revised the Drug Quantity Table to add specific references to the quantities of methamphetamine (actual) and methamphetamine mixture for each offense level in the table.<sup>49</sup>

The Comprehensive Methamphetamine Control Act of 1996 directed the Commission to increase penalties for methamphetamine trafficking offenses.<sup>50</sup> The Commission did so by cutting in half the quantities of methamphetamine mixture that corresponded to each offense level listed in the Drug Quantity Table, while leaving unchanged the quantities of methamphetamine (actual) and Ice corresponding to the various offense levels.<sup>51</sup> In addition, in response to evidence of increased importation of methamphetamine and its precursor chemicals, the Commission added an enhancement of two levels directed at such importation.<sup>52</sup>

The Methamphetamine Trafficking Penalty Enhancement Act of 1998 decreased the quantities of methamphetamine triggering the mandatory minimum penalties: five grams of methamphetamine (actual) or 50 grams of methamphetamine mixture triggered the five-year mandatory minimum and 50 grams of methamphetamine (actual) or 500 grams of methamphetamine mixture triggered the ten-year mandatory minimum.<sup>53</sup> The Commission responded by conforming methamphetamine (actual) penalties in the Drug Quantity Table to the new mandatory minimums in the 1998 Act.<sup>54</sup> Finally,

<sup>48</sup> The 1988 Act mistakenly set the ten-year minimum quantity of methamphetamine mixture at 100 grams. This error was corrected in 1990.

<sup>49</sup> See USSG App. C, amend. 125 (effective Nov. 1, 1989).

<sup>50</sup> Pub. L. No. 104–237 § 301 (1996).

<sup>51</sup> See USSG App. C, amend. 555 (effective Nov. 1, 1997).

<sup>52</sup> *Id.*

<sup>53</sup> Pub. L. No. 105–277, Division E (1998).

<sup>54</sup> See USSG App. C, amend. 594 (effective Nov. 1, 2000). The quantities for methamphetamine mixtures in the Drug Quantity Table already conformed to the new mandatory minimums.

in response to a directive in the Methamphetamine and Club Drug Anti-Proliferation Act of 2000,<sup>55</sup> the Commission provided a new enhancement directed at offenses involving amphetamine and methamphetamine manufacturing that create a substantial risk of harm to human life, the life of a minor or incompetent, or the environment.<sup>56</sup>

### *Applicable Statutes – §2D1.2*

The drug trafficking statutes referenced to USSG §2D1.2 include:

21 U.S.C. § 859	Prohibiting the distribution of controlled substances to persons under age twenty-one;
21 U.S.C. § 860	Prohibiting the distribution, possession with intent to distribute, or manufacture of controlled substances in or near schools and colleges; and
21 U.S.C. § 861	Prohibiting the employment or use of persons under 18 years of age in drug operations and the distribution of controlled substances to pregnant individuals.

The statutory penalty for a first offense in violation of 21 U.S.C. § 859 is twice the maximum punishment provided in 21 U.S.C. § 841(b), with a mandatory minimum term of imprisonment of not less than one year;<sup>57</sup> a second offense involving the same controlled substance and schedule carries a penalty of three times the maximum punishment authorized by 21 U.S.C. § 841(b), with a mandatory minimum term of imprisonment of not less than one year; and a third or subsequent offense is governed by the punishments provided in 21 U.S.C. § 841(b)(1)(A).

<sup>55</sup> Pub. L. No. 106–878, § 102 (2000).

<sup>56</sup> See USSG App. C, amend. 608 (effective Dec. 16, 2000).

<sup>57</sup> The mandatory minimum sentencing provisions in 21 U.S.C. § 859 do not apply to offenses involving 5 grams or less of marijuana.

The statutory penalty for a first offense in violation of 21 U.S.C. § 860 involving the distribution or manufacture of controlled substances in or near a school is twice the maximum punishment authorized by 21 U.S.C. § 841(b), with a mandatory minimum term of imprisonment of not less than one year. A second or subsequent offense carries a penalty of the greater of either imprisonment for not less than three years or more than life, or three times the maximum punishment authorized by 21 U.S.C. § 841(b), with a mandatory minimum term of imprisonment of not less than three years. A third and subsequent offense carries the statutory penalties listed in § 841(b)(1)(A). A violation of 21 U.S.C. § 860 involving the employment of children to distribute drugs near schools or playgrounds carries imprisonment of up to three times that authorized by 21 U.S.C. § 841(b).

The statutory penalty for a first offense in violation of 21 U.S.C. § 861 involving the employment or use of individuals under the age of 18 in drug operations is twice the punishment authorized under 21 U.S.C. § 841(b), with a mandatory term of imprisonment of not less than one year. Subsequent offenses carry up to three times the punishment otherwise authorized with a mandatory term of imprisonment of not less than one year.

In addition, violations of 21 U.S.C. § 861's prohibition on providing or distributing controlled substances to underage persons or employing or using individuals fourteen years of age or younger in drug operations carry a maximum term of imprisonment of not more than five years in addition to any other punishment authorized by § 861.

Finally, distributing a controlled substance to a pregnant individual in violation of 21 U.S.C. § 861(f) is punished, for a first offense, by twice the punishment otherwise authorized with a mandatory minimum term of imprisonment of not less than one year and, for a subsequent offense, by up to three times the punishment otherwise authorized with a mandatory minimum term of imprisonment of not less than one year.

### *USSG §2D1.2 Drug Trafficking in a Protected Location Guideline*

A defendant's offense level under §2D1.2 is the greatest of: (1) two plus the offense level from §2D1.1 applicable to the quantity of controlled substances directly involving a protected location or an underage or pregnant individual; (2) one plus the offense level from §2D1.1 applicable to the total quantity of controlled substances involved in the offense; (3) 26 if the offense involved a person less than eighteen years of age; or (4) 13 otherwise.<sup>58</sup>

### **STATISTICAL OVERVIEW: FISCAL YEAR 2011**

In fiscal year 2011, federal courts sentenced 24,502 drug trafficking offenders. The number of drug trafficking offenders varied from circuit to circuit and from district to district. Almost sixty percent (58.7%, n=14,379) of drug trafficking offenders were sentenced in the district courts in just four circuits. The Ninth Circuit led in the number of drug trafficking offenders, with 5,172 offenders (21.1% of drug trafficking offenders nationwide), followed by the Fifth Circuit with 4,956 offenders (20.2% of drug trafficking offenders nationwide), the Fourth Circuit with 2,229 offenders (9.1% of drug trafficking offenders nationwide) and the Eleventh Circuit with 2,022 offenders (8.3% of drug trafficking offenders nationwide).<sup>59</sup> In addition, the proportion of a circuit's overall caseload comprised of drug trafficking offenses varied. For example, the 2,229 drug trafficking offenses in the Fourth Circuit were almost 40 percent (38.9%) of the Fourth Circuit's caseload, while the 5,172 drug trafficking offenses in the Ninth Circuit were only 29.9 percent of the Ninth Circuit's caseload. As depicted in the table below, the proportion of a circuit's caseload comprised of drug trafficking

<sup>58</sup> See USSG §2D1.2(a) (Nov. 2012).

<sup>59</sup> See "National Distribution of Selected Offenses by Circuit and District, Drug Trafficking Offenses, FY 2011" Appendix Table. By way of comparison, 62.1 percent of all federal criminal offenses in fiscal year 2011 were sentenced by district courts in those four circuits, with 46.1 percent of offenses within the Fifth and Ninth Circuits. See "National Distribution of Offenses by Circuit and District, All Offenses, FY 2011" Appendix Table.

## PART C: DRUG TRAFFICKING OFFENSES

offenses ranged from a low of 23.3 percent in the Tenth Circuit to a high of 52.9 percent in the First Circuit.

**Proportion of Caseload by Circuit**  
Drug Trafficking Offenses  
Fiscal Year 2011

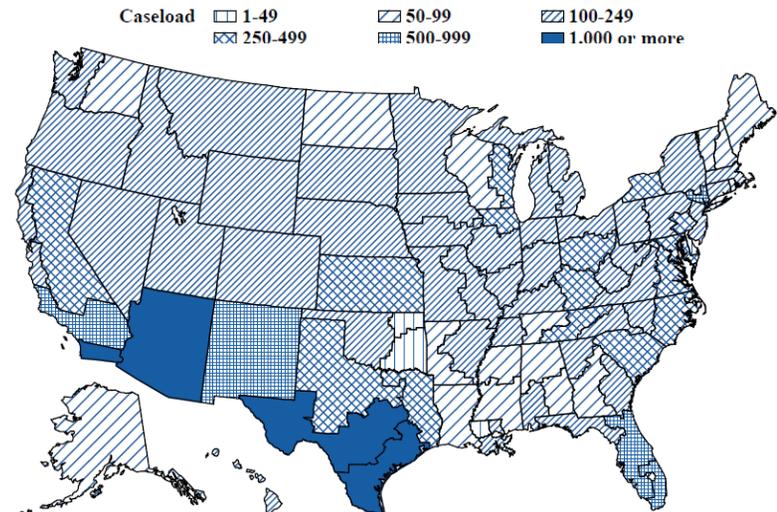
Circuit	Number of Drug Trafficking Offenses	Percent of Total Caseload
<b>TOTAL</b>	<b>24,502</b>	<b>32.2</b>
Tenth Circuit	1,487	23.3
Fifth Circuit	4,956	27.8
Ninth Circuit	5,172	29.9
Eleventh Circuit	2,022	31.4
Eighth Circuit	1,506	32.3
Third Circuit	953	33.3
Sixth Circuit	1,946	36.6
D.C. Circuit	133	38.6
Fourth Circuit	2,229	38.9
Seventh Circuit	1,182	40.3
Second Circuit	1,787	41.5
First Circuit	1,129	52.9

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

When viewed at the district level, the number of drug trafficking offenses in each district ranged from two (Northern Mariana Islands) to 2,143 (Western Texas). Four districts reported sentencing more than 1,000 drug trafficking offenders in fiscal year 2011. Judges in the Western District of Texas sentenced the most drug trafficking offenders at 2,143 offenders, which represented 8.7 percent of all drug trafficking offenders sentenced in fiscal year 2011. The other three districts sentencing more than 1,000 drug trafficking offenders were: Arizona at 2,054 offenders (8.4% of drug trafficking offenders nationwide); Southern Texas at 1,735 offenders (7.1% of drug trafficking offenders nationwide); and Southern California at 1,151 offenders (4.7% of drug trafficking offenders nationwide). These four

districts alone accounted for 28.9 percent (n=7,083) of the 24,502 drug trafficking offenders sentenced nationwide in fiscal year 2011.<sup>60</sup> Judges in Puerto Rico had the next highest drug trafficking caseload, sentencing 699 drug trafficking offenders, or 2.9 percent of drug trafficking offenders nationwide. More than two-thirds of the 94 districts (n=63) sentenced less than 200 drug trafficking offenders in fiscal year 2011.

**Number of Drug Trafficking 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, drug trafficking offenses comprised varying percentages of the districts' criminal case dockets, ranging from a low of 16.2 percent (Utah) to a high of 70.4 percent (Puerto Rico). In nine districts, drug trafficking offenders constituted more than 50 percent of the offenders sentenced in fiscal year 2011. Those districts were:

<sup>60</sup> See "National Distribution of Selected Offenses by Circuit and District, Drug Trafficking Offenses, FY 2011" Appendix Table. By way of comparison, 33.4 percent of all federal criminal offenses in fiscal year 2011 were sentenced in those four districts. See "National Distribution of Offenses by Circuit and District, All Offenses, FY 2011" Appendix Table.

Puerto Rico (70.4% of offenders in the district, n=699); Western Virginia (54.4% of offenders in the district, n=197); Southern West Virginia (54.1% of offenders in the district, n=166); Eastern Wisconsin (53.8% of offenders in the district, n=262); Eastern Tennessee (53.0% of offenders in the district, n=474); Hawaii (52.6% of offenders in the district, n=103); Vermont (52.2% of offenders in the district, n=82); Southern Indiana (51.3% of offenders in the district, n=143); and Northern West Virginia (50.9% of offenders in the district, n=144). In contrast, in three districts, drug trafficking offenders constituted less than 20 percent of all offenders sentenced. Those districts were: Utah (16.2% of offenders in the district, n=161); New Mexico (19.1% of offenders in the district, n=593); and Northern Alabama (19.6% of offenders in the district, n=84).<sup>61</sup>

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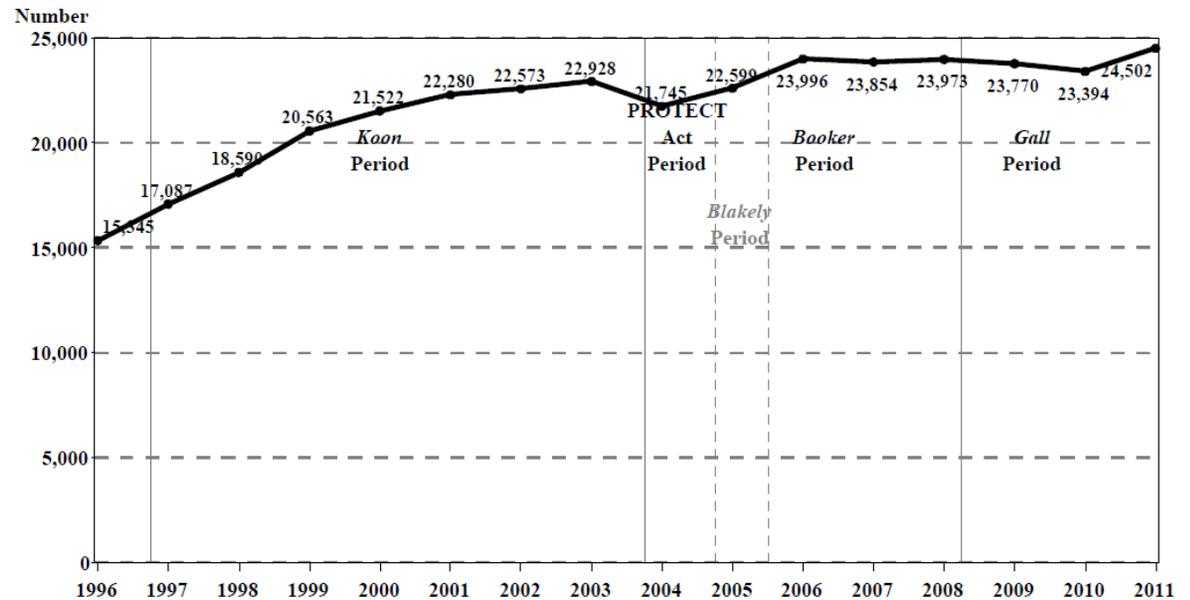
<sup>61</sup> See “Proportion of Caseload in Each Circuit and District for Selected Offenses, Drug Trafficking Offenses, FY 2011” Appendix Table.

NATIONAL TREND ANALYSIS

This section addresses federal sentencing trends for drug trafficking 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 drug trafficking offenders has generally increased over time. However, the percentage of drug trafficking offenses relative to the overall federal caseload has decreased across the four periods, due to the much greater increase in immigration offenses over the same periods. While 42.2 percent of federal offenses were drug trafficking offenses during the *Koon* period, this percentage was 38.3 percent during the PROTECT Act period, 37.3 percent during the *Booker* period, and 33.0 percent during the *Gall* period.

Number of Offenders by Fiscal Year  
Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

## PART C: DRUG TRAFFICKING OFFENSES

### NATIONAL TREND ANALYSIS

#### OFFENDER AND OFFENSE CHARACTERISTICS

The majority of drug trafficking offenders have been male. Hispanic offenders were the largest group of drug trafficking offenders across the four periods. Black offenders were the second largest group of drug trafficking offenders in every other period except the PROTECT Act period, when White offenders were the second largest group.

During all four periods, the majority of drug trafficking offenders were in Criminal History Category I, but the percentage in Criminal History Category I has decreased over time while the percentage of drug trafficking offenders in Criminal History Category VI has increased.

#### Selected Offender Characteristics Drug Trafficking Offenses *Koon* Period through *Gall* Period

	<i>Koon</i> Period (6/13/96 - 4/30/03)	PROTECT Act 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
<b>RACE/ETHNICITY</b>				
White	25.4	27.4	24.8	24.9
Black	30.4	27.3	30.0	28.9
Hispanic	42.3	42.3	41.6	43.1
Other	2.0	3.0	3.6	3.1
<b>GENDER</b>				
Male	86.9	87.4	87.9	87.7
Female	13.1	12.7	12.1	12.4
<b>CITIZENSHIP</b>				
U.S. Citizen	70.1	71.9	71.7	70.7
Non-U.S. Citizen	29.9	28.1	28.3	29.4
<b>CRIMINAL HISTORY CATEGORY</b>				
I	55.8	54.4	51.3	51.9
II	12.2	11.6	11.9	11.7
III	14.5	14.2	14.7	13.9
IV	6.5	6.7	7.1	7.0
V	3.1	3.6	3.9	4.0
VI	7.9	9.5	11.2	11.5

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

## PART C: DRUG TRAFFICKING OFFENSES

### NATIONAL TREND ANALYSIS

#### OFFENDER AND OFFENSE CHARACTERISTICS

During each period, the vast majority of drug trafficking offenders were sentenced to prison only. Less than three percent of offenders received community confinement or probation in each period.

#### Types of Sentences Imposed Drug Trafficking 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	%
<b>Prison Only</b>	131,213	93.6	24,425	94.9	66,460	95.1	85,056	93.8
<b>Prison/Community Split</b>	2,961	2.1	462	1.8	1,451	2.1	2,233	2.5
<b>Probation and Confinement</b>	2,753	2.0	384	1.5	907	1.3	1,435	1.6
<b>Probation Only</b>	3,312	2.4	460	1.8	1,082	1.6	1,925	2.1

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: DRUG TRAFFICKING OFFENSES

### NATIONAL TREND ANALYSIS

#### OFFENDER AND OFFENSE CHARACTERISTICS

The average guideline minimum can generally be viewed as a proxy for the seriousness of the offense. However, average guideline minimums in drug trafficking offenses may increase or decrease due to changes in mandatory minimum penalties or guideline amendments. The decrease in the average guideline minimum for drug trafficking offenses during the *Gall* period likely reflects statutory changes and guidelines amendments reducing penalties for crack cocaine trafficking offenses. Changes in sentence length are influenced by various factors including the guideline range, departures, and variances.

The table includes the percentage of drug trafficking offenders who were granted safety valve relief from the mandatory minimum penalty, pursuant to 18 U.S.C. § 3553(f) and USSG §5C1.2 .

The table also includes the percentage of drug trafficking offenses that involved a weapon, because the offender was convicted under 18 U.S.C. § 924(c) or because the offender received the weapon enhancement at §2D1.1(b)(1). An offender who possessed a firearm or other dangerous weapon (or induced another participant to do so) in connection with the offense is ineligible for safety valve relief.

Less than half of drug trafficking offenders were sentenced within the range in the *Gall* period. Rates of both government sponsored and non-government sponsored below range sentences have increased since the *Koon* and PROTECT Act periods.

The extent of the reduction from the guideline minimum has varied depending on the type of below range sentence. In every period, the average extent of reduction for all government sponsored below range sentences was greater than for non-government sponsored below range sentences.

#### Selected Sentencing Characteristics Drug Trafficking Offenses *Koon* Period through *Gall* Period

	<i>Koon</i> Period (6/13/96 - 4/30/03)	PROTECT Act 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
<b>GUILTY PLEA</b>	94.8	95.4	95.2	96.4
<b>SAFETY VALVE</b>	29.2	38.5	37.6	37.4
<b>WEAPON</b>	13.1	16.5	17.2	16.6
<b>GUIDELINE ADJUSTMENTS</b>				
Aggravating Role (USSG §3B1.1)	7.0	6.5	5.6	6.0
Mitigating Role (USSG §3B1.2)	25.0	21.3	20.1	19.4
<b>SENTENCE RELATIVE TO GUIDELINE RANGE</b>				
Within Range	55.8	63.3	53.7	47.8
Above Range	0.2	0.2	0.5	0.8
All Gov't Sponsored Below Range	29.8	31.7	34.1	33.8
Substantial Assistance (USSG §5K1.1)	29.3	27.0	26.1	24.4
Early Disposition Program (USSG §5K3.1)	n/a	1.0	4.9	5.3
Other Gov't Sponsored Below Range	n/a	3.7	3.0	4.1
Non-Gov't Sponsored Below Range	14.2	4.7	11.7	17.6
	Months	Months	Months	Months
<b>AVERAGE GUIDELINE MINIMUM</b>	89	96	101	95
<b>AVERAGE SENTENCE</b>	72	81	83	75
Within Range	89	93	97	87
Above Range	154	144	112	113
All Gov't Sponsored Below Range	56	59	60	60
Substantial Assistance (USSG §5K1.1)	56	64	65	64
Early Disposition Program (USSG §5K3.1)	n/a	19	23	25
Other Gov't Sponsored Below Range	n/a	35	76	78
Non-Gov't Sponsored Below Range	42	65	83	71
	Percent (Months)	Percent (Months)	Percent (Months)	Percent (Months)
<b>AVERAGE EXTENT OF REDUCTION</b>				
All Gov't Sponsored Below Range	49.2 (51)	45.3 (47)	44.1 (45)	45.2 (46)
Substantial Assistance (USSG §5K1.1)	49.3 (52)	46.8 (52)	46.5 (53)	48.4 (54)
Early Disposition Program (USSG §5K3.1)	n/a (n/a)	37.8 (9)	39.5 (13)	38.4 (13)
Other Gov't Sponsored Below Range	n/a (n/a)	36.5 (19)	31.2 (34)	34.8 (39)
Non-Gov't Sponsored Below Range	40.4 (22)	35.7 (26)	30.9 (30)	34.3 (28)

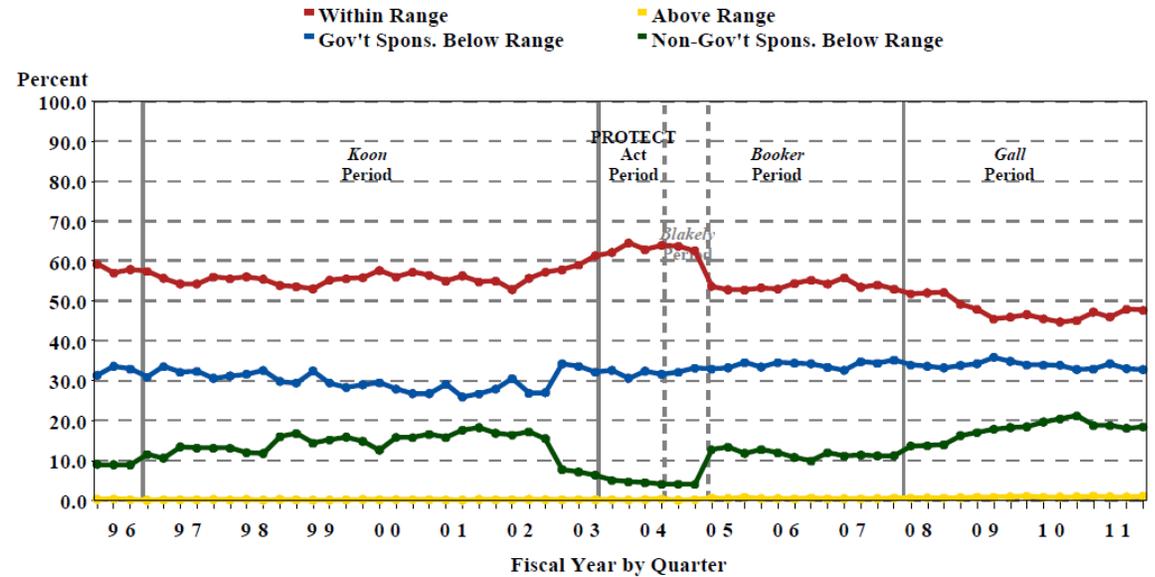
Categories may not sum to exactly 100.0 percent due to rounding.  
SOURCE: U.S. Sentencing Commission, 2011 *Booker* Report Datafiles.

## PART C: DRUG TRAFFICKING OFFENSES

### NATIONAL TREND ANALYSIS INFLUENCE OF THE GUIDELINES

Over time, the rate of within range sentences for drug trafficking offenses has generally decreased, while the rate of non-government sponsored below range sentences has generally increased. In fiscal year 2011, however, within range rates increased and non-government sponsored below range rates decreased somewhat.

Quarterly Data for Within-Range and Out-of-Range Sentences  
Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

## PART E: DRUG TRAFFICKING OFFENSES

### NATIONAL TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

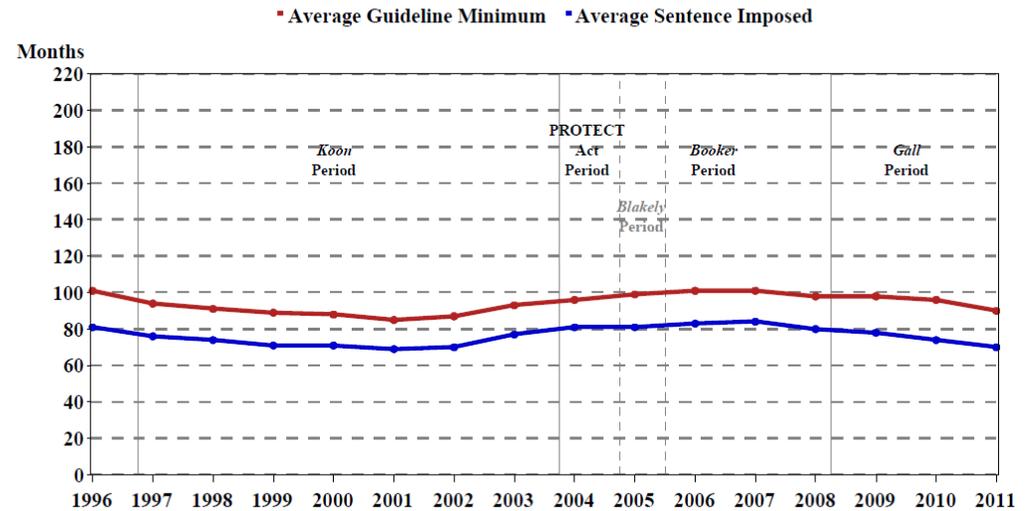
The relationship between the red and blue lines indicates that the average sentence closely paralleled the average guideline minimum over time.

Decreases in both after 2007 may reflect reduced statutory penalties and guideline minimums in crack cocaine trafficking offenses.

The percentage difference between the average guideline minimum and the average sentence has remained relatively flat, demonstrating that the influence of the guidelines has been stable for drug trafficking offenses generally.

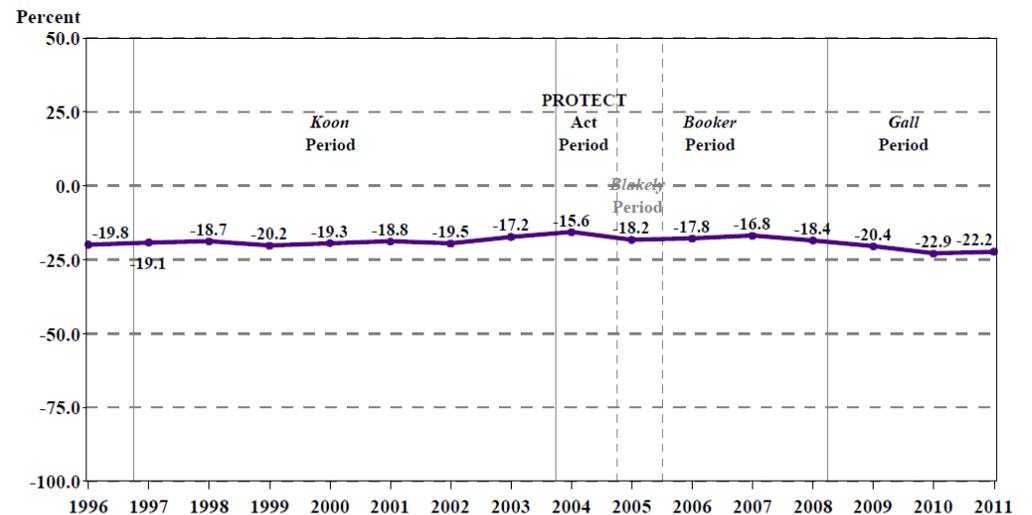
*\*Click on chart for corresponding table by period.*

**Average Guideline Minimum and Sentence Imposed  
Drug Trafficking Offenses  
Fiscal Years 1996-2011**



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

**Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Drug Trafficking Offenses  
Fiscal Years 1996-2011**



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

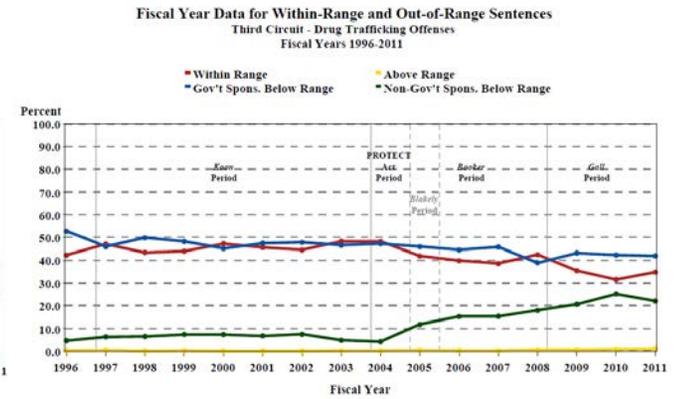
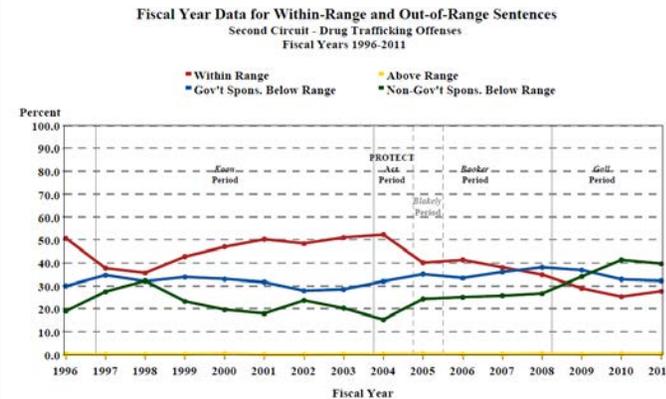
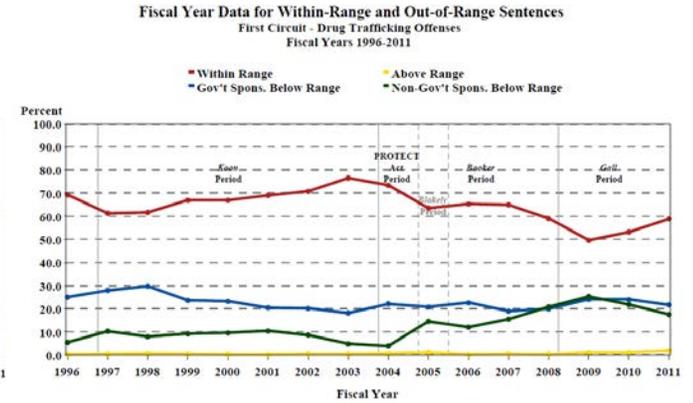
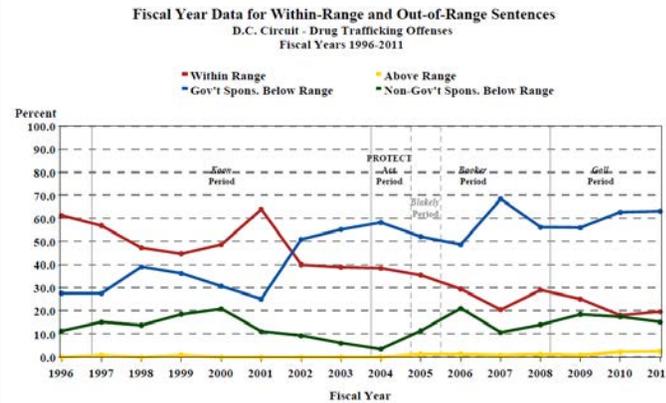
## PART C: DRUG TRAFFICKING OFFENSES

### CIRCUIT TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

At the national level, the rate of within range sentences for drug trafficking offenses has generally decreased over time, while the rate of non-government sponsored below range sentences has generally increased, although both rates have reversed course somewhat through-out fiscal year 2011.

Within range rates have decreased in most circuits, and non-government sponsored below range rates have increased in most circuits. The sharp increase in rates of government sponsored below range sentences in the Ninth Circuit likely reflects EDP departures in Southern California.

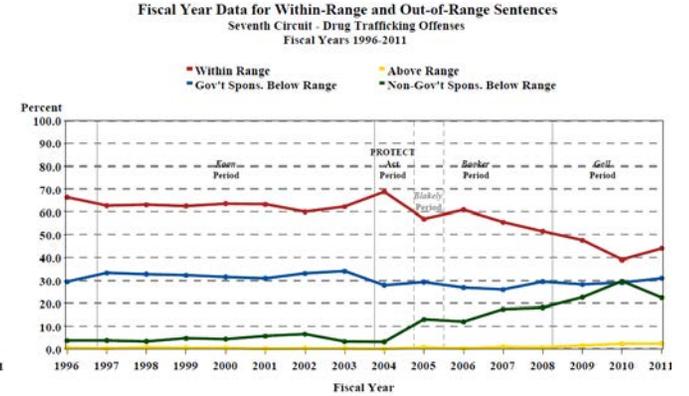
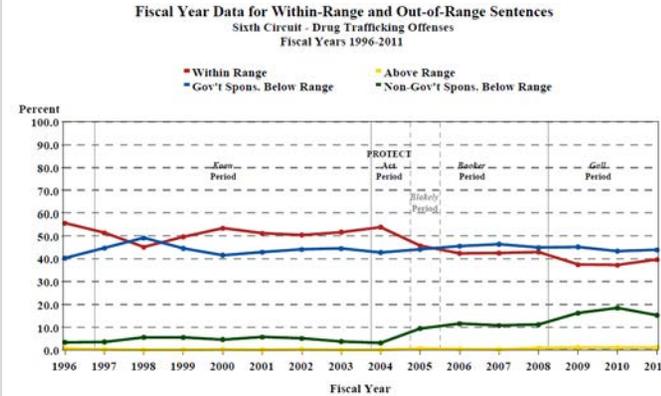
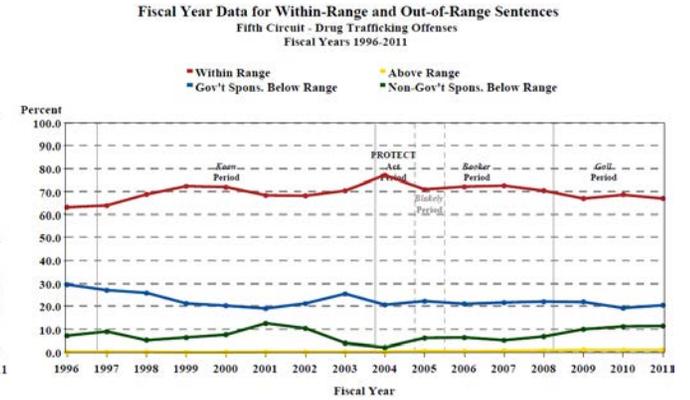
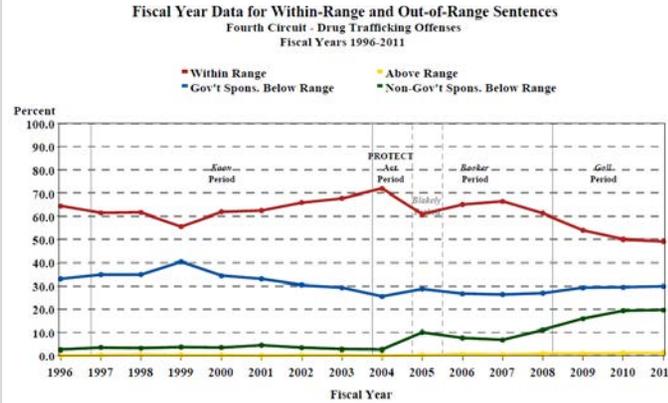


# PART C: DRUG TRAFFICKING OFFENSES

## CIRCUIT TREND ANALYSIS INFLUENCE OF THE GUIDELINES

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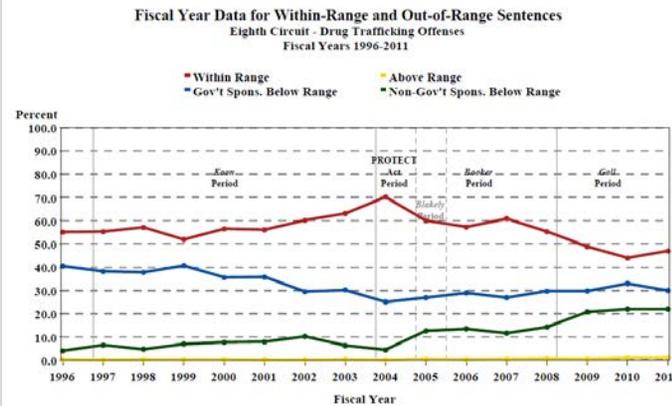
## PART C: DRUG TRAFFICKING OFFENSES

### CIRCUIT TREND ANALYSIS

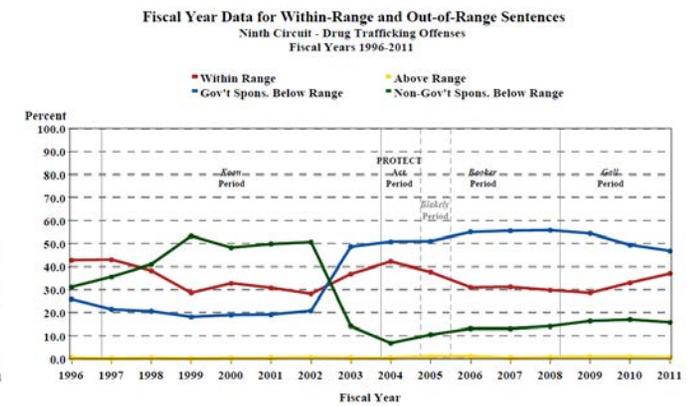
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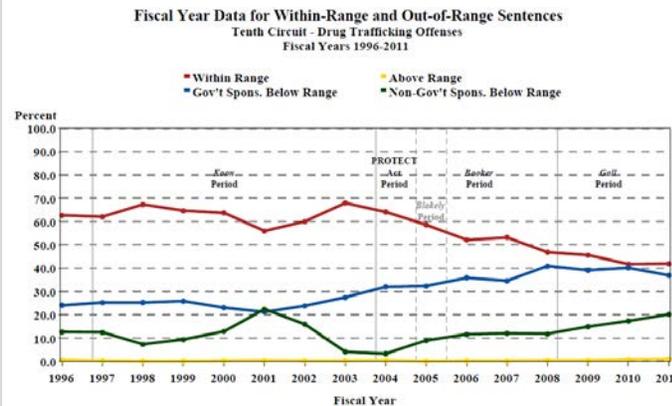
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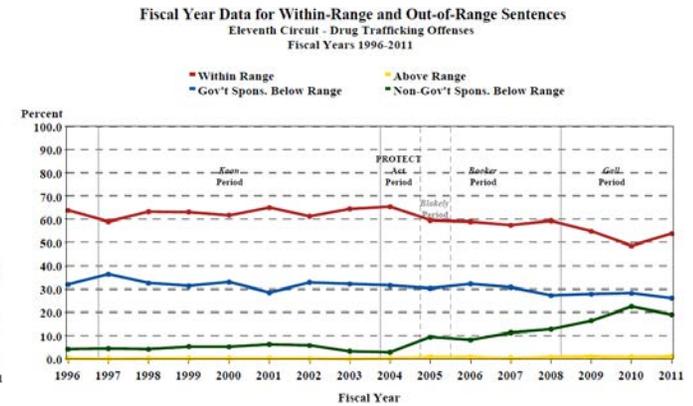
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



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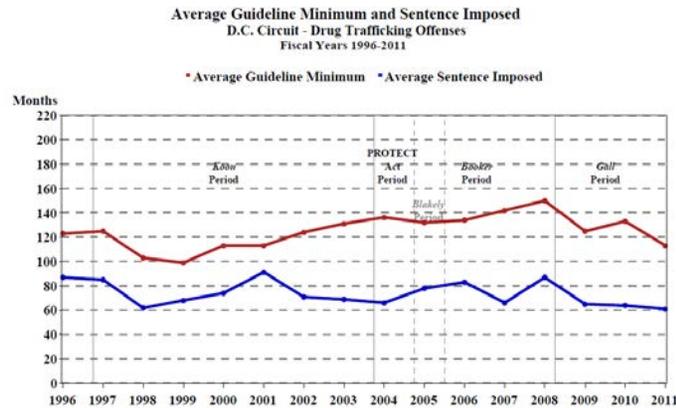
## PART C: DRUG TRAFFICKING OFFENSES

### CIRCUIT TREND ANALYSIS

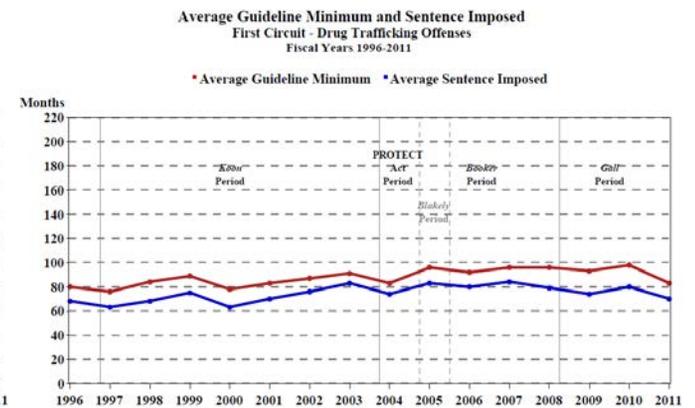
#### INFLUENCE OF THE GUIDELINES

In most circuits, both the average guideline minimum and average sentence increased between fiscal years 2002 and 2007, but decreased thereafter, perhaps reflecting the reductions in statutory penalties and guideline minimums for crack cocaine trafficking offenses that generally reduced penalties for such offenses. The same general trend has occurred in most circuits, although the timing has varied by circuit.

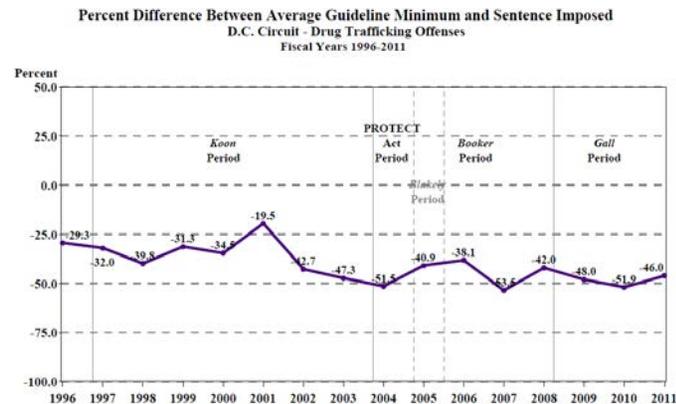
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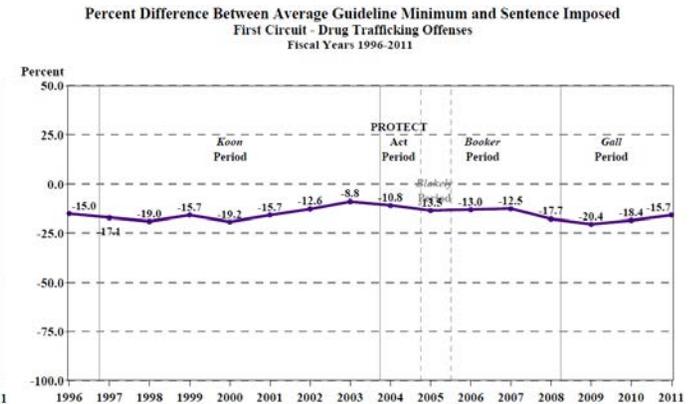
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.



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

## PART C: DRUG TRAFFICKING OFFENSES

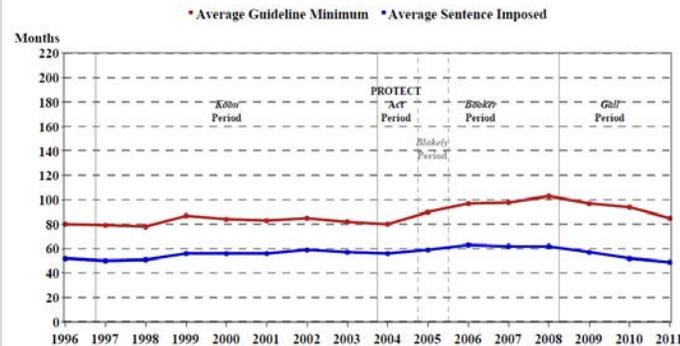
### CIRCUIT TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

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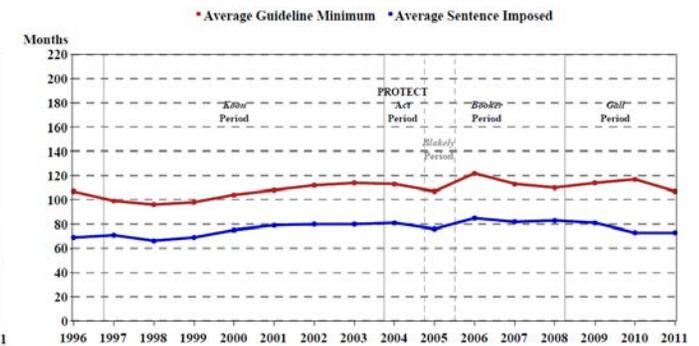
In most circuits the percentage difference between the average guideline minimum and the average sentence has remained relatively constant. The flatness of the line demonstrates that the influence of the guidelines has been stable in drug trafficking offenses.

Average Guideline Minimum and Sentence Imposed  
Second Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



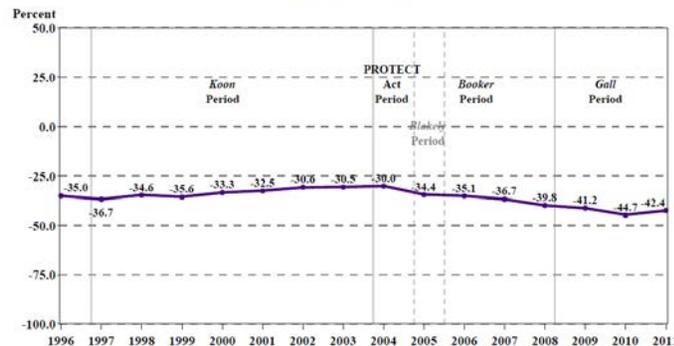
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Database.

Average Guideline Minimum and Sentence Imposed  
Third Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



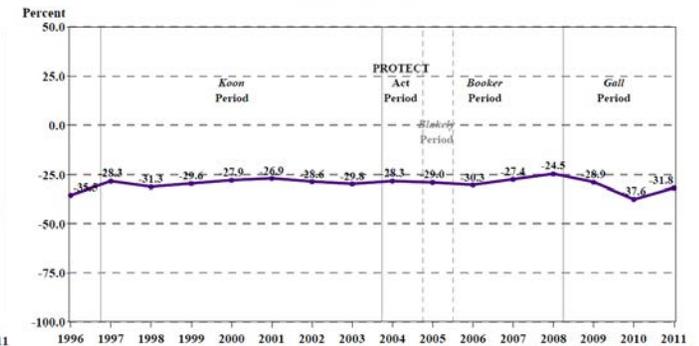
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Database.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Second Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Third Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

## PART C: DRUG TRAFFICKING OFFENSES

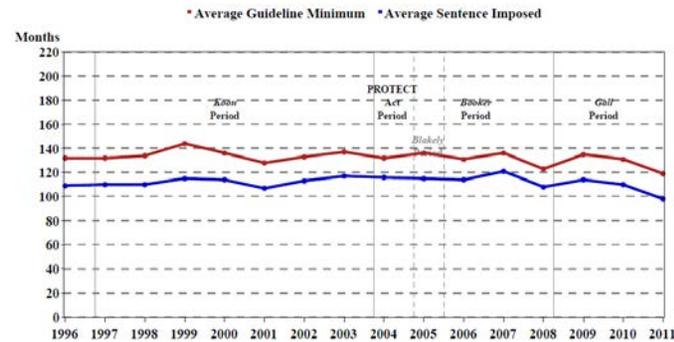
### CIRCUIT TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

In most circuits, both the average guideline minimum and average sentence increased between fiscal years 2002 and 2007, but decreased thereafter, perhaps reflecting the reductions in statutory penalties and guideline minimums for crack cocaine trafficking offenses that generally reduced penalties for such offenses. The same general trend has occurred in most circuits, although the timing has varied by circuit.

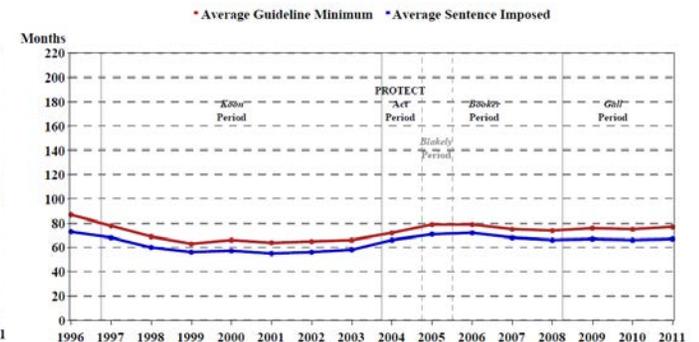
In most circuits the percentage difference between the average guideline minimum and the average sentence has remained relatively constant. The flatness of the line demonstrates that the influence of the guidelines has been stable in drug trafficking offenses.

Average Guideline Minimum and Sentence Imposed  
Fourth Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

Average Guideline Minimum and Sentence Imposed  
Fifth Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



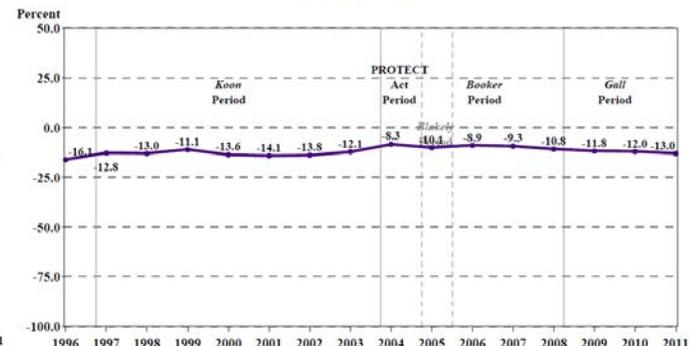
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Fourth Circuit - Drug Trafficking 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 - Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

## PART C: DRUG TRAFFICKING OFFENSES

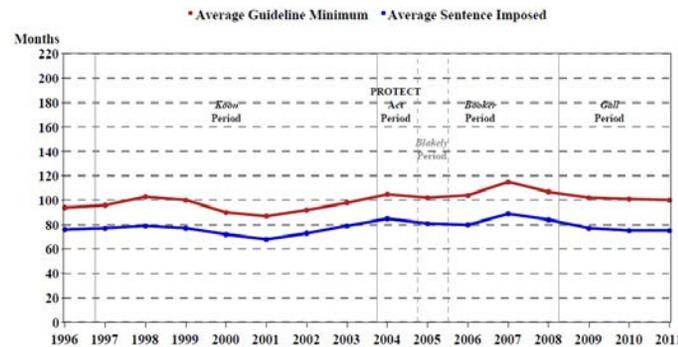
### CIRCUIT TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

In most circuits, both the average guideline minimum and average sentence increased between fiscal years 2002 and 2007, but decreased thereafter, perhaps reflecting the reductions in statutory penalties and guideline minimums for crack cocaine trafficking offenses that generally reduced penalties for such offenses. The same general trend has occurred in most circuits, although the timing has varied by circuit.

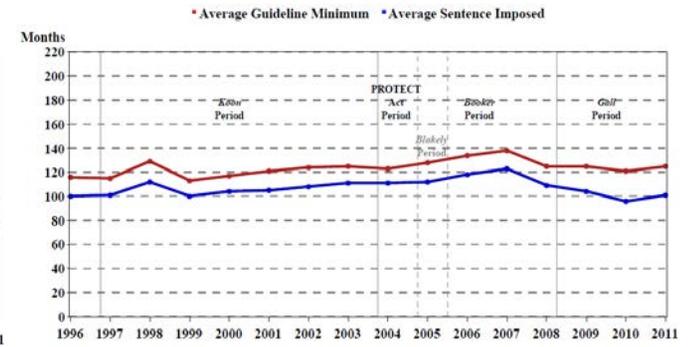
In most circuits the percentage difference between the average guideline minimum and the average sentence has remained relatively constant. The flatness of the line demonstrates that the influence of the guidelines has been stable in drug trafficking offenses.

Average Guideline Minimum and Sentence Imposed  
Sixth Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



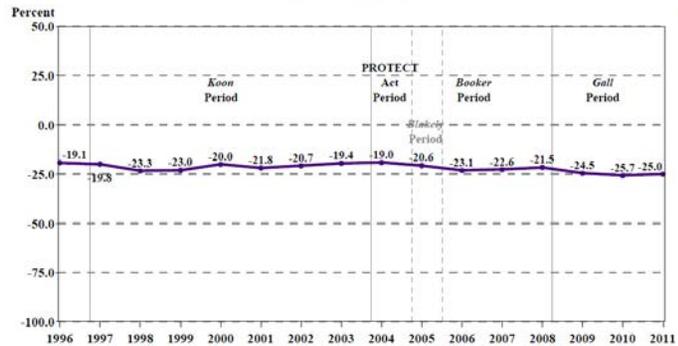
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed  
Seventh Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



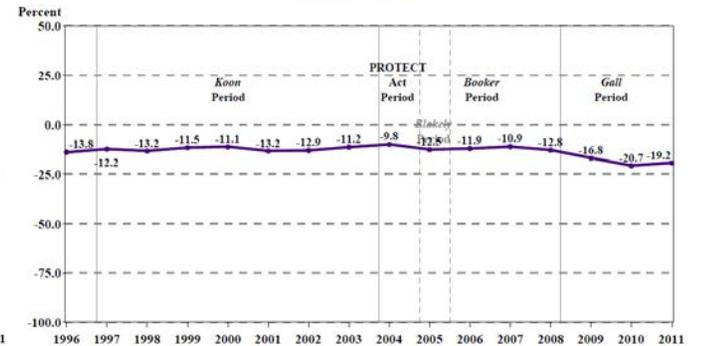
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Sixth Circuit - Drug Trafficking 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 - Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

## PART C: DRUG TRAFFICKING OFFENSES

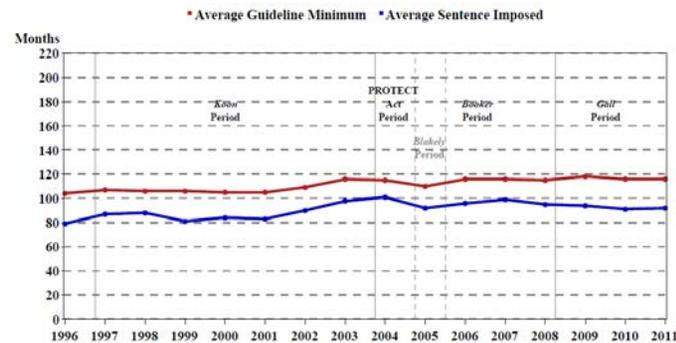
### CIRCUIT TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

In most circuits, both the average guideline minimum and average sentence increased between fiscal years 2002 and 2007, but decreased thereafter, perhaps reflecting the reductions in statutory penalties and guideline minimums for crack cocaine trafficking offenses that generally reduced penalties for such offenses. The same general trend has occurred in most circuits, although the timing has varied by circuit.

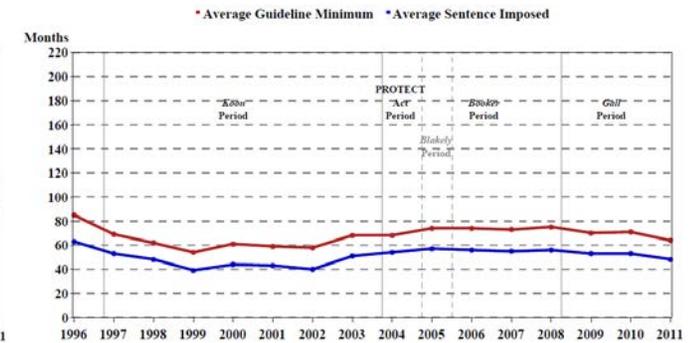
In most circuits the percentage difference between the average guideline minimum and the average sentence has remained relatively constant. The flatness of the line demonstrates that the influence of the guidelines has been stable in drug trafficking offenses.

Average Guideline Minimum and Sentence Imposed  
Eighth Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



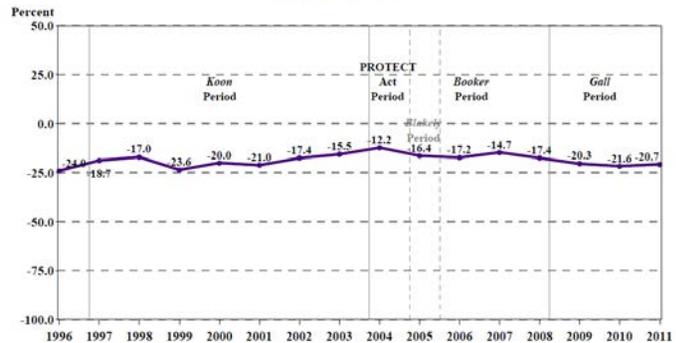
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Average Guideline Minimum and Sentence Imposed  
Ninth Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



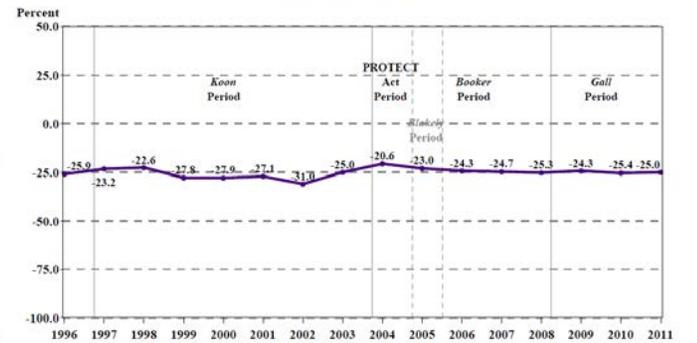
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafile.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Eighth Circuit - Drug Trafficking 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 - Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

## PART C: DRUG TRAFFICKING OFFENSES

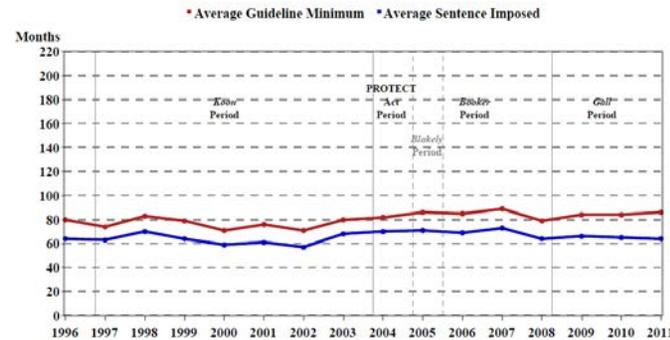
### CIRCUIT TREND ANALYSIS

#### INFLUENCE OF THE GUIDELINES

In most circuits, both the average guideline minimum and average sentence increased between fiscal years 2002 and 2007, but decreased thereafter, perhaps reflecting the reductions in statutory penalties and guideline minimums for crack cocaine trafficking offenses that generally reduced penalties for such offenses. The same general trend has occurred in most circuits, although the timing has varied by circuit.

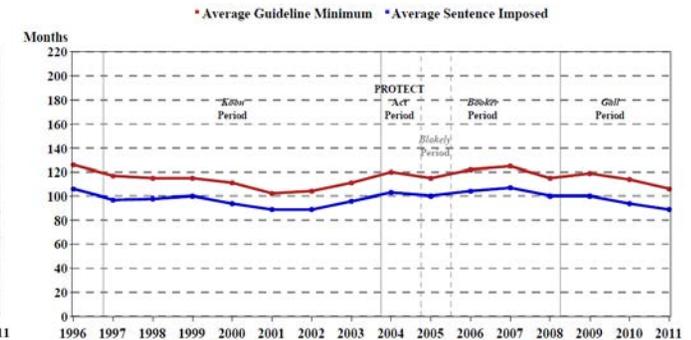
In most circuits the percentage difference between the average guideline minimum and the average sentence has remained relatively constant. The flatness of the line demonstrates that the influence of the guidelines has been stable in drug trafficking offenses.

Average Guideline Minimum and Sentence Imposed  
Tenth Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



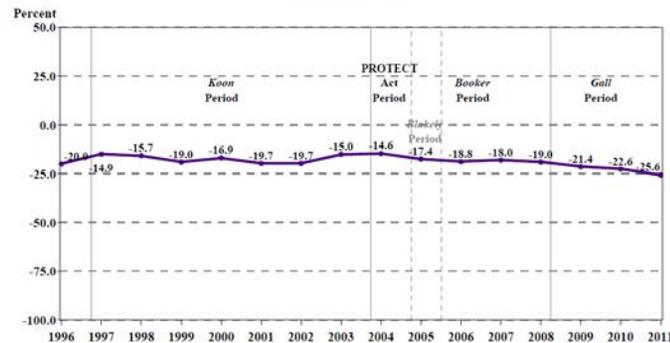
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Average Guideline Minimum and Sentence Imposed  
Eleventh Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



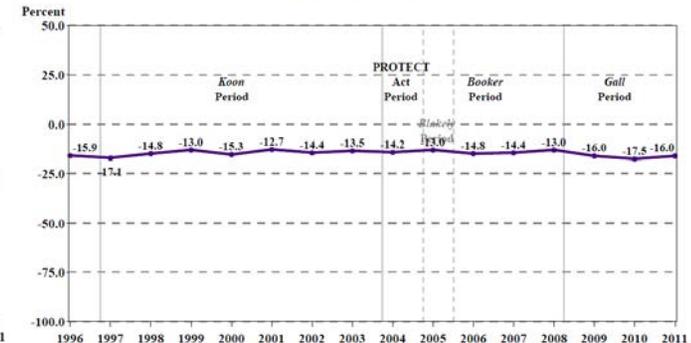
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Tenth Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



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

Percent Difference Between Average Guideline Minimum and Sentence Imposed  
Eleventh Circuit - Drug Trafficking Offenses  
Fiscal Years 1996-2011



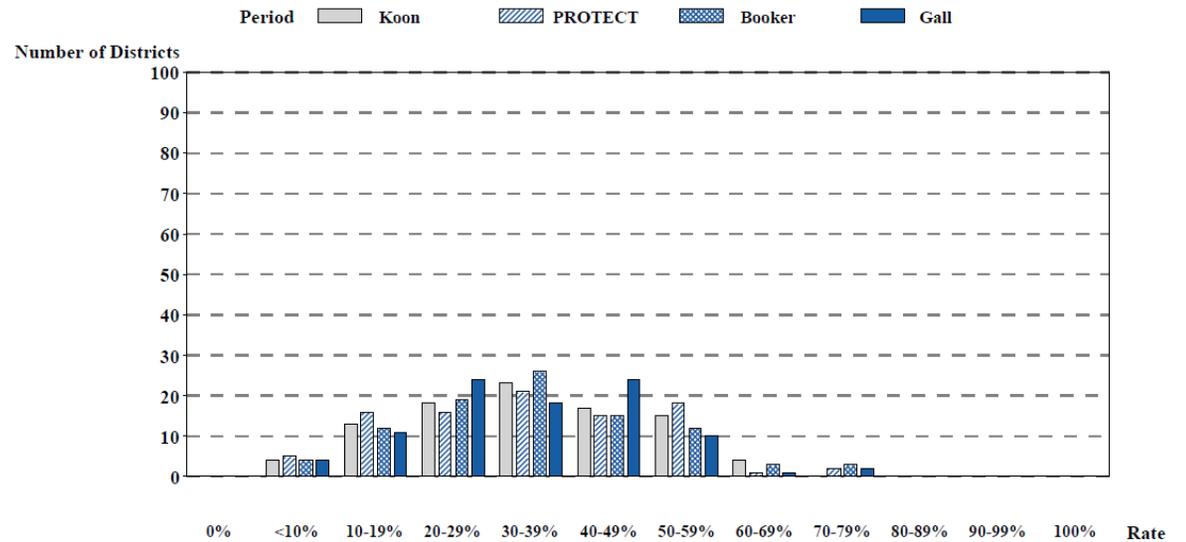
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

Most districts clustered between rates of between 20 and 49 percent government sponsored below range sentences during each of the periods. The districts with the highest rates of government sponsored below range sentences had rates of between 70 and 79 percent.

**Rate of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



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

## PART C: DRUG TRAFFICKING OFFENSES

### 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 drug trafficking offenses for each of the four periods.

Districts with the Highest and Lowest Rates of Government Sponsored Below Range Sentences  
Drug Trafficking 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.
<b>Districts with the Highest Rates in Each Time Period</b>											
Northern New York	1,086	64.9	Southern California	736	75.5	Southern California	2,520	71.9	Southern California	4,074	73.3
Northern Mariana Islands	45	64.4	Guam	27	74.1	North Dakota	168	70.8	North Dakota	278	72.7
Idaho	233	61.4	Middle Alabama	59	64.4	Middle Alabama	203	70.4	Eastern Kentucky	1,120	61.8
Western North Carolina	1,869	61.1	Idaho	62	59.7	Arizona	2,997	68.5	District of Columbia	589	59.6
Southern Ohio	1,097	59.7	Colorado	167	59.3	Idaho	198	64.1	Idaho	391	59.3
<b>Districts with the Lowest Rates in Each Time Period</b>											
Eastern Virginia	2,294	10.9	Western Wisconsin	86	8.1	Southern West Virginia	454	10.8	Southern West Virginia	552	11.2
Rhode Island	293	9.9	Eastern Virginia	538	7.8	Puerto Rico	833	9.7	Southern Illinois	570	9.8
Puerto Rico	2,036	9.2	Puerto Rico	407	7.6	Southern Illinois	528	6.3	South Dakota	391	9.0
Southern Illinois	1,368	8.9	Nebraska	551	5.6	Western Wisconsin	260	6.2	Nebraska	1,094	8.3
Northern West Virginia	813	8.9	Southern West Virginia	191	1.6	Eastern Virginia	1,599	4.8	Eastern Virginia	1,721	6.6

Number of Offenders refers to the total number of drug trafficking offenders sentenced during the time period.

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

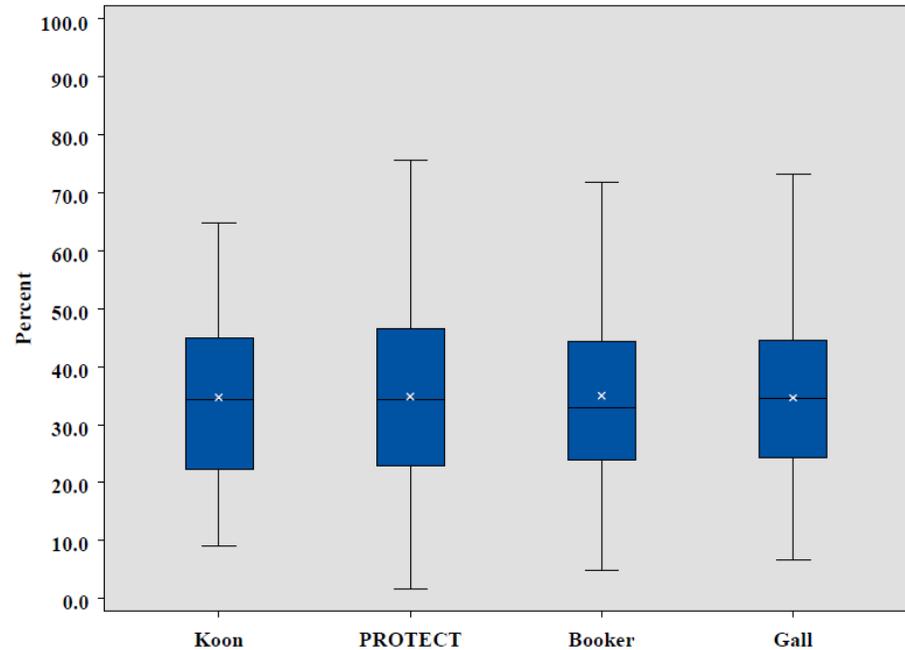
**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

As illustrated by the similar size and placement of the boxes along the vertical axis, government sponsored below range rates have been relatively stable across the periods. The spread among the middle 50 percent of districts has been relatively constant, though it has decreased slightly since the PROTECT Act period.

*\*Click on chart for corresponding table.*

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	8.9	1.6	4.8	6.6
Max	64.9	75.5	71.9	73.3
Q1	22.3	22.9	23.8	24.3
Q3	44.8	46.6	44.3	44.5
Q2	34.5	34.2	33.0	34.6
Mean	34.7	34.8	35.0	34.6

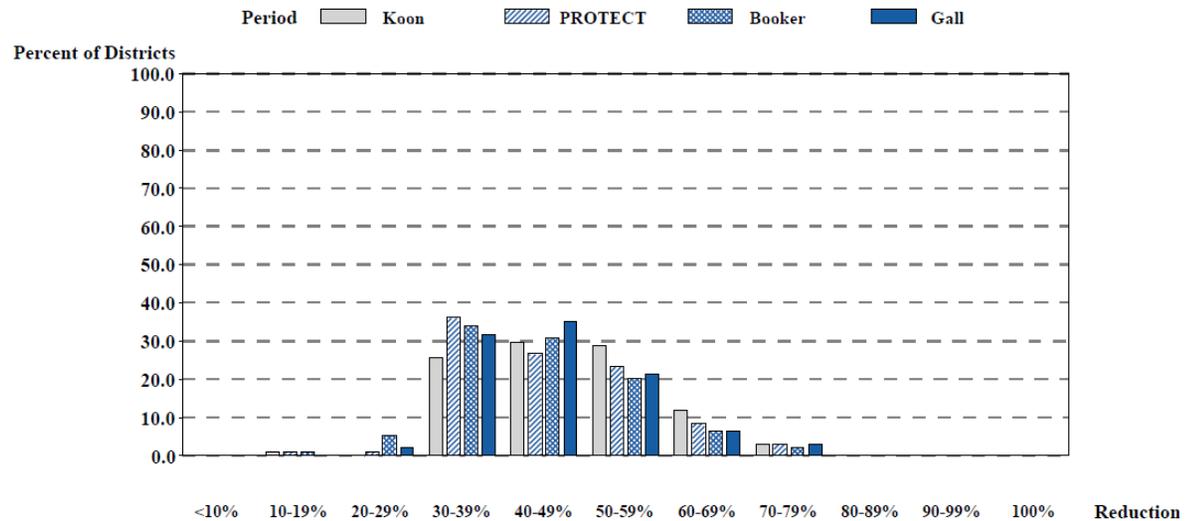
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The majority of districts have averaged government sponsored below range reductions of between 30 and 59 percent below the guideline minimum in every period. During each period, a smaller percentage of districts have averaged reductions of between ten and 29 percent, and between 70 and 79 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum Government Sponsored Below Range Sentences Drug Trafficking Offenses**  
Koon Period through Gall Period



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

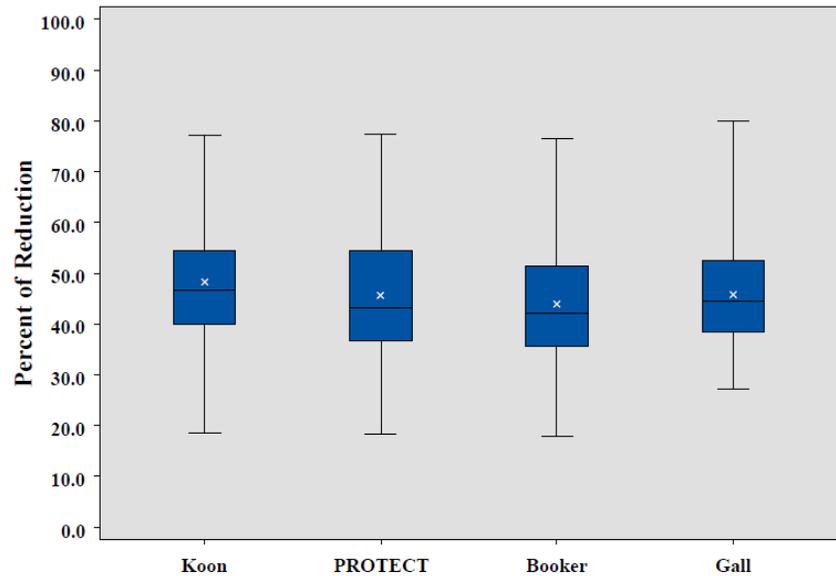
**DISTRICT TREND ANALYSIS**

**GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The spread in the extent of reduction among the middle 50 percent of districts has decreased since the PROTECT Act period and was smallest in the *Gall* period.

In the *Gall* period, the middle 50 percent of districts averaged generally higher reductions, as illustrated by the higher placement of the box along the vertical axis.

**Spread of Average Extent of Departure Government Sponsored Below Range Sentences Drug Trafficking Offenses Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	18.5	18.2	17.8	27.3
Max	77.3	77.4	76.6	79.9
Q1	39.9	36.7	35.5	38.6
Q3	54.4	54.4	51.4	52.5
Q2	46.7	43.2	42.2	44.5
Mean	48.3	45.7	43.9	45.9

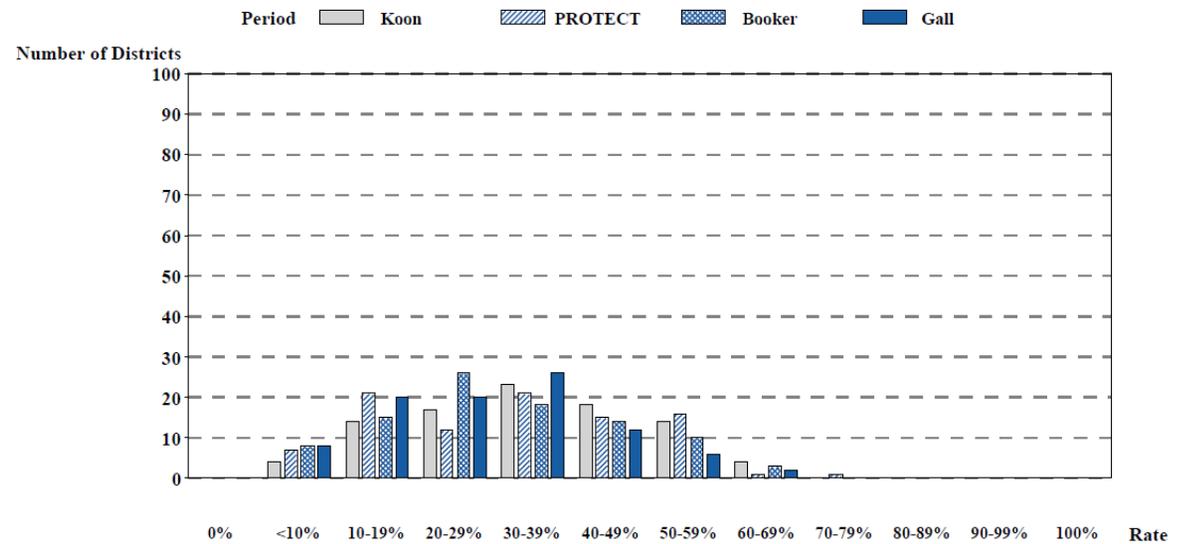
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

SUBSTANTIAL ASSISTANCE SENTENCES

Most districts clustered between substantial assistance below range sentence rates of between 20 to 49 percent in the *Koon*, *Booker*, and *Gall* periods

**Rate of Substantial Assistance Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



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

## PART C: DRUG TRAFFICKING OFFENSES

### DISTRICT TREND ANALYSIS

#### SUBSTANTIAL ASSISTANCE SENTENCES

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

**Districts with the Highest and Lowest Rates of Substantial Assistance Sentences  
Drug Trafficking 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	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.	District	Number of Offenders	% Subst. Assist.
<b>Districts with the Highest Rates in Each Time Period</b>											
Northern New York	1,086	64.8	Guam	27	74.1	Middle Alabama	203	69.5	North Dakota	278	68.7
Northern Mariana Islands	45	64.4	Middle Alabama	59	64.4	North Dakota	168	67.9	Eastern Kentucky	1,120	60.9
Western North Carolina	1,869	61.0	Idaho	62	59.7	Idaho	198	64.1	Idaho	391	57.8
Idaho	233	60.5	Colorado	167	59.3	Colorado	424	59.9	Western New York	969	55.5
Southern Ohio	1,097	59.7	Eastern North Carolina	186	58.1	Eastern Kentucky	702	58.1	Maine	276	54.0
<b>Districts with the Lowest Rates in Each Time Period</b>											
Eastern Oklahoma	180	10.0	Western Wisconsin	86	8.1	Puerto Rico	833	7.7	Arizona	4,734	8.0
Rhode Island	293	9.9	Eastern Virginia	538	7.4	Western Wisconsin	260	6.2	South Dakota	391	6.9
Puerto Rico	2,036	9.0	Puerto Rico	407	7.4	Nebraska	1,170	5.6	Puerto Rico	1,745	6.8
Southern Illinois	1,368	8.9	Nebraska	551	3.6	Southern Illinois	528	5.5	Eastern Virginia	1,721	5.6
Northern West Virginia	813	8.9	Southern West Virginia	191	1.6	Eastern Virginia	1,599	4.4	Nebraska	1,094	4.5

Number of Offenders refers to the total number of drug trafficking offenders sentenced during the time period.

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

**DISTRICT TREND ANALYSIS**

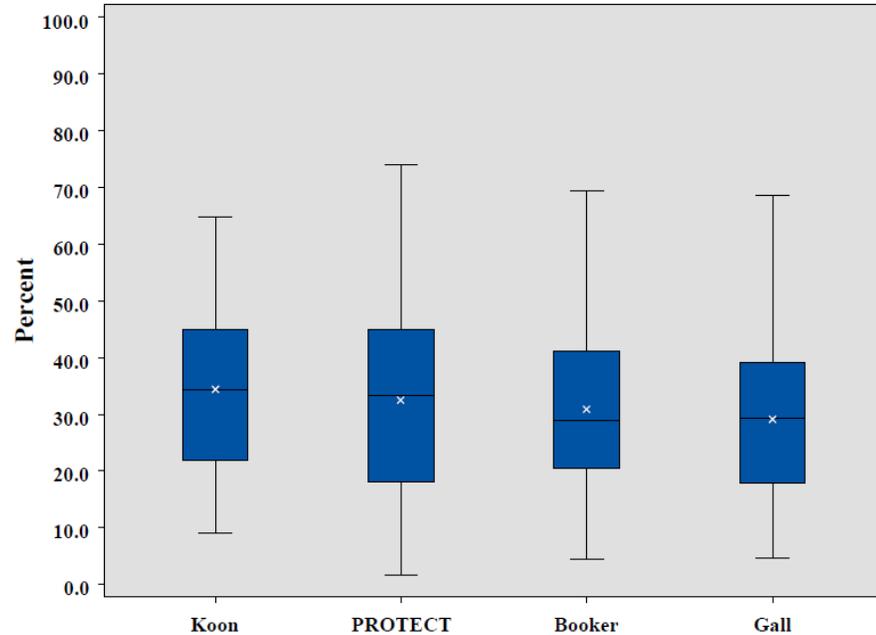
SUBSTANTIAL ASSISTANCE SENTENCES

The PROTECT Act period had the largest spread in rates of substantial assistance sentences among the middle 50 percent of districts.

As illustrated by the lower placement of the box on the vertical axis in the *Gall* period, the rates of substantial assistance sentences generally decreased among the middle 50 percent of districts from the *Booker* to the *Gall* periods. The mean rate has also decreased over time to a low of 29.1 percent in the *Gall* period.

*\*Click on chart for corresponding table.*

**Spread of Rates of Substantial Assistance Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	8.9	1.6	4.4	4.5
Max	64.8	74.1	69.5	68.7
Q1	21.8	18.0	20.4	18.0
Q3	44.8	45.0	41.2	39.0
Q2	34.5	33.4	28.7	29.2
Mean	34.5	32.5	30.9	29.1

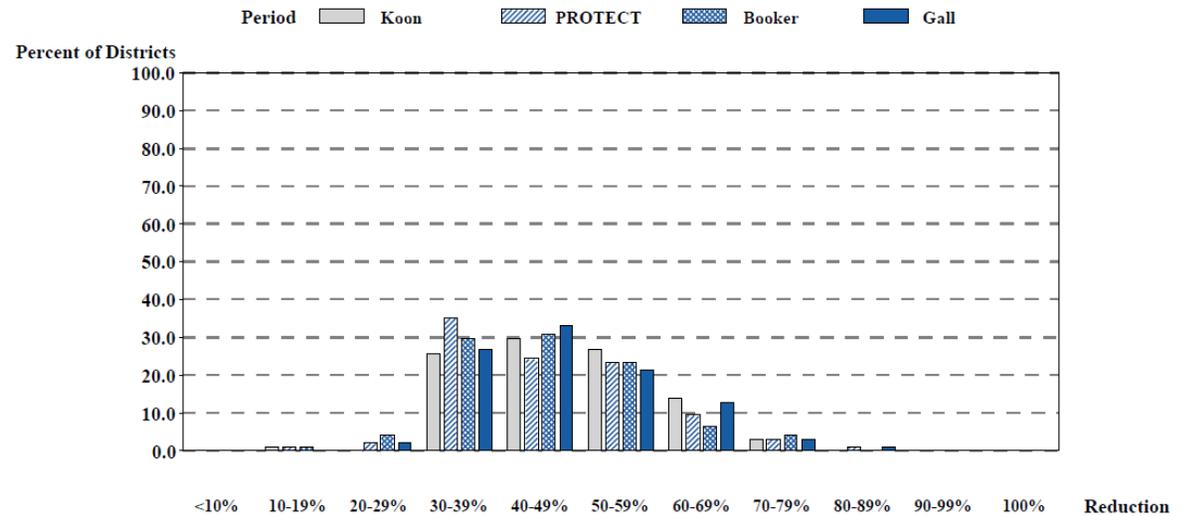
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**SUBSTANTIAL ASSISTANCE SENTENCES**

Across the periods, most districts have clustered at average substantial assistance reductions of between 30 and 59 percent below the guideline minimum. A small percentage of districts have averaged reductions of between 20 and 29 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum  
Substantial Assistance Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



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

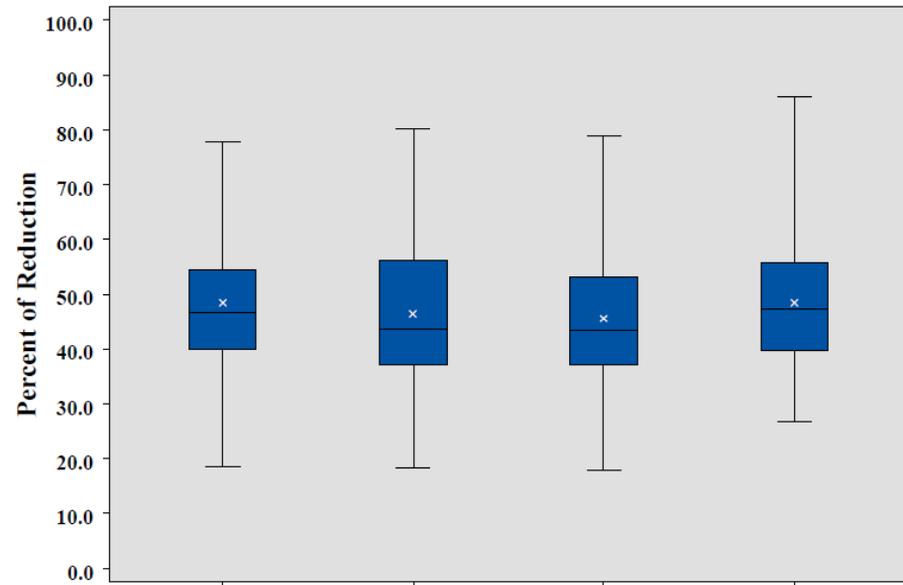
**DISTRICT TREND ANALYSIS**

SUBSTANTIAL ASSISTANCE SENTENCES

As illustrated by the size of the boxes along the vertical axis, the spread in the extent of the reduction in the middle 50 percent of districts was greatest in the PROTECT Act period but similar in the other periods.

The slightly higher position of the box along the vertical axis in the *Gall* period indicates generally larger average reductions in that period.

**Spread of Average Extent of Departure  
Substantial Assistance Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	94.0	94.0	94.0	94.0
Min	18.5	18.2	17.8	26.6
Max	77.8	80.2	78.8	86.1
Q1	39.9	37.1	37.1	39.8
Q3	54.6	56.3	53.1	55.7
Q2	46.7	43.6	43.5	47.2
Mean	48.5	46.5	45.6	48.5

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

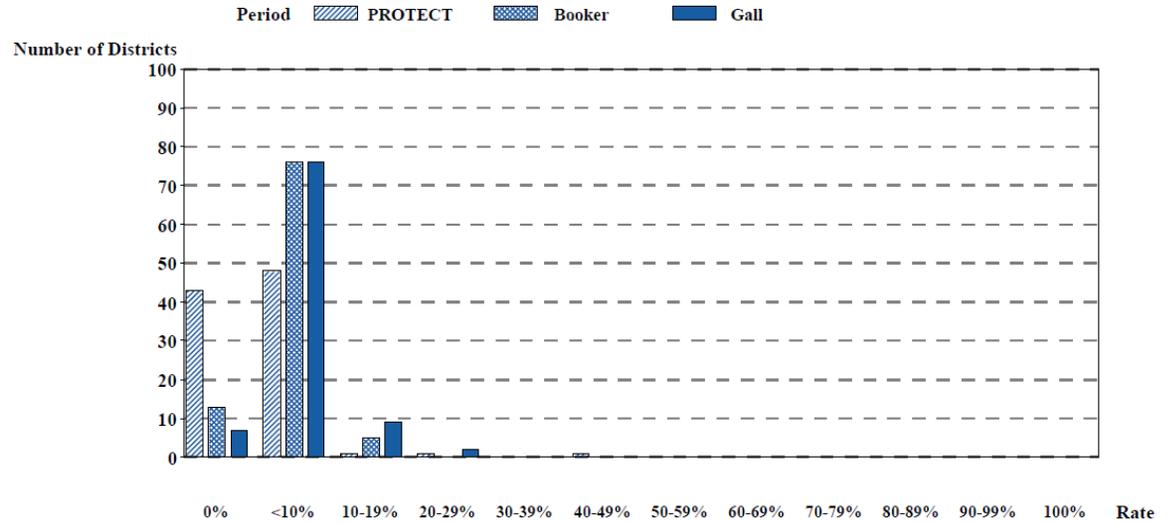
**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

Of those districts reporting other government sponsored below range sentences the majority of districts had rates of less than ten percent.

During the *Koon* period, except for substantial assistance motions by the government, the Commission did not differentiate between court-sponsored and other types of government-sponsored below range sentences. Accordingly, there are no reported other government sponsored below range sentences for the *Koon* period.

**Rate of Other Government Sponsored Below Range Sentences  
Drug Trafficking 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: DRUG TRAFFICKING OFFENSES

### 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 in drug trafficking of offenses for the three periods in which such data was collected.

Districts with the Highest and Lowest Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking 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.
<b>Districts with the Highest Rates in Each Time Period</b>											
			Southern California	736	48.8	Western Washington	814	18.3	Western Washington	896	28.6
			Arizona	890	25.8	District of Columbia	519	15.2	Northern California	657	23.7
			Nevada	111	12.6	Northern Mississippi	226	12.8	Oregon	605	19.7
			Eastern Oklahoma	43	9.3	Northern California	400	12.8	District of Columbia	589	18.5
			Southern Texas	1,782	8.0	Southern Texas	4,175	10.4	Eastern Washington	423	15.4
<b>Districts with the Lowest Rates in Each Time Period</b>											
			Eastern Virginia	538	0.4	Middle Georgia	461	0.4	Middle North Carolina	630	0.3
			Kansas	329	0.3	Eastern Virginia	1,599	0.4	Northern Alabama	425	0.2
			Eastern Tennessee	357	0.3	Montana	357	0.3	Northern Florida	527	0.2
			Puerto Rico	407	0.2	Middle North Carolina	494	0.2	Southern Alabama	692	0.1
			Eastern Texas	411	0.2	Eastern Kentucky	702	0.1	Eastern North Carolina	1,065	0.1

Number of Offenders refers to the total number of drug trafficking 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, 43 districts imposed at least one sentence for a drug trafficking offense but did not impose an other government sponsored below range sentence. The total number of drug trafficking offenders sentenced in each of those districts ranged from ten to 1,025 offenders.

During the Booker period, 13 districts imposed at least one sentence for a drug trafficking offense but did not impose an other government sponsored below range sentence. The total number of drug trafficking offenders sentenced in each of those districts ranged from 61 to 647 offenders.

During the Gall period, seven districts imposed at least one sentence for a drug trafficking offense but did not impose an other government sponsored below range sentence. The total number of drug trafficking offenders sentenced in each of those districts ranged from 24 to 320 offenders.

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

## PART C: DRUG TRAFFICKING OFFENSES

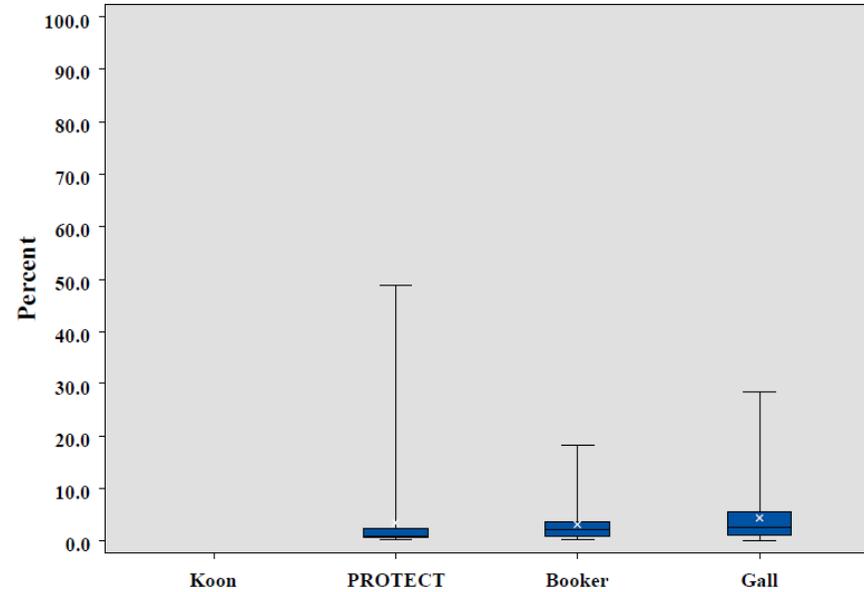
### DISTRICT TREND ANALYSIS

#### OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES

In the PROTECT Act period, 51 districts reported other government sponsored below range sentences. More districts reported such sentences in the *Booker* period (81) and in the *Gall* period (87), but rates have remained low.

*\*Click on chart for corresponding table.*

**Spread of Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		51.0	81.0	87.0
Min		0.2	0.1	0.1
Max		48.8	18.3	28.6
Q1		0.6	0.9	1.1
Q3		2.3	3.7	5.6
Q2		1.0	2.0	2.6
Mean		3.5	3.2	4.5

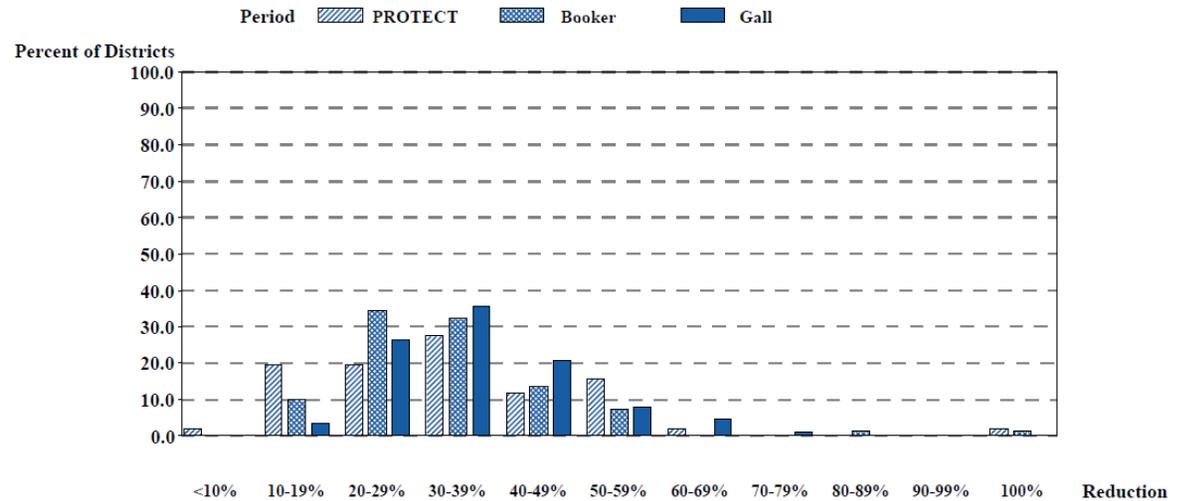
Data on other government sponsored below range sentences is unavailable for the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

During the PROTECT Act period, the extent of the reduction below the guideline minimum ranged from less than ten percent to 100 percent, with the greatest concentration of districts in the ten to 39 percent range. A 100 percent reduction likely reflects a reduction from a guideline range calling for a term of imprisonment to a sentence of probation. During the *Booker* and *Gall* period, most districts averaged reductions of between 20 and 39 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum  
Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
PROTECT Act Period through Gall Period**



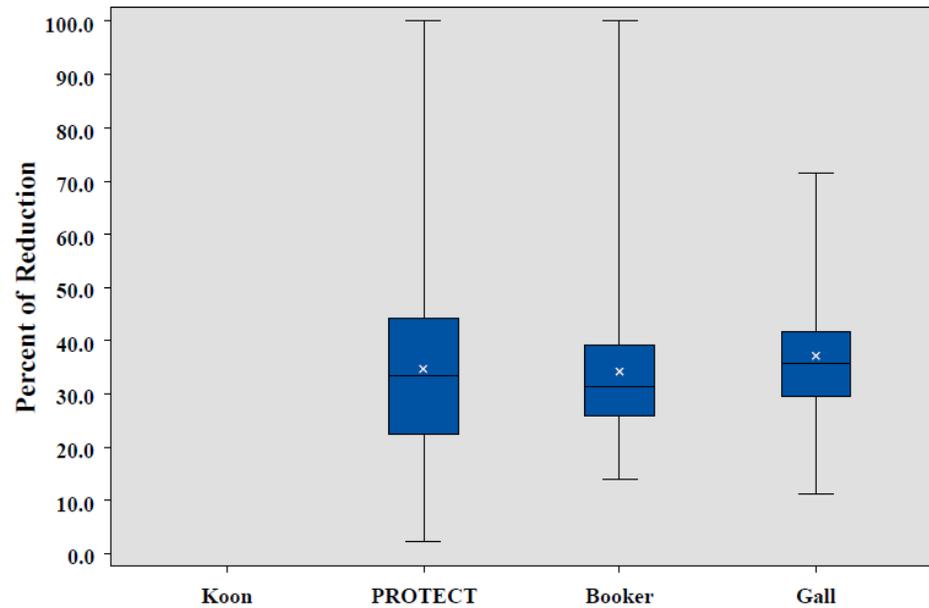
Data on other government sponsored below range sentences is unavailable for the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**OTHER GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The higher position of the box in the *Gall* period indicates that the middle 50 percent of districts reporting other government sponsored below range sentences in the *Gall* period averaged larger reductions below the guideline minimum compared to previous periods. The average reduction was largest in the *Gall* period, at 37.2 percent below the guideline minimum.

**Spread of Average Extent of Departure  
Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N		51.0	81.0	87.0
Min		2.2	14.0	11.1
Max		100.0	100.0	71.4
Q1		22.4	25.7	29.6
Q3		44.3	39.1	41.7
Q2		33.3	31.3	35.7
Mean		34.7	34.2	37.2

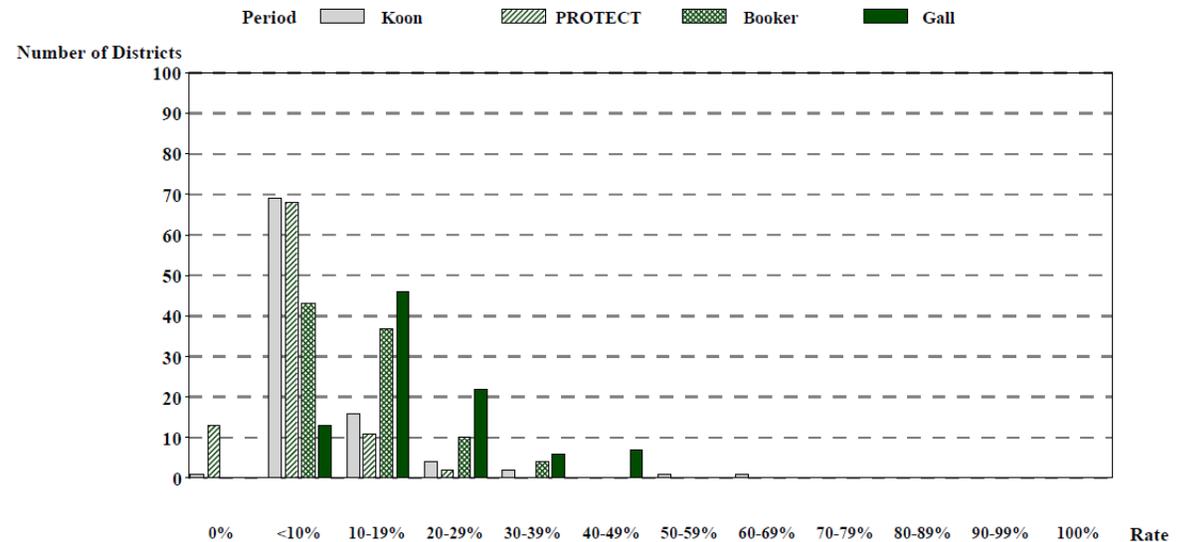
Data on other government sponsored below range sentences is unavailable for the Koon period.  
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Database

**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

While the majority of districts in the *Koon* and PROTECT Act periods had non-government sponsored below range rates of less than ten percent in drug trafficking offenses, the majority of districts in the *Booker* and *Gall* periods had higher non-government sponsored below range rates. *Booker* period rates in many districts were between less than ten percent and 19 percent, and *Gall* period rates in many districts were between less than ten percent and 29 percent.

**Rate of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



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

## PART C: DRUG TRAFFICKING OFFENSES

### 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 in drug trafficking offenses for each of the four periods.

Districts with the Highest and Lowest Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking 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.
<b>Districts with the Highest Rates in Each Time Period</b>											
Southern California	9,527	64.8	Eastern New York	706	25.5	Eastern New York	1,329	35.2	Rhode Island	210	45.7
Arizona	5,215	57.7	Connecticut	174	23.0	Connecticut	508	31.5	Southern New York	2,013	45.1
Eastern New York	3,989	38.2	Western Washington	254	14.6	Rhode Island	141	30.5	Vermont	289	43.6
Connecticut	664	35.5	Eastern Washington	116	13.8	Delaware	76	30.3	Connecticut	715	42.0
Eastern Oklahoma	180	26.1	Vermont	133	12.8	Massachusetts	570	28.4	Delaware	119	41.2
<b>Districts with the Lowest Rates in Each Time Period</b>											
Eastern Tennessee	1,609	1.9	Northern Alabama	179	0.6	Western Arkansas	135	3.7	Western North Carolina	901	7.8
Middle North Carolina	1,002	1.7	South Carolina	419	0.5	Middle Louisiana	137	3.6	Eastern Kentucky	1,120	6.3
Northern Alabama	1,010	1.4	Eastern Kentucky	276	0.4	Northern Mariana Islands	28	3.6	Northern Mississippi	210	6.2
Northern Florida	1,306	1.2	Western Virginia	293	0.3	Middle Alabama	203	3.4	Eastern North Carolina	1,065	4.8
Guam	241	0.8	Northern Iowa	317	0.3	Northern Mississippi	226	1.8	Middle Georgia	408	4.4

Number of Offenders refers to the total number of drug trafficking offenders sentenced during the time period.

During the Koon period, one district did not impose a non-government sponsored below range sentence in any of the 45 drug trafficking offenses sentenced in the district during the period.

During the PROTECT Act period, 13 districts imposed at least one sentence for a drug trafficking offense but did not impose a non-government sponsored below range sentence. The total number of drug trafficking offenders sentenced in each of those districts ranged from ten to 199 offenders.

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

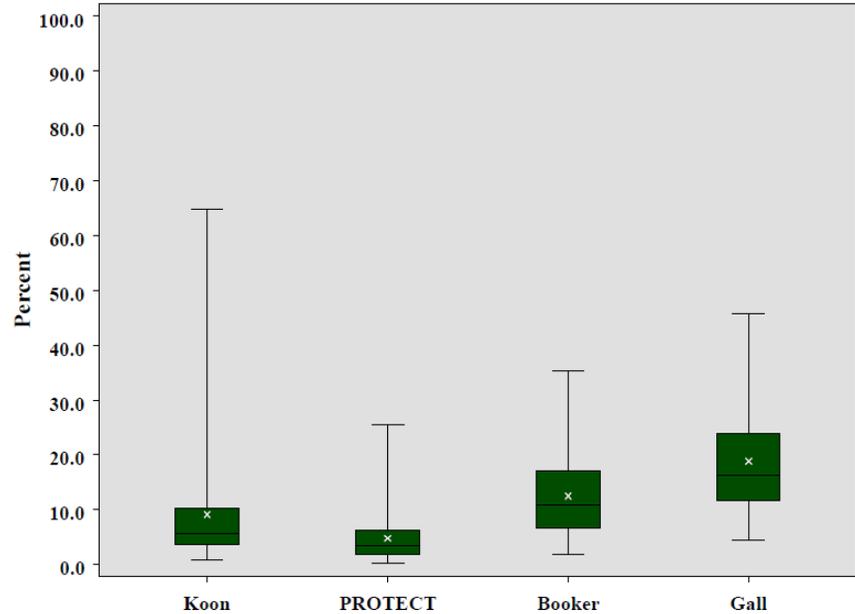
**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The higher placement and increasing size of the boxes over time indicates that non-government sponsored below range rates among the middle 50 percent of districts were highest in the *Gall* period, and that the spread in the rates among the middle 50 percent of districts was greatest in the *Gall* period.

*\*Click on chart for corresponding table.*

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	93.0	81.0	94.0	94.0
Min	0.8	0.3	1.8	4.4
Max	64.8	25.5	35.2	45.7
Q1	3.7	1.7	6.6	11.5
Q3	10.2	6.2	17.0	23.9
Q2	5.7	3.3	10.9	16.2
Mean	9.1	4.8	12.5	18.8

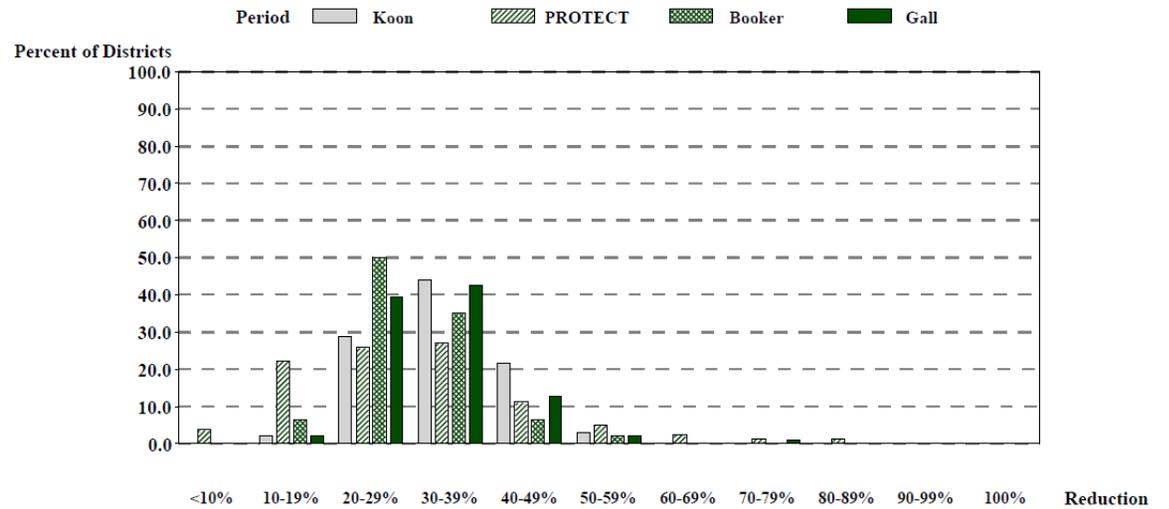
SOURCE: U.S. Sentencing Commission, 2011 Booker Report Datafiles.

**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

In each period, the largest percentage of districts clustered around average reductions of between 20 to 39 percent below the guideline minimum.

**Extent of Reduction from Guideline Minimum  
Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



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

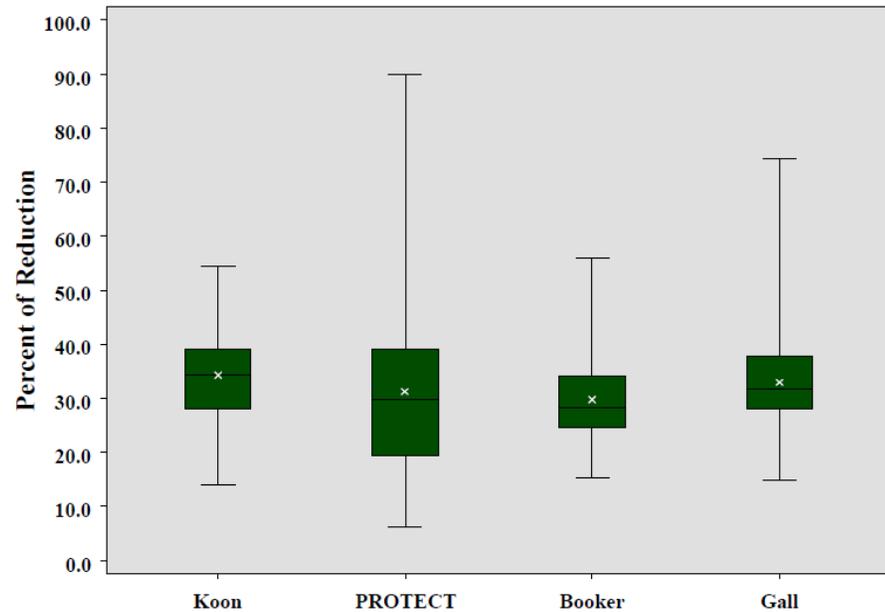
**DISTRICT TREND ANALYSIS**

**NON-GOVERNMENT SPONSORED BELOW RANGE SENTENCES**

The spread in the average extent of the reduction below the guideline minimum among the middle 50 percent of districts was greatest in the PROTECT Act period.

The higher placement of the box along the vertical axis in the *Gall* period indicates that the middle 50 percent of districts averaged larger reductions below the guideline minimum in the *Gall* period than in the *Booker* period.

**Spread of Average Extent of Departure  
Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses  
Koon Period through Gall Period**



	Koon	PROTECT	Booker	Gall
N	93.0	81.0	94.0	94.0
Min	14.0	6.2	15.4	14.9
Max	54.5	89.9	55.9	74.5
Q1	28.1	19.6	24.7	28.1
Q3	39.1	39.1	34.2	37.7
Q2	34.4	29.8	28.4	31.8
Mean	34.4	31.3	29.9	33.0

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

## Appendix: Drug Trafficking 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	%
<b>TOTAL</b>	<b>76,216</b>	<b>100.0</b>
<b>D.C. CIRCUIT</b>	<b>345</b>	<b>0.5</b>
District of Columbia	345	0.5
<b>FIRST CIRCUIT</b>	<b>2,135</b>	<b>2.8</b>
Maine	193	0.3
Massachusetts	538	0.7
New Hampshire	201	0.3
Puerto Rico	994	1.3
Rhode Island	209	0.3
<b>SECOND CIRCUIT</b>	<b>4,308</b>	<b>5.7</b>
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
<b>THIRD CIRCUIT</b>	<b>2,862</b>	<b>3.8</b>
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
<b>FOURTH CIRCUIT</b>	<b>5,740</b>	<b>7.5</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>17,801</b>	<b>23.4</b>
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
<b>SIXTH CIRCUIT</b>	<b>5,329</b>	<b>7.0</b>
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
<b>SEVENTH CIRCUIT</b>	<b>2,931</b>	<b>3.8</b>
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
<b>EIGHTH CIRCUIT</b>	<b>4,661</b>	<b>6.1</b>
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	%
<b>NINTH CIRCUIT</b>	<b>17,291</b>	<b>22.7</b>
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
<b>TENTH CIRCUIT</b>	<b>6,372</b>	<b>8.4</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>6,441</b>	<b>8.5</b>
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	%
<b>TOTAL</b>	<b>76,191</b>	<b>5,896</b>	<b>7.7</b>	<b>5,898</b>	<b>7.7</b>	<b>2,546</b>	<b>3.3</b>	<b>21,264</b>	<b>27.9</b>	<b>24,502</b>	<b>32.2</b>	<b>226</b>	<b>0.3</b>	<b>1,632</b>	<b>2.1</b>
<b>D.C. CIRCUIT</b>	<b>345</b>	<b>16</b>	<b>0.3</b>	<b>50</b>	<b>0.8</b>	<b>3</b>	<b>0.1</b>	<b>15</b>	<b>0.1</b>	<b>133</b>	<b>0.5</b>	<b>2</b>	<b>0.9</b>	<b>11</b>	<b>0.7</b>
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
<b>FIRST CIRCUIT</b>	<b>2,134</b>	<b>190</b>	<b>3.2</b>	<b>240</b>	<b>4.1</b>	<b>16</b>	<b>0.6</b>	<b>114</b>	<b>0.5</b>	<b>1,129</b>	<b>4.6</b>	<b>10</b>	<b>4.4</b>	<b>39</b>	<b>2.4</b>
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
<b>SECOND CIRCUIT</b>	<b>4,307</b>	<b>245</b>	<b>4.2</b>	<b>556</b>	<b>9.4</b>	<b>48</b>	<b>1.9</b>	<b>462</b>	<b>2.2</b>	<b>1,787</b>	<b>7.3</b>	<b>14</b>	<b>6.2</b>	<b>114</b>	<b>7.0</b>
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
<b>THIRD CIRCUIT</b>	<b>2,861</b>	<b>279</b>	<b>4.7</b>	<b>413</b>	<b>7.0</b>	<b>10</b>	<b>0.4</b>	<b>206</b>	<b>1.0</b>	<b>953</b>	<b>3.9</b>	<b>9</b>	<b>4.0</b>	<b>103</b>	<b>6.3</b>
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
<b>FOURTH CIRCUIT</b>	<b>5,730</b>	<b>832</b>	<b>14.1</b>	<b>596</b>	<b>10.1</b>	<b>13</b>	<b>0.5</b>	<b>484</b>	<b>2.3</b>	<b>2,229</b>	<b>9.1</b>	<b>35</b>	<b>15.5</b>	<b>141</b>	<b>8.6</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>17,799</b>	<b>707</b>	<b>12.0</b>	<b>672</b>	<b>11.4</b>	<b>1,275</b>	<b>50.1</b>	<b>7,950</b>	<b>37.4</b>	<b>4,956</b>	<b>20.2</b>	<b>20</b>	<b>8.8</b>	<b>188</b>	<b>11.5</b>
Louisiana															
Eastern	<b>340</b>	33	0.6	58	1.0	1	0.0	19	0.1	120	0.5	0	0.0	8	0.5
Middle	<b>134</b>	27	0.5	29	0.5	0	0.0	16	0.1	37	0.2	0	0.0	0	0.0
Western	<b>270</b>	41	0.7	40	0.7	0	0.0	11	0.1	60	0.2	3	1.3	11	0.7
Mississippi															
Northern	<b>181</b>	32	0.5	20	0.3	0	0.0	5	0.0	65	0.3	1	0.4	18	1.1
Southern	<b>299</b>	23	0.4	72	1.2	3	0.1	22	0.1	77	0.3	1	0.4	5	0.3
Texas															
Eastern	<b>987</b>	98	1.7	93	1.6	17	0.7	82	0.4	460	1.9	1	0.4	25	1.5
Northern	<b>897</b>	86	1.5	80	1.4	9	0.4	142	0.7	259	1.1	7	3.1	42	2.6
Southern	<b>8,158</b>	182	3.1	120	2.0	938	36.8	4,656	21.9	1,735	7.1	3	1.3	24	1.5
Western	<b>6,533</b>	185	3.1	160	2.7	307	12.1	2,997	14.1	2,143	8.7	4	1.8	55	3.4
<b>SIXTH CIRCUIT</b>	<b>5,324</b>	<b>847</b>	<b>14.4</b>	<b>579</b>	<b>9.8</b>	<b>14</b>	<b>0.5</b>	<b>416</b>	<b>2.0</b>	<b>1,946</b>	<b>7.9</b>	<b>23</b>	<b>10.2</b>	<b>181</b>	<b>11.1</b>
Kentucky															
Eastern	<b>585</b>	55	0.9	51	0.9	0	0.0	22	0.1	259	1.1	6	2.7	19	1.2
Western	<b>358</b>	27	0.5	52	0.9	0	0.0	21	0.1	158	0.6	0	0.0	10	0.6
Michigan															
Eastern	<b>810</b>	126	2.1	97	1.6	2	0.1	104	0.5	243	1.0	4	1.8	35	2.1
Western	<b>450</b>	61	1.0	42	0.7	0	0.0	108	0.5	104	0.4	4	1.8	21	1.3
Ohio															
Northern	<b>610</b>	117	2.0	97	1.6	2	0.1	25	0.1	173	0.7	0	0.0	28	1.7
Southern	<b>704</b>	63	1.1	78	1.3	3	0.1	81	0.4	269	1.1	4	1.8	36	2.2
Tennessee															
Eastern	<b>894</b>	143	2.4	53	0.9	4	0.2	19	0.1	474	1.9	1	0.4	12	0.7
Middle	<b>319</b>	89	1.5	32	0.5	0	0.0	17	0.1	82	0.3	2	0.9	11	0.7
Western	<b>594</b>	166	2.8	77	1.3	3	0.1	19	0.1	184	0.8	2	0.9	9	0.6
<b>SEVENTH CIRCUIT</b>	<b>2,931</b>	<b>377</b>	<b>6.4</b>	<b>341</b>	<b>5.8</b>	<b>4</b>	<b>0.2</b>	<b>214</b>	<b>1.0</b>	<b>1,182</b>	<b>4.8</b>	<b>23</b>	<b>10.2</b>	<b>103</b>	<b>6.3</b>
Illinois															
Central	<b>353</b>	54	0.9	23	0.4	2	0.1	28	0.1	138	0.6	6	2.7	27	1.7
Northern	<b>868</b>	42	0.7	161	2.7	0	0.0	105	0.5	285	1.2	6	2.7	14	0.9
Southern	<b>324</b>	53	0.9	28	0.5	1	0.0	7	0.0	139	0.6	5	2.2	18	1.1
Indiana															
Northern	<b>436</b>	126	2.1	47	0.8	1	0.0	10	0.0	147	0.6	2	0.9	12	0.7
Southern	<b>279</b>	18	0.3	24	0.4	0	0.0	28	0.1	143	0.6	2	0.9	15	0.9
Wisconsin															
Eastern	<b>487</b>	65	1.1	38	0.6	0	0.0	18	0.1	262	1.1	1	0.4	14	0.9
Western	<b>184</b>	19	0.3	20	0.3	0	0.0	18	0.1	68	0.3	1	0.4	3	0.2
<b>EIGHTH CIRCUIT</b>	<b>4,661</b>	<b>586</b>	<b>9.9</b>	<b>434</b>	<b>7.4</b>	<b>20</b>	<b>0.8</b>	<b>601</b>	<b>2.8</b>	<b>1,506</b>	<b>6.1</b>	<b>37</b>	<b>16.4</b>	<b>210</b>	<b>12.9</b>
Arkansas															
Eastern	<b>316</b>	29	0.5	37	0.6	0	0.0	52	0.2	126	0.5	1	0.4	11	0.7
Western	<b>313</b>	26	0.4	13	0.2	4	0.2	94	0.4	91	0.4	6	2.7	9	0.6
Iowa															
Northern	<b>516</b>	66	1.1	22	0.4	3	0.1	136	0.6	184	0.8	6	2.7	20	1.2
Southern	<b>386</b>	52	0.9	44	0.7	6	0.2	28	0.1	148	0.6	1	0.4	25	1.5
Minnesota	<b>438</b>	39	0.7	61	1.0	1	0.0	42	0.2	159	0.6	6	2.7	13	0.8
Missouri															
Eastern	<b>810</b>	124	2.1	106	1.8	2	0.1	25	0.1	225	0.9	7	3.1	54	3.3
Western	<b>639</b>	162	2.7	72	1.2	2	0.1	33	0.2	174	0.7	7	3.1	27	1.7
Nebraska	<b>544</b>	50	0.8	50	0.8	0	0.0	95	0.4	219	0.9	2	0.9	23	1.4
North Dakota	<b>271</b>	15	0.3	6	0.1	2	0.1	46	0.2	76	0.3	0	0.0	19	1.2
South Dakota	<b>428</b>	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	%
<b>NINTH CIRCUIT</b>	<b>17,287</b>	<b>628</b>	<b>10.7</b>	<b>807</b>	<b>13.7</b>	<b>937</b>	<b>36.8</b>	<b>7,211</b>	<b>33.9</b>	<b>5,172</b>	<b>21.1</b>	<b>18</b>	<b>8.0</b>	<b>280</b>	<b>17.2</b>
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
<b>TENTH CIRCUIT</b>	<b>6,371</b>	<b>489</b>	<b>8.3</b>	<b>257</b>	<b>4.4</b>	<b>111</b>	<b>4.4</b>	<b>2,880</b>	<b>13.5</b>	<b>1,487</b>	<b>6.1</b>	<b>12</b>	<b>5.3</b>	<b>96</b>	<b>5.9</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>6,441</b>	<b>700</b>	<b>11.9</b>	<b>953</b>	<b>16.2</b>	<b>95</b>	<b>3.7</b>	<b>711</b>	<b>3.3</b>	<b>2,022</b>	<b>8.3</b>	<b>23</b>	<b>10.2</b>	<b>166</b>	<b>10.2</b>
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	%
<b>TOTAL</b>	<b>76,191</b>	<b>5,896</b>	<b>7.7</b>	<b>5,898</b>	<b>7.7</b>	<b>2,546</b>	<b>3.3</b>	<b>21,264</b>	<b>27.9</b>	<b>24,502</b>	<b>32.2</b>	<b>226</b>	<b>0.3</b>	<b>1,632</b>	<b>2.1</b>
<b>D.C. CIRCUIT</b>	<b>345</b>	<b>16</b>	<b>4.6</b>	<b>50</b>	<b>14.5</b>	<b>3</b>	<b>0.9</b>	<b>15</b>	<b>4.3</b>	<b>133</b>	<b>38.6</b>	<b>2</b>	<b>0.6</b>	<b>11</b>	<b>3.2</b>
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
<b>FIRST CIRCUIT</b>	<b>2,134</b>	<b>190</b>	<b>8.9</b>	<b>240</b>	<b>11.2</b>	<b>16</b>	<b>0.7</b>	<b>114</b>	<b>5.3</b>	<b>1,129</b>	<b>52.9</b>	<b>10</b>	<b>0.5</b>	<b>39</b>	<b>1.8</b>
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
<b>SECOND CIRCUIT</b>	<b>4,307</b>	<b>245</b>	<b>5.7</b>	<b>556</b>	<b>12.9</b>	<b>48</b>	<b>1.1</b>	<b>462</b>	<b>10.7</b>	<b>1,787</b>	<b>41.5</b>	<b>14</b>	<b>0.3</b>	<b>114</b>	<b>2.6</b>
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
<b>THIRD CIRCUIT</b>	<b>2,861</b>	<b>279</b>	<b>9.8</b>	<b>413</b>	<b>14.4</b>	<b>10</b>	<b>0.3</b>	<b>206</b>	<b>7.2</b>	<b>953</b>	<b>33.3</b>	<b>9</b>	<b>0.3</b>	<b>103</b>	<b>3.6</b>
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
<b>FOURTH CIRCUIT</b>	<b>5,730</b>	<b>832</b>	<b>14.5</b>	<b>596</b>	<b>10.4</b>	<b>13</b>	<b>0.2</b>	<b>484</b>	<b>8.4</b>	<b>2,229</b>	<b>38.9</b>	<b>35</b>	<b>0.6</b>	<b>141</b>	<b>2.5</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>17,799</b>	<b>707</b>	<b>4.0</b>	<b>672</b>	<b>3.8</b>	<b>1,275</b>	<b>7.2</b>	<b>7,950</b>	<b>44.7</b>	<b>4,956</b>	<b>27.8</b>	<b>20</b>	<b>0.1</b>	<b>188</b>	<b>1.1</b>
Louisiana															
Eastern	<b>340</b>	33	9.7	58	17.1	1	0.3	19	5.6	120	35.3	0	0.0	8	2.4
Middle	<b>134</b>	27	20.1	29	21.6	0	0.0	16	11.9	37	27.6	0	0.0	0	0.0
Western	<b>270</b>	41	15.2	40	14.8	0	0.0	11	4.1	60	22.2	3	1.1	11	4.1
Mississippi															
Northern	<b>181</b>	32	17.7	20	11.0	0	0.0	5	2.8	65	35.9	1	0.6	18	9.9
Southern	<b>299</b>	23	7.7	72	24.1	3	1.0	22	7.4	77	25.8	1	0.3	5	1.7
Texas															
Eastern	<b>987</b>	98	9.9	93	9.4	17	1.7	82	8.3	460	46.6	1	0.1	25	2.5
Northern	<b>897</b>	86	9.6	80	8.9	9	1.0	142	15.8	259	28.9	7	0.8	42	4.7
Southern	<b>8,158</b>	182	2.2	120	1.5	938	11.5	4,656	57.1	1,735	21.3	3	0.0	24	0.3
Western	<b>6,533</b>	185	2.8	160	2.4	307	4.7	2,997	45.9	2,143	32.8	4	0.1	55	0.8
<b>SIXTH CIRCUIT</b>	<b>5,324</b>	<b>847</b>	<b>15.9</b>	<b>579</b>	<b>10.9</b>	<b>14</b>	<b>0.3</b>	<b>416</b>	<b>7.8</b>	<b>1,946</b>	<b>36.6</b>	<b>23</b>	<b>0.4</b>	<b>181</b>	<b>3.4</b>
Kentucky															
Eastern	<b>585</b>	55	9.4	51	8.7	0	0.0	22	3.8	259	44.3	6	1.0	19	3.2
Western	<b>358</b>	27	7.5	52	14.5	0	0.0	21	5.9	158	44.1	0	0.0	10	2.8
Michigan															
Eastern	<b>810</b>	126	15.6	97	12.0	2	0.2	104	12.8	243	30.0	4	0.5	35	4.3
Western	<b>450</b>	61	13.6	42	9.3	0	0.0	108	24.0	104	23.1	4	0.9	21	4.7
Ohio															
Northern	<b>610</b>	117	19.2	97	15.9	2	0.3	25	4.1	173	28.4	0	0.0	28	4.6
Southern	<b>704</b>	63	8.9	78	11.1	3	0.4	81	11.5	269	38.2	4	0.6	36	5.1
Tennessee															
Eastern	<b>894</b>	143	16.0	53	5.9	4	0.4	19	2.1	474	53.0	1	0.1	12	1.3
Middle	<b>319</b>	89	27.9	32	10.0	0	0.0	17	5.3	82	25.7	2	0.6	11	3.4
Western	<b>594</b>	166	27.9	77	13.0	3	0.5	19	3.2	184	31.0	2	0.3	9	1.5
<b>SEVENTH CIRCUIT</b>	<b>2,931</b>	<b>377</b>	<b>12.9</b>	<b>341</b>	<b>11.6</b>	<b>4</b>	<b>0.1</b>	<b>214</b>	<b>7.3</b>	<b>1,182</b>	<b>40.3</b>	<b>23</b>	<b>0.8</b>	<b>103</b>	<b>3.5</b>
Illinois															
Central	<b>353</b>	54	15.3	23	6.5	2	0.6	28	7.9	138	39.1	6	1.7	27	7.6
Northern	<b>868</b>	42	4.8	161	18.5	0	0.0	105	12.1	285	32.8	6	0.7	14	1.6
Southern	<b>324</b>	53	16.4	28	8.6	1	0.3	7	2.2	139	42.9	5	1.5	18	5.6
Indiana															
Northern	<b>436</b>	126	28.9	47	10.8	1	0.2	10	2.3	147	33.7	2	0.5	12	2.8
Southern	<b>279</b>	18	6.5	24	8.6	0	0.0	28	10.0	143	51.3	2	0.7	15	5.4
Wisconsin															
Eastern	<b>487</b>	65	13.3	38	7.8	0	0.0	18	3.7	262	53.8	1	0.2	14	2.9
Western	<b>184</b>	19	10.3	20	10.9	0	0.0	18	9.8	68	37.0	1	0.5	3	1.6
<b>EIGHTH CIRCUIT</b>	<b>4,661</b>	<b>586</b>	<b>12.6</b>	<b>434</b>	<b>9.3</b>	<b>20</b>	<b>0.4</b>	<b>601</b>	<b>12.9</b>	<b>1,506</b>	<b>32.3</b>	<b>37</b>	<b>0.8</b>	<b>210</b>	<b>4.5</b>
Arkansas															
Eastern	<b>316</b>	29	9.2	37	11.7	0	0.0	52	16.5	126	39.9	1	0.3	11	3.5
Western	<b>313</b>	26	8.3	13	4.2	4	1.3	94	30.0	91	29.1	6	1.9	9	2.9
Iowa															
Northern	<b>516</b>	66	12.8	22	4.3	3	0.6	136	26.4	184	35.7	6	1.2	20	3.9
Southern	<b>386</b>	52	13.5	44	11.4	6	1.6	28	7.3	148	38.3	1	0.3	25	6.5
Minnesota	<b>438</b>	39	8.9	61	13.9	1	0.2	42	9.6	159	36.3	6	1.4	13	3.0
Missouri															
Eastern	<b>810</b>	124	15.3	106	13.1	2	0.2	25	3.1	225	27.8	7	0.9	54	6.7
Western	<b>639</b>	162	25.4	72	11.3	2	0.3	33	5.2	174	27.2	7	1.1	27	4.2
Nebraska	<b>544</b>	50	9.2	50	9.2	0	0.0	95	17.5	219	40.3	2	0.4	23	4.2
North Dakota	<b>271</b>	15	5.5	6	2.2	2	0.7	46	17.0	76	28.0	0	0.0	19	7.0
South Dakota	<b>428</b>	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	%
<b>NINTH CIRCUIT</b>	<b>17,287</b>	<b>628</b>	<b>3.6</b>	<b>807</b>	<b>4.7</b>	<b>937</b>	<b>5.4</b>	<b>7,211</b>	<b>41.7</b>	<b>5,172</b>	<b>29.9</b>	<b>18</b>	<b>0.1</b>	<b>280</b>	<b>1.6</b>
	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
<b>TENTH CIRCUIT</b>	<b>6,371</b>	<b>489</b>	<b>7.7</b>	<b>257</b>	<b>4.0</b>	<b>111</b>	<b>1.7</b>	<b>2,880</b>	<b>45.2</b>	<b>1,487</b>	<b>23.3</b>	<b>12</b>	<b>0.2</b>	<b>96</b>	<b>1.5</b>
	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
<b>ELEVENTH CIRCUIT</b>	<b>6,441</b>	<b>700</b>	<b>10.9</b>	<b>953</b>	<b>14.8</b>	<b>95</b>	<b>1.5</b>	<b>711</b>	<b>11.0</b>	<b>2,022</b>	<b>31.4</b>	<b>23</b>	<b>0.4</b>	<b>166</b>	<b>2.6</b>
	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**  
**Drug Trafficking 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	%
<b>TOTAL</b>	<b>140,302</b>	<b>78,261</b>	<b>55.8</b>	<b>25,757</b>	<b>16,304</b>	<b>63.3</b>	<b>69,883</b>	<b>37,535</b>	<b>53.7</b>	<b>90,676</b>	<b>43,312</b>	<b>47.8</b>
<b>D.C. CIRCUIT</b>	<b>952</b>	<b>462</b>	<b>48.5</b>	<b>201</b>	<b>75</b>	<b>37.3</b>	<b>519</b>	<b>137</b>	<b>26.4</b>	<b>589</b>	<b>135</b>	<b>22.9</b>
District of Columbia	952	462	48.5	201	75	37.3	519	137	26.4	589	135	22.9
<b>FIRST CIRCUIT</b>	<b>4,470</b>	<b>3,040</b>	<b>68.0</b>	<b>870</b>	<b>650</b>	<b>74.7</b>	<b>2,009</b>	<b>1,282</b>	<b>63.8</b>	<b>3,339</b>	<b>1,841</b>	<b>55.1</b>
Maine	372	186	50.0	89	35	39.3	197	108	54.8	276	82	29.7
Massachusetts	1,326	684	51.6	199	140	70.4	570	283	49.6	751	242	32.2
New Hampshire	443	181	40.9	120	58	48.3	268	114	42.5	357	106	29.7
Puerto Rico	2,036	1,752	86.1	407	369	90.7	833	698	83.8	1,745	1,323	75.8
Rhode Island	293	237	80.9	55	48	87.3	141	79	56.0	210	88	41.9
<b>SECOND CIRCUIT</b>	<b>10,296</b>	<b>4,573</b>	<b>44.4</b>	<b>1,914</b>	<b>1,040</b>	<b>54.3</b>	<b>5,085</b>	<b>1,994</b>	<b>39.2</b>	<b>6,411</b>	<b>1,846</b>	<b>28.8</b>
Connecticut	664	279	42.0	174	92	52.9	508	192	37.8	715	239	33.4
New York												
Eastern	3,989	1,499	37.6	706	352	49.9	1,329	415	31.2	1,762	446	25.3
Northern	1,086	277	25.5	151	64	42.4	468	165	35.3	663	220	33.2
Southern	2,954	1,834	62.1	514	374	72.8	1,814	867	47.8	2,013	611	30.4
Western	1,147	498	43.4	236	104	44.1	728	275	37.8	969	287	29.6
Vermont	456	186	40.8	133	54	40.6	238	80	33.6	289	43	14.9
<b>THIRD CIRCUIT</b>	<b>5,702</b>	<b>2,619</b>	<b>45.9</b>	<b>1,082</b>	<b>518</b>	<b>47.9</b>	<b>2,926</b>	<b>1,160</b>	<b>39.6</b>	<b>3,665</b>	<b>1,307</b>	<b>35.7</b>
Delaware	155	79	51.0	30	14	46.7	76	38	50.0	119	27	22.7
New Jersey	1,696	960	56.6	254	137	53.9	891	341	38.3	919	367	39.9
Pennsylvania												
Eastern	2,160	740	34.3	396	155	39.1	733	214	29.2	1,104	323	29.3
Middle	815	324	39.8	226	99	43.8	733	241	32.9	821	263	32.0
Western	698	403	57.7	132	88	66.7	432	293	67.8	602	270	44.9
Virgin Islands	178	113	63.5	44	25	56.8	61	33	54.1	100	57	57.0
<b>FOURTH CIRCUIT</b>	<b>12,813</b>	<b>7,987</b>	<b>62.3</b>	<b>2,338</b>	<b>1,650</b>	<b>70.6</b>	<b>7,774</b>	<b>4,980</b>	<b>64.1</b>	<b>9,029</b>	<b>4,803</b>	<b>53.2</b>
Maryland	969	437	45.1	153	81	52.9	702	256	36.5	864	303	35.1
North Carolina												
Eastern	1,404	722	51.4	186	73	39.2	647	269	41.6	1,065	443	41.6
Middle	1,002	643	64.2	111	82	73.9	494	325	65.8	630	382	60.6
Western	1,869	662	35.4	251	129	51.4	993	525	52.9	901	427	47.4
South Carolina	2,302	1,392	60.5	419	275	65.6	1,186	782	65.9	1,706	906	53.1
Virginia												
Eastern	2,294	1,947	84.9	538	472	87.7	1,599	1,288	80.6	1,721	1,144	66.5
Western	1,317	768	58.3	293	188	64.2	1,088	655	60.2	869	457	52.6
West Virginia												
Northern	813	723	88.9	196	164	83.7	611	505	82.7	721	457	63.4
Southern	843	693	82.2	191	186	97.4	454	375	82.6	552	284	51.4

## 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	%
<b>FIFTH CIRCUIT</b>	<b>29,947</b>	<b>20,575</b>	<b>68.7</b>	<b>5,859</b>	<b>4,461</b>	<b>76.1</b>	<b>13,859</b>	<b>9,906</b>	<b>71.5</b>	<b>18,672</b>	<b>12,717</b>	<b>68.1</b>
Louisiana												
Eastern	1,128	801	71.0	162	135	83.3	422	292	69.2	561	352	62.7
Middle	146	62	42.5	55	26	47.3	137	69	50.4	176	78	44.3
Western	798	499	62.5	140	106	75.7	450	309	68.7	351	240	68.4
Mississippi												
Northern	529	233	44.0	82	33	40.2	226	100	44.2	210	103	49.0
Southern	798	511	64.0	199	140	70.4	338	263	77.8	320	224	70.0
Texas												
Eastern	1,922	1,534	79.8	411	339	82.5	1,203	902	75.0	1,671	1,189	71.2
Northern	2,098	1,343	64.0	289	214	74.0	867	582	67.1	1,036	580	56.0
Southern	9,657	6,382	66.1	1,782	1,281	71.9	4,175	2,706	64.8	5,586	3,701	66.3
Western	12,871	9,210	71.6	2,739	2,187	79.8	6,041	4,683	77.5	8,761	6,250	71.3
<b>SIXTH CIRCUIT</b>	<b>10,587</b>	<b>5,372</b>	<b>50.7</b>	<b>1,817</b>	<b>954</b>	<b>52.5</b>	<b>5,544</b>	<b>2,370</b>	<b>42.7</b>	<b>7,390</b>	<b>2,907</b>	<b>39.3</b>
Kentucky												
Eastern	1,473	845	57.4	276	128	46.4	702	255	36.3	1,120	346	30.9
Western	571	439	76.9	97	68	70.1	387	205	53.0	581	238	41.0
Michigan												
Eastern	1,851	960	51.9	261	144	55.2	802	333	41.5	990	438	44.2
Western	819	387	47.3	159	87	54.7	441	203	46.0	519	241	46.4
Ohio												
Northern	1,606	701	43.6	239	112	46.9	1,035	461	44.5	750	319	42.5
Southern	1,097	362	33.0	163	65	39.9	703	191	27.2	944	212	22.5
Tennessee												
Eastern	1,609	880	54.7	357	201	56.3	776	416	53.6	1,460	729	49.9
Middle	540	271	50.2	119	81	68.1	260	125	48.1	298	108	36.2
Western	1,021	527	51.6	146	68	46.6	438	181	41.3	728	276	37.9
<b>SEVENTH CIRCUIT</b>	<b>6,071</b>	<b>3,812</b>	<b>62.8</b>	<b>1,446</b>	<b>953</b>	<b>65.9</b>	<b>3,494</b>	<b>2,000</b>	<b>57.2</b>	<b>4,586</b>	<b>2,066</b>	<b>45.1</b>
Illinois												
Central	910	398	43.7	218	127	58.3	468	215	45.9	660	312	47.3
Northern	1,365	700	51.3	454	242	53.3	943	435	46.1	1,111	433	39.0
Southern	1,368	1,200	87.7	231	192	83.1	528	455	86.2	570	451	79.1
Indiana												
Northern	859	584	68.0	171	109	63.7	377	228	60.5	594	295	49.7
Southern	613	246	40.1	145	91	62.8	449	239	53.2	536	267	49.8
Wisconsin												
Eastern	653	446	68.3	141	113	80.1	469	214	45.6	834	180	21.6
Western	303	238	78.5	86	79	91.9	260	214	82.3	281	128	45.6
<b>EIGHTH CIRCUIT</b>	<b>10,376</b>	<b>5,847</b>	<b>56.4</b>	<b>2,257</b>	<b>1,584</b>	<b>70.2</b>	<b>6,079</b>	<b>3,573</b>	<b>58.8</b>	<b>6,982</b>	<b>3,384</b>	<b>48.5</b>
Arkansas												
Eastern	715	591	82.7	97	85	87.6	318	187	58.8	524	320	61.1
Western	327	210	64.2	61	29	47.5	135	66	48.9	264	132	50.0
Iowa												
Northern	1,016	535	52.7	317	204	64.4	506	272	53.8	627	265	42.3
Southern	1,159	556	48.0	205	130	63.4	504	193	38.3	725	297	41.0
Minnesota	1,148	593	51.7	227	128	56.4	763	318	41.7	985	255	25.9
Missouri												
Eastern	1,851	1,095	59.2	332	246	74.1	1,239	795	64.2	1,231	655	53.2
Western	1,839	745	40.5	311	185	59.5	877	507	57.8	863	379	43.9
Nebraska	1,710	1,130	66.1	551	462	83.8	1,170	895	76.5	1,094	755	69.0
North Dakota	197	93	47.2	25	18	72.0	168	41	24.4	278	46	16.5
South Dakota	414	299	72.2	131	97	74.0	399	299	74.9	391	280	71.6

## 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	%
<b>NINTH CIRCUIT</b>	<b>23,081</b>	<b>7,713</b>	<b>33.4</b>	<b>3,314</b>	<b>1,343</b>	<b>40.5</b>	<b>10,580</b>	<b>3,365</b>	<b>31.8</b>	<b>15,969</b>	<b>5,241</b>	<b>32.8</b>
Alaska	334	217	65.0	81	42	51.9	143	77	53.8	245	98	40.0
Arizona	5,215	1,207	23.1	890	267	30.0	2,997	691	23.1	4,734	1,877	39.6
California												
Central	577	356	61.7	142	83	58.5	603	255	42.3	1,581	577	36.5
Eastern	1,270	786	61.9	233	137	58.8	733	398	54.3	1,093	559	51.1
Northern	822	459	55.8	132	64	48.5	400	170	42.5	657	280	42.6
Southern	9,527	1,857	19.5	736	120	16.3	2,520	480	19.0	4,074	601	14.8
Guam	241	114	47.3	27	7	25.9	88	21	23.9	49	23	46.9
Hawaii	978	482	49.3	213	109	51.2	633	196	31.0	423	93	22.0
Idaho	233	81	34.8	62	25	40.3	198	58	29.3	391	112	28.6
Montana	758	441	58.2	149	106	71.1	357	221	61.9	421	225	53.4
Nevada	610	380	62.3	111	73	65.8	363	226	62.3	353	237	67.1
Northern Mariana Islands	45	16	35.6	10	6	60.0	28	18	64.3	24	17	70.8
Oregon	874	482	55.1	158	82	51.9	411	158	38.4	605	163	26.9
Washington												
Eastern	551	326	59.2	116	82	70.7	292	141	48.3	423	160	37.8
Western	1,046	509	48.7	254	140	55.1	814	255	31.3	896	219	24.4
<b>TENTH CIRCUIT</b>	<b>7,404</b>	<b>4,625</b>	<b>62.5</b>	<b>1,497</b>	<b>1,017</b>	<b>67.9</b>	<b>4,346</b>	<b>2,304</b>	<b>53.0</b>	<b>5,402</b>	<b>2,395</b>	<b>44.3</b>
Colorado	1,100	442	40.2	167	64	38.3	424	127	30.0	423	129	30.5
Kansas	1,098	695	63.3	329	235	71.4	742	423	57.0	1,034	499	48.3
New Mexico	3,367	2,248	66.8	575	410	71.3	1,805	934	51.7	2,198	891	40.5
Oklahoma												
Eastern	180	111	61.7	43	34	79.1	96	66	68.8	100	57	57.0
Northern	277	191	69.0	33	27	81.8	154	107	69.5	206	116	56.3
Western	545	413	75.8	64	42	65.6	180	106	58.9	300	149	49.7
Utah	400	254	63.5	170	110	64.7	537	275	51.2	549	261	47.5
Wyoming	437	271	62.0	116	95	81.9	408	266	65.2	592	293	49.5
<b>ELEVENTH CIRCUIT</b>	<b>18,603</b>	<b>11,636</b>	<b>62.5</b>	<b>3,162</b>	<b>2,059</b>	<b>65.1</b>	<b>7,668</b>	<b>4,464</b>	<b>58.2</b>	<b>8,642</b>	<b>4,670</b>	<b>54.0</b>
Alabama												
Middle	580	212	36.6	59	20	33.9	203	51	25.1	296	117	39.5
Northern	1,010	421	41.7	179	79	44.1	433	160	37.0	425	182	42.8
Southern	1,113	506	45.5	160	91	56.9	464	225	48.5	692	350	50.6
Florida												
Middle	4,398	2,368	53.8	995	616	61.9	2,438	1,311	53.8	2,458	1,114	45.3
Northern	1,306	769	58.9	284	129	45.4	537	318	59.2	527	298	56.5
Southern	6,754	5,349	79.2	1,025	819	79.9	2,270	1,562	68.8	2,506	1,563	62.4
Georgia												
Middle	1,064	617	58.0	175	94	53.7	461	293	63.6	408	288	70.6
Northern	1,664	950	57.1	202	159	78.7	543	326	60.0	700	378	54.0
Southern	714	444	62.2	83	52	62.7	319	218	68.3	630	380	60.3

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**  
**Drug Trafficking 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	%
<b>TOTAL</b>	<b>140,302</b>	<b>272</b>	<b>0.2</b>	<b>25,757</b>	<b>60</b>	<b>0.2</b>	<b>69,883</b>	<b>365</b>	<b>0.5</b>	<b>90,676</b>	<b>764</b>	<b>0.8</b>
<b>D.C. CIRCUIT</b>	<b>952</b>	<b>2</b>	<b>0.2</b>	<b>201</b>	<b>0</b>	<b>0.0</b>	<b>519</b>	<b>7</b>	<b>1.3</b>	<b>589</b>	<b>7</b>	<b>1.2</b>
District of Columbia	952	2	0.2	201	0	0.0	519	7	1.3	589	7	1.2
<b>FIRST CIRCUIT</b>	<b>4,470</b>	<b>15</b>	<b>0.3</b>	<b>870</b>	<b>5</b>	<b>0.6</b>	<b>2,009</b>	<b>11</b>	<b>0.5</b>	<b>3,339</b>	<b>40</b>	<b>1.2</b>
Maine	372	0	0.0	89	0	0.0	197	0	0.0	276	2	0.7
Massachusetts	1,326	8	0.6	199	1	0.5	570	6	1.1	751	17	2.3
New Hampshire	443	2	0.5	120	3	2.5	268	1	0.4	357	6	1.7
Puerto Rico	2,036	2	0.1	407	1	0.2	833	4	0.5	1,745	15	0.9
Rhode Island	293	3	1.0	55	0	0.0	141	0	0.0	210	0	0.0
<b>SECOND CIRCUIT</b>	<b>10,296</b>	<b>22</b>	<b>0.2</b>	<b>1,914</b>	<b>6</b>	<b>0.3</b>	<b>5,085</b>	<b>19</b>	<b>0.4</b>	<b>6,411</b>	<b>24</b>	<b>0.4</b>
Connecticut	664	1	0.2	174	1	0.6	508	2	0.4	715	4	0.6
New York												
Eastern	3,989	5	0.1	706	4	0.6	1,329	7	0.5	1,762	4	0.2
Northern	1,086	6	0.6	151	0	0.0	468	2	0.4	663	2	0.3
Southern	2,954	6	0.2	514	0	0.0	1,814	2	0.1	2,013	3	0.1
Western	1,147	3	0.3	236	1	0.4	728	6	0.8	969	10	1.0
Vermont	456	1	0.2	133	0	0.0	238	0	0.0	289	1	0.3
<b>THIRD CIRCUIT</b>	<b>5,702</b>	<b>10</b>	<b>0.2</b>	<b>1,082</b>	<b>4</b>	<b>0.4</b>	<b>2,926</b>	<b>9</b>	<b>0.3</b>	<b>3,665</b>	<b>31</b>	<b>0.8</b>
Delaware	155	0	0.0	30	0	0.0	76	0	0.0	119	1	0.8
New Jersey	1,696	5	0.3	254	0	0.0	891	1	0.1	919	4	0.4
Pennsylvania												
Eastern	2,160	4	0.2	396	1	0.3	733	4	0.5	1,104	11	1.0
Middle	815	0	0.0	226	0	0.0	733	3	0.4	821	9	1.1
Western	698	0	0.0	132	0	0.0	432	0	0.0	602	5	0.8
Virgin Islands	178	1	0.6	44	3	6.8	61	1	1.6	100	1	1.0
<b>FOURTH CIRCUIT</b>	<b>12,813</b>	<b>30</b>	<b>0.2</b>	<b>2,338</b>	<b>3</b>	<b>0.1</b>	<b>7,774</b>	<b>40</b>	<b>0.5</b>	<b>9,029</b>	<b>84</b>	<b>0.9</b>
Maryland	969	4	0.4	153	0	0.0	702	4	0.6	864	13	1.5
North Carolina												
Eastern	1,404	5	0.4	186	0	0.0	647	1	0.2	1,065	16	1.5
Middle	1,002	4	0.4	111	0	0.0	494	1	0.2	630	2	0.3
Western	1,869	1	0.1	251	0	0.0	993	2	0.2	901	9	1.0
South Carolina	2,302	6	0.3	419	1	0.2	1,186	4	0.3	1,706	8	0.5
Virginia												
Eastern	2,294	4	0.2	538	1	0.2	1,599	20	1.3	1,721	17	1.0
Western	1,317	4	0.3	293	0	0.0	1,088	7	0.6	869	5	0.6
West Virginia												
Northern	813	2	0.2	196	1	0.5	611	1	0.2	721	5	0.7
Southern	843	0	0.0	191	0	0.0	454	0	0.0	552	9	1.6

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

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
District	(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	%
<b>FIFTH CIRCUIT</b>	<b>29,947</b>	<b>42</b>	<b>0.1</b>	<b>5,859</b>	<b>13</b>	<b>0.2</b>	<b>13,859</b>	<b>93</b>	<b>0.7</b>	<b>18,672</b>	<b>185</b>	<b>1.0</b>
Louisiana												
Eastern	1,128	2	0.2	162	1	0.6	422	7	1.7	561	15	2.7
Middle	146	2	1.4	55	0	0.0	137	6	4.4	176	7	4.0
Western	798	0	0.0	140	1	0.7	450	3	0.7	351	6	1.7
Mississippi												
Northern	529	1	0.2	82	0	0.0	226	0	0.0	210	5	2.4
Southern	798	0	0.0	199	0	0.0	338	0	0.0	320	3	0.9
Texas												
Eastern	1,922	2	0.1	411	0	0.0	1,203	9	0.7	1,671	28	1.7
Northern	2,098	3	0.1	289	0	0.0	867	11	1.3	1,036	14	1.4
Southern	9,657	9	0.1	1,782	3	0.2	4,175	19	0.5	5,586	31	0.6
Western	12,871	23	0.2	2,739	8	0.3	6,041	38	0.6	8,761	76	0.9
<b>SIXTH CIRCUIT</b>	<b>10,587</b>	<b>16</b>	<b>0.2</b>	<b>1,817</b>	<b>1</b>	<b>0.1</b>	<b>5,544</b>	<b>23</b>	<b>0.4</b>	<b>7,390</b>	<b>76</b>	<b>1.0</b>
Kentucky												
Eastern	1,473	3	0.2	276	1	0.4	702	7	1.0	1,120	12	1.1
Western	571	1	0.2	97	0	0.0	387	0	0.0	581	4	0.7
Michigan												
Eastern	1,851	3	0.2	261	0	0.0	802	2	0.2	990	6	0.6
Western	819	3	0.4	159	0	0.0	441	5	1.1	519	17	3.3
Ohio												
Northern	1,606	2	0.1	239	0	0.0	1,035	3	0.3	750	11	1.5
Southern	1,097	0	0.0	163	0	0.0	703	0	0.0	944	7	0.7
Tennessee												
Eastern	1,609	1	0.1	357	0	0.0	776	3	0.4	1,460	7	0.5
Middle	540	1	0.2	119	0	0.0	260	0	0.0	298	7	2.3
Western	1,021	2	0.2	146	0	0.0	438	3	0.7	728	5	0.7
<b>SEVENTH CIRCUIT</b>	<b>6,071</b>	<b>22</b>	<b>0.4</b>	<b>1,446</b>	<b>0</b>	<b>0.0</b>	<b>3,494</b>	<b>21</b>	<b>0.6</b>	<b>4,586</b>	<b>76</b>	<b>1.7</b>
Illinois												
Central	910	2	0.2	218	0	0.0	468	2	0.4	660	5	0.8
Northern	1,365	3	0.2	454	0	0.0	943	4	0.4	1,111	6	0.5
Southern	1,368	4	0.3	231	0	0.0	528	4	0.8	570	11	1.9
Indiana												
Northern	859	7	0.8	171	0	0.0	377	1	0.3	594	18	3.0
Southern	613	0	0.0	145	0	0.0	449	6	1.3	536	30	5.6
Wisconsin												
Eastern	653	1	0.2	141	0	0.0	469	2	0.4	834	4	0.5
Western	303	5	1.7	86	0	0.0	260	2	0.8	281	2	0.7
<b>EIGHTH CIRCUIT</b>	<b>10,376</b>	<b>16</b>	<b>0.2</b>	<b>2,257</b>	<b>4</b>	<b>0.2</b>	<b>6,079</b>	<b>19</b>	<b>0.3</b>	<b>6,982</b>	<b>56</b>	<b>0.8</b>
Arkansas												
Eastern	715	0	0.0	97	0	0.0	318	0	0.0	524	3	0.6
Western	327	0	0.0	61	0	0.0	135	0	0.0	264	0	0.0
Iowa												
Northern	1,016	6	0.6	317	1	0.3	506	8	1.6	627	18	2.9
Southern	1,159	2	0.2	205	1	0.5	504	0	0.0	725	6	0.8
Minnesota	1,148	2	0.2	227	0	0.0	763	0	0.0	985	0	0.0
Missouri												
Eastern	1,851	1	0.1	332	1	0.3	1,239	2	0.2	1,231	11	0.9
Western	1,839	2	0.1	311	1	0.3	877	3	0.3	863	8	0.9
Nebraska	1,710	1	0.1	551	0	0.0	1,170	0	0.0	1,094	6	0.5
North Dakota	197	0	0.0	25	0	0.0	168	0	0.0	278	1	0.4
South Dakota	414	2	0.5	131	0	0.0	399	6	1.5	391	3	0.8

## 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	%
<b>NINTH CIRCUIT</b>	<b>23,081</b>	<b>50</b>	<b>0.2</b>	<b>3,314</b>	<b>10</b>	<b>0.3</b>	<b>10,580</b>	<b>68</b>	<b>0.6</b>	<b>15,969</b>	<b>89</b>	<b>0.6</b>
Alaska	334	1	0.3	81	1	1.2	143	1	0.7	245	3	1.2
Arizona	5,215	17	0.3	890	1	0.1	2,997	18	0.6	4,734	20	0.4
California												
Central	577	2	0.3	142	0	0.0	603	2	0.3	1,581	13	0.8
Eastern	1,270	2	0.2	233	0	0.0	733	1	0.1	1,093	13	1.2
Northern	822	9	1.1	132	1	0.8	400	5	1.3	657	15	2.3
Southern	9,527	4	0.0	736	1	0.1	2,520	10	0.4	4,074	5	0.1
Guam	241	2	0.8	27	0	0.0	88	0	0.0	49	1	2.0
Hawaii	978	2	0.2	213	1	0.5	633	3	0.5	423	3	0.7
Idaho	233	0	0.0	62	0	0.0	198	2	1.0	391	2	0.5
Montana	758	4	0.5	149	2	1.3	357	8	2.2	421	3	0.7
Nevada	610	3	0.5	111	1	0.9	363	0	0.0	353	0	0.0
Northern Mariana Islands	45	0	0.0	10	0	0.0	28	0	0.0	24	0	0.0
Oregon	874	1	0.1	158	0	0.0	411	4	1.0	605	2	0.3
Washington												
Eastern	551	1	0.2	116	0	0.0	292	2	0.7	423	6	1.4
Western	1,046	2	0.2	254	2	0.8	814	12	1.5	896	3	0.3
<b>TENTH CIRCUIT</b>	<b>7,404</b>	<b>17</b>	<b>0.2</b>	<b>1,497</b>	<b>9</b>	<b>0.6</b>	<b>4,346</b>	<b>9</b>	<b>0.2</b>	<b>5,402</b>	<b>35</b>	<b>0.6</b>
Colorado	1,100	1	0.1	167	0	0.0	424	0	0.0	423	0	0.0
Kansas	1,098	3	0.3	329	3	0.9	742	1	0.1	1,034	18	1.7
New Mexico	3,367	8	0.2	575	3	0.5	1,805	2	0.1	2,198	8	0.4
Oklahoma												
Eastern	180	1	0.6	43	1	2.3	96	0	0.0	100	0	0.0
Northern	277	1	0.4	33	0	0.0	154	0	0.0	206	0	0.0
Western	545	2	0.4	64	0	0.0	180	2	1.1	300	2	0.7
Utah	400	0	0.0	170	2	1.2	537	1	0.2	549	3	0.5
Wyoming	437	1	0.2	116	0	0.0	408	3	0.7	592	4	0.7
<b>ELEVENTH CIRCUIT</b>	<b>18,603</b>	<b>30</b>	<b>0.2</b>	<b>3,162</b>	<b>5</b>	<b>0.2</b>	<b>7,668</b>	<b>46</b>	<b>0.6</b>	<b>8,642</b>	<b>61</b>	<b>0.7</b>
Alabama												
Middle	580	1	0.2	59	0	0.0	203	2	1.0	296	5	1.7
Northern	1,010	0	0.0	179	1	0.6	433	4	0.9	425	3	0.7
Southern	1,113	1	0.1	160	0	0.0	464	1	0.2	692	3	0.4
Florida												
Middle	4,398	6	0.1	995	2	0.2	2,438	10	0.4	2,458	11	0.4
Northern	1,306	5	0.4	284	1	0.4	537	0	0.0	527	4	0.8
Southern	6,754	8	0.1	1,025	1	0.1	2,270	11	0.5	2,506	8	0.3
Georgia												
Middle	1,064	5	0.5	175	0	0.0	461	1	0.2	408	3	0.7
Northern	1,664	4	0.2	202	0	0.0	543	7	1.3	700	6	0.9
Southern	714	0	0.0	83	0	0.0	319	10	3.1	630	18	2.9

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**  
**Drug Trafficking 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	%
<b>TOTAL</b>	<b>140,302</b>	<b>41,830</b>	<b>29.8</b>	<b>25,757</b>	<b>8,174</b>	<b>31.7</b>	<b>69,883</b>	<b>23,822</b>	<b>34.1</b>	<b>90,676</b>	<b>30,650</b>	<b>33.8</b>
<b>D.C. CIRCUIT</b>	<b>952</b>	<b>356</b>	<b>37.4</b>	<b>201</b>	<b>118</b>	<b>58.7</b>	<b>519</b>	<b>295</b>	<b>56.8</b>	<b>589</b>	<b>351</b>	<b>59.6</b>
District of Columbia	952	356	37.4	201	118	58.7	519	295	56.8	589	351	59.6
<b>FIRST CIRCUIT</b>	<b>4,470</b>	<b>1,024</b>	<b>22.9</b>	<b>870</b>	<b>180</b>	<b>20.7</b>	<b>2,009</b>	<b>416</b>	<b>20.7</b>	<b>3,339</b>	<b>753</b>	<b>22.6</b>
Maine	372	166	44.6	89	51	57.3	197	79	40.1	276	150	54.3
Massachusetts	1,326	415	31.3	199	38	19.1	570	119	20.9	751	216	28.8
New Hampshire	443	227	51.2	120	54	45.0	268	118	44.0	357	152	42.6
Puerto Rico	2,036	187	9.2	407	31	7.6	833	81	9.7	1,745	209	12.0
Rhode Island	293	29	9.9	55	6	10.9	141	19	13.5	210	26	12.4
<b>SECOND CIRCUIT</b>	<b>10,296</b>	<b>3,250</b>	<b>31.6</b>	<b>1,914</b>	<b>574</b>	<b>30.0</b>	<b>5,085</b>	<b>1,768</b>	<b>34.8</b>	<b>6,411</b>	<b>2,231</b>	<b>34.8</b>
Connecticut	664	148	22.3	174	41	23.6	508	154	30.3	715	172	24.1
New York												
Eastern	3,989	963	24.1	706	170	24.1	1,329	439	33.0	1,762	594	33.7
Northern	1,086	705	64.9	151	68	45.0	468	238	50.9	663	291	43.9
Southern	2,954	705	23.9	514	105	20.4	1,814	432	23.8	2,013	492	24.4
Western	1,147	576	50.2	236	128	54.2	728	390	53.6	969	563	58.1
Vermont	456	153	33.6	133	62	46.6	238	115	48.3	289	119	41.2
<b>THIRD CIRCUIT</b>	<b>5,702</b>	<b>2,673</b>	<b>46.9</b>	<b>1,082</b>	<b>523</b>	<b>48.3</b>	<b>2,926</b>	<b>1,324</b>	<b>45.2</b>	<b>3,665</b>	<b>1,527</b>	<b>41.7</b>
Delaware	155	64	41.3	30	15	50.0	76	15	19.7	119	42	35.3
New Jersey	1,696	586	34.6	254	103	40.6	891	422	47.4	919	369	40.2
Pennsylvania												
Eastern	2,160	1,283	59.4	396	225	56.8	733	382	52.1	1,104	560	50.7
Middle	815	449	55.1	226	123	54.4	733	413	56.3	821	382	46.5
Western	698	242	34.7	132	42	31.8	432	76	17.6	602	152	25.2
Virgin Islands	178	49	27.5	44	15	34.1	61	16	26.2	100	22	22.0
<b>FOURTH CIRCUIT</b>	<b>12,813</b>	<b>4,358</b>	<b>34.0</b>	<b>2,338</b>	<b>630</b>	<b>26.9</b>	<b>7,774</b>	<b>2,090</b>	<b>26.9</b>	<b>9,029</b>	<b>2,628</b>	<b>29.1</b>
Maryland	969	423	43.7	153	55	35.9	702	331	47.2	864	388	44.9
North Carolina												
Eastern	1,404	636	45.3	186	109	58.6	647	349	53.9	1,065	555	52.1
Middle	1,002	338	33.7	111	28	25.2	494	124	25.1	630	182	28.9
Western	1,869	1,142	61.1	251	120	47.8	993	400	40.3	901	395	43.8
South Carolina	2,302	856	37.2	419	141	33.7	1,186	337	28.4	1,706	575	33.7
Virginia												
Eastern	2,294	251	10.9	538	42	7.8	1,599	76	4.8	1,721	114	6.6
Western	1,317	514	39.0	293	104	35.5	1,088	358	32.9	869	256	29.5
West Virginia												
Northern	813	72	8.9	196	28	14.3	611	66	10.8	721	101	14.0
Southern	843	126	14.9	191	3	1.6	454	49	10.8	552	62	11.2

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

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
District	(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	%
<b>FIFTH CIRCUIT</b>	<b>29,947</b>	<b>6,831</b>	<b>22.8</b>	<b>5,859</b>	<b>1,255</b>	<b>21.4</b>	<b>13,859</b>	<b>3,016</b>	<b>21.8</b>	<b>18,672</b>	<b>3,886</b>	<b>20.8</b>
Louisiana												
Eastern	1,128	261	23.1	162	23	14.2	422	95	22.5	561	118	21.0
Middle	146	77	52.7	55	29	52.7	137	57	41.6	176	73	41.5
Western	798	275	34.5	140	32	22.9	450	103	22.9	351	64	18.2
Mississippi												
Northern	529	265	50.1	82	47	57.3	226	122	54.0	210	89	42.4
Southern	798	259	32.5	199	59	29.6	338	54	16.0	320	56	17.5
Texas												
Eastern	1,922	284	14.8	411	63	15.3	1,203	205	17.0	1,671	322	19.3
Northern	2,098	641	30.6	289	70	24.2	867	213	24.6	1,036	295	28.5
Southern	9,657	2,578	26.7	1,782	449	25.2	4,175	1,192	28.6	5,586	1,271	22.8
Western	12,871	2,191	17.0	2,739	483	17.6	6,041	975	16.1	8,761	1,598	18.2
<b>SIXTH CIRCUIT</b>	<b>10,587</b>	<b>4,684</b>	<b>44.2</b>	<b>1,817</b>	<b>805</b>	<b>44.3</b>	<b>5,544</b>	<b>2,540</b>	<b>45.8</b>	<b>7,390</b>	<b>3,259</b>	<b>44.1</b>
Kentucky												
Eastern	1,473	596	40.5	276	146	52.9	702	409	58.3	1,120	692	61.8
Western	571	107	18.7	97	23	23.7	387	147	38.0	581	267	46.0
Michigan												
Eastern	1,851	794	42.9	261	111	42.5	802	355	44.3	990	309	31.2
Western	819	391	47.7	159	65	40.9	441	158	35.8	519	146	28.1
Ohio												
Northern	1,606	754	46.9	239	112	46.9	1,035	438	42.3	750	340	45.3
Southern	1,097	655	59.7	163	88	54.0	703	413	58.7	944	508	53.8
Tennessee												
Eastern	1,609	698	43.4	357	148	41.5	776	304	39.2	1,460	543	37.2
Middle	540	242	44.8	119	36	30.3	260	104	40.0	298	130	43.6
Western	1,021	447	43.8	146	76	52.1	438	212	48.4	728	324	44.5
<b>SEVENTH CIRCUIT</b>	<b>6,071</b>	<b>1,952</b>	<b>32.2</b>	<b>1,446</b>	<b>446</b>	<b>30.8</b>	<b>3,494</b>	<b>957</b>	<b>27.4</b>	<b>4,586</b>	<b>1,359</b>	<b>29.6</b>
Illinois												
Central	910	468	51.4	218	76	34.9	468	164	35.0	660	229	34.7
Northern	1,365	556	40.7	454	195	43.0	943	328	34.8	1,111	275	24.8
Southern	1,368	122	8.9	231	35	15.2	528	33	6.3	570	56	9.8
Indiana												
Northern	859	232	27.0	171	58	33.9	377	131	34.7	594	203	34.2
Southern	613	339	55.3	145	52	35.9	449	144	32.1	536	153	28.5
Wisconsin												
Eastern	653	182	27.9	141	23	16.3	469	141	30.1	834	406	48.7
Western	303	53	17.5	86	7	8.1	260	16	6.2	281	37	13.2
<b>EIGHTH CIRCUIT</b>	<b>10,376</b>	<b>3,744</b>	<b>36.1</b>	<b>2,257</b>	<b>569</b>	<b>25.2</b>	<b>6,079</b>	<b>1,693</b>	<b>27.8</b>	<b>6,982</b>	<b>2,135</b>	<b>30.6</b>
Arkansas												
Eastern	715	109	15.2	97	11	11.3	318	91	28.6	524	117	22.3
Western	327	103	31.5	61	32	52.5	135	64	47.4	264	104	39.4
Iowa												
Northern	1,016	412	40.6	317	111	35.0	506	153	30.2	627	239	38.1
Southern	1,159	476	41.1	205	66	32.2	504	210	41.7	725	293	40.4
Minnesota	1,148	390	34.0	227	87	38.3	763	284	37.2	985	403	40.9
Missouri												
Eastern	1,851	662	35.8	332	82	24.7	1,239	305	24.6	1,231	306	24.9
Western	1,839	1,027	55.8	311	116	37.3	877	279	31.8	863	345	40.0
Nebraska	1,710	390	22.8	551	31	5.6	1,170	140	12.0	1,094	91	8.3
North Dakota	197	92	46.7	25	7	28.0	168	119	70.8	278	202	72.7
South Dakota	414	83	20.0	131	26	19.8	399	48	12.0	391	35	9.0

## 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	%
<b>NINTH CIRCUIT</b>	<b>23,081</b>	<b>5,107</b>	<b>22.1</b>	<b>3,314</b>	<b>1,654</b>	<b>49.9</b>	<b>10,580</b>	<b>5,808</b>	<b>54.9</b>	<b>15,969</b>	<b>8,071</b>	<b>50.5</b>
Alaska	334	70	21.0	81	33	40.7	143	39	27.3	245	86	35.1
Arizona	5,215	982	18.8	890	509	57.2	2,997	2,053	68.5	4,734	2,277	48.1
California												
Central	577	133	23.1	142	46	32.4	603	189	31.3	1,581	473	29.9
Eastern	1,270	373	29.4	233	87	37.3	733	234	31.9	1,093	377	34.5
Northern	822	171	20.8	132	51	38.6	400	157	39.3	657	248	37.7
Southern	9,527	1,497	15.7	736	556	75.5	2,520	1,812	71.9	4,074	2,986	73.3
Guam	241	123	51.0	27	20	74.1	88	50	56.8	49	21	42.9
Hawaii	978	408	41.7	213	89	41.8	633	333	52.6	423	203	48.0
Idaho	233	143	61.4	62	37	59.7	198	127	64.1	391	232	59.3
Montana	758	278	36.7	149	37	24.8	357	112	31.4	421	154	36.6
Nevada	610	124	20.3	111	34	30.6	363	84	23.1	353	73	20.7
Northern Mariana Islands	45	29	64.4	10	4	40.0	28	9	32.1	24	4	16.7
Oregon	874	280	32.0	158	58	36.7	411	163	39.7	605	347	57.4
Washington												
Eastern	551	111	20.1	116	18	15.5	292	95	32.5	423	148	35.0
Western	1,046	385	36.8	254	75	29.5	814	351	43.1	896	442	49.3
<b>TENTH CIRCUIT</b>	<b>7,404</b>	<b>1,826</b>	<b>24.7</b>	<b>1,497</b>	<b>415</b>	<b>27.7</b>	<b>4,346</b>	<b>1,540</b>	<b>35.4</b>	<b>5,402</b>	<b>2,078</b>	<b>38.5</b>
Colorado	1,100	573	52.1	167	99	59.3	424	257	60.6	423	237	56.0
Kansas	1,098	332	30.2	329	87	26.4	742	257	34.6	1,034	421	40.7
New Mexico	3,367	492	14.6	575	137	23.8	1,805	696	38.6	2,198	979	44.5
Oklahoma												
Eastern	180	21	11.7	43	8	18.6	96	24	25.0	100	28	28.0
Northern	277	75	27.1	33	6	18.2	154	39	25.3	206	68	33.0
Western	545	116	21.3	64	22	34.4	180	25	13.9	300	75	25.0
Utah	400	79	19.8	170	39	22.9	537	148	27.6	549	118	21.5
Wyoming	437	138	31.6	116	17	14.7	408	94	23.0	592	152	25.7
<b>ELEVENTH CIRCUIT</b>	<b>18,603</b>	<b>6,025</b>	<b>32.4</b>	<b>3,162</b>	<b>1,005</b>	<b>31.8</b>	<b>7,668</b>	<b>2,375</b>	<b>31.0</b>	<b>8,642</b>	<b>2,372</b>	<b>27.4</b>
Alabama												
Middle	580	338	58.3	59	38	64.4	203	143	70.4	296	151	51.0
Northern	1,010	575	56.9	179	98	54.7	433	240	55.4	425	191	44.9
Southern	1,113	570	51.2	160	69	43.1	464	198	42.7	692	253	36.6
Florida												
Middle	4,398	1,788	40.7	995	330	33.2	2,438	872	35.8	2,458	841	34.2
Northern	1,306	516	39.5	284	151	53.2	537	195	36.3	527	177	33.6
Southern	6,754	1,050	15.5	1,025	174	17.0	2,270	387	17.0	2,506	337	13.4
Georgia												
Middle	1,064	402	37.8	175	81	46.3	461	147	31.9	408	99	24.3
Northern	1,664	540	32.5	202	36	17.8	543	123	22.7	700	171	24.4
Southern	714	246	34.5	83	28	33.7	319	70	21.9	630	152	24.1

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**  
**Drug Trafficking 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	%
<b>TOTAL</b>	<b>140,302</b>	<b>41,177</b>	<b>29.3</b>	<b>25,757</b>	<b>6,945</b>	<b>27.0</b>	<b>69,883</b>	<b>18,273</b>	<b>26.1</b>	<b>90,676</b>	<b>22,170</b>	<b>24.4</b>
<b>D.C. CIRCUIT</b>	<b>952</b>	<b>352</b>	<b>37.0</b>	<b>201</b>	<b>107</b>	<b>53.2</b>	<b>519</b>	<b>216</b>	<b>41.6</b>	<b>589</b>	<b>242</b>	<b>41.1</b>
District of Columbia	952	352	37.0	201	107	53.2	519	216	41.6	589	242	41.1
<b>FIRST CIRCUIT</b>	<b>4,470</b>	<b>1,020</b>	<b>22.8</b>	<b>870</b>	<b>176</b>	<b>20.2</b>	<b>2,009</b>	<b>353</b>	<b>17.6</b>	<b>3,339</b>	<b>511</b>	<b>15.3</b>
Maine	372	166	44.6	89	51	57.3	197	79	40.1	276	149	54.0
Massachusetts	1,326	414	31.2	199	35	17.6	570	98	17.2	751	105	14.0
New Hampshire	443	227	51.2	120	54	45.0	268	98	36.6	357	116	32.5
Puerto Rico	2,036	184	9.0	407	30	7.4	833	64	7.7	1,745	119	6.8
Rhode Island	293	29	9.9	55	6	10.9	141	14	9.9	210	22	10.5
<b>SECOND CIRCUIT</b>	<b>10,296</b>	<b>3,224</b>	<b>31.3</b>	<b>1,914</b>	<b>530</b>	<b>27.7</b>	<b>5,085</b>	<b>1,655</b>	<b>32.5</b>	<b>6,411</b>	<b>2,067</b>	<b>32.2</b>
Connecticut	664	145	21.8	174	30	17.2	508	151	29.7	715	148	20.7
New York												
Eastern	3,989	944	23.7	706	140	19.8	1,329	384	28.9	1,762	551	31.3
Northern	1,086	704	64.8	151	67	44.4	468	235	50.2	663	285	43.0
Southern	2,954	705	23.9	514	105	20.4	1,814	401	22.1	2,013	447	22.2
Western	1,147	573	50.0	236	126	53.4	728	373	51.2	969	538	55.5
Vermont	456	153	33.6	133	62	46.6	238	111	46.6	289	98	33.9
<b>THIRD CIRCUIT</b>	<b>5,702</b>	<b>2,671</b>	<b>46.8</b>	<b>1,082</b>	<b>512</b>	<b>47.3</b>	<b>2,926</b>	<b>1,265</b>	<b>43.2</b>	<b>3,665</b>	<b>1,409</b>	<b>38.4</b>
Delaware	155	64	41.3	30	15	50.0	76	14	18.4	119	39	32.8
New Jersey	1,696	586	34.6	254	98	38.6	891	412	46.2	919	359	39.1
Pennsylvania												
Eastern	2,160	1,282	59.4	396	222	56.1	733	366	49.9	1,104	525	47.6
Middle	815	449	55.1	226	121	53.5	733	383	52.3	821	326	39.7
Western	698	242	34.7	132	42	31.8	432	74	17.1	602	141	23.4
Virgin Islands	178	48	27.0	44	14	31.8	61	16	26.2	100	19	19.0
<b>FOURTH CIRCUIT</b>	<b>12,813</b>	<b>4,355</b>	<b>34.0</b>	<b>2,338</b>	<b>623</b>	<b>26.6</b>	<b>7,774</b>	<b>2,014</b>	<b>25.9</b>	<b>9,029</b>	<b>2,444</b>	<b>27.1</b>
Maryland	969	423	43.7	153	54	35.3	702	308	43.9	864	315	36.5
North Carolina												
Eastern	1,404	636	45.3	186	108	58.1	647	349	53.9	1,065	554	52.0
Middle	1,002	338	33.7	111	28	25.2	494	123	24.9	630	180	28.6
Western	1,869	1,141	61.0	251	119	47.4	993	387	39.0	901	383	42.5
South Carolina	2,302	856	37.2	419	141	33.7	1,186	323	27.2	1,706	536	31.4
Virginia												
Eastern	2,294	251	10.9	538	40	7.4	1,599	70	4.4	1,721	97	5.6
Western	1,317	512	38.9	293	102	34.8	1,088	348	32.0	869	230	26.5
West Virginia												
Northern	813	72	8.9	196	28	14.3	611	59	9.7	721	90	12.5
Southern	843	126	14.9	191	3	1.6	454	47	10.4	552	59	10.7

**Rate of §5K1.1 Substantial Assistance 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)		
	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>
<b>FIFTH CIRCUIT</b>	<b>29,947</b>	<b>6,714</b>	<b>22.4</b>	<b>5,859</b>	<b>1,073</b>	<b>18.3</b>	<b>13,859</b>	<b>2,423</b>	<b>17.5</b>	<b>18,672</b>	<b>3,245</b>	<b>17.4</b>
Louisiana												
Eastern	1,128	256	22.7	162	20	12.3	422	86	20.4	561	104	18.5
Middle	146	77	52.7	55	27	49.1	137	57	41.6	176	72	40.9
Western	798	275	34.5	140	32	22.9	450	103	22.9	351	62	17.7
Mississippi												
Northern	529	262	49.5	82	41	50.0	226	93	41.2	210	82	39.0
Southern	798	259	32.5	199	59	29.6	338	51	15.1	320	56	17.5
Texas												
Eastern	1,922	284	14.8	411	62	15.1	1,203	176	14.6	1,671	236	14.1
Northern	2,098	640	30.5	289	70	24.2	867	206	23.8	1,036	284	27.4
Southern	9,657	2,510	26.0	1,782	306	17.2	4,175	745	17.8	5,586	923	16.5
Western	12,871	2,151	16.7	2,739	456	16.6	6,041	906	15.0	8,761	1,426	16.3
<b>SIXTH CIRCUIT</b>	<b>10,587</b>	<b>4,683</b>	<b>44.2</b>	<b>1,817</b>	<b>798</b>	<b>43.9</b>	<b>5,544</b>	<b>2,449</b>	<b>44.2</b>	<b>7,390</b>	<b>3,049</b>	<b>41.3</b>
Kentucky												
Eastern	1,473	596	40.5	276	146	52.9	702	408	58.1	1,120	682	60.9
Western	571	107	18.7	97	23	23.7	387	133	34.4	581	217	37.3
Michigan												
Eastern	1,851	793	42.8	261	109	41.8	802	346	43.1	990	283	28.6
Western	819	391	47.7	159	64	40.3	441	155	35.1	519	141	27.2
Ohio												
Northern	1,606	754	46.9	239	109	45.6	1,035	416	40.2	750	315	42.0
Southern	1,097	655	59.7	163	88	54.0	703	400	56.9	944	462	48.9
Tennessee												
Eastern	1,609	698	43.4	357	147	41.2	776	299	38.5	1,460	537	36.8
Middle	540	242	44.8	119	36	30.3	260	95	36.5	298	113	37.9
Western	1,021	447	43.8	146	76	52.1	438	197	45.0	728	299	41.1
<b>SEVENTH CIRCUIT</b>	<b>6,071</b>	<b>1,945</b>	<b>32.0</b>	<b>1,446</b>	<b>429</b>	<b>29.7</b>	<b>3,494</b>	<b>890</b>	<b>25.5</b>	<b>4,586</b>	<b>1,180</b>	<b>25.7</b>
Illinois												
Central	910	468	51.4	218	75	34.4	468	153	32.7	660	220	33.3
Northern	1,365	555	40.7	454	187	41.2	943	306	32.4	1,111	260	23.4
Southern	1,368	122	8.9	231	35	15.2	528	29	5.5	570	52	9.1
Indiana												
Northern	859	230	26.8	171	54	31.6	377	129	34.2	594	182	30.6
Southern	613	337	55.0	145	49	33.8	449	127	28.3	536	114	21.3
Wisconsin												
Eastern	653	180	27.6	141	22	15.6	469	130	27.7	834	315	37.8
Western	303	53	17.5	86	7	8.1	260	16	6.2	281	37	13.2
<b>EIGHTH CIRCUIT</b>	<b>10,376</b>	<b>3,729</b>	<b>35.9</b>	<b>2,257</b>	<b>549</b>	<b>24.3</b>	<b>6,079</b>	<b>1,541</b>	<b>25.3</b>	<b>6,982</b>	<b>1,941</b>	<b>27.8</b>
Arkansas												
Eastern	715	109	15.2	97	11	11.3	318	84	26.4	524	107	20.4
Western	327	103	31.5	61	32	52.5	135	64	47.4	264	104	39.4
Iowa												
Northern	1,016	412	40.6	317	109	34.4	506	144	28.5	627	231	36.8
Southern	1,159	475	41.0	205	66	32.2	504	207	41.1	725	264	36.4
Minnesota	1,148	388	33.8	227	86	37.9	763	270	35.4	985	394	40.0
Missouri												
Eastern	1,851	657	35.5	332	80	24.1	1,239	280	22.6	1,231	264	21.4
Western	1,839	1,025	55.7	311	112	36.0	877	267	30.4	863	310	35.9
Nebraska	1,710	386	22.6	551	20	3.6	1,170	65	5.6	1,094	49	4.5
North Dakota	197	91	46.2	25	7	28.0	168	114	67.9	278	191	68.7
South Dakota	414	83	20.0	131	26	19.8	399	46	11.5	391	27	6.9

## Rate of §5K1.1 Substantial Assistance 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	%
<b>NINTH CIRCUIT</b>	<b>23,081</b>	<b>4,665</b>	<b>20.2</b>	<b>3,314</b>	<b>810</b>	<b>24.4</b>	<b>10,580</b>	<b>2,195</b>	<b>20.7</b>	<b>15,969</b>	<b>2,743</b>	<b>17.2</b>
Alaska	334	70	21.0	81	33	40.7	143	33	23.1	245	61	24.9
Arizona	5,215	760	14.6	890	177	19.9	2,997	422	14.1	4,734	378	8.0
California												
Central	577	133	23.1	142	45	31.7	603	140	23.2	1,581	284	18.0
Eastern	1,270	372	29.3	233	86	36.9	733	204	27.8	1,093	331	30.3
Northern	822	165	20.1	132	48	36.4	400	104	26.0	657	91	13.9
Southern	9,527	1,300	13.6	736	70	9.5	2,520	216	8.6	4,074	470	11.5
Guam	241	123	51.0	27	20	74.1	88	50	56.8	49	21	42.9
Hawaii	978	408	41.7	213	89	41.8	633	326	51.5	423	200	47.3
Idaho	233	141	60.5	62	37	59.7	198	127	64.1	391	226	57.8
Montana	758	278	36.7	149	37	24.8	357	111	31.1	421	149	35.4
Nevada	610	122	20.0	111	20	18.0	363	53	14.6	353	32	9.1
Northern Mariana Islands	45	29	64.4	10	4	40.0	28	8	28.6	24	4	16.7
Oregon	874	278	31.8	158	56	35.4	411	129	31.4	605	227	37.5
Washington												
Eastern	551	108	19.6	116	17	14.7	292	71	24.3	423	83	19.6
Western	1,046	378	36.1	254	71	28.0	814	201	24.7	896	186	20.8
<b>TENTH CIRCUIT</b>	<b>7,404</b>	<b>1,794</b>	<b>24.2</b>	<b>1,497</b>	<b>334</b>	<b>22.3</b>	<b>4,346</b>	<b>952</b>	<b>21.9</b>	<b>5,402</b>	<b>1,096</b>	<b>20.3</b>
Colorado	1,100	573	52.1	167	99	59.3	424	254	59.9	423	221	52.2
Kansas	1,098	332	30.2	329	86	26.1	742	224	30.2	1,034	309	29.9
New Mexico	3,367	467	13.9	575	67	11.7	1,805	205	11.4	2,198	207	9.4
Oklahoma												
Eastern	180	18	10.0	43	4	9.3	96	24	25.0	100	26	26.0
Northern	277	75	27.1	33	6	18.2	154	39	25.3	206	68	33.0
Western	545	116	21.3	64	22	34.4	180	23	12.8	300	75	25.0
Utah	400	77	19.3	170	34	20.0	537	117	21.8	549	73	13.3
Wyoming	437	136	31.1	116	16	13.8	408	66	16.2	592	117	19.8
<b>ELEVENTH CIRCUIT</b>	<b>18,603</b>	<b>6,025</b>	<b>32.4</b>	<b>3,162</b>	<b>1,004</b>	<b>31.8</b>	<b>7,668</b>	<b>2,320</b>	<b>30.3</b>	<b>8,642</b>	<b>2,243</b>	<b>26.0</b>
Alabama												
Middle	580	338	58.3	59	38	64.4	203	141	69.5	296	148	50.0
Northern	1,010	575	56.9	179	98	54.7	433	240	55.4	425	190	44.7
Southern	1,113	570	51.2	160	69	43.1	464	195	42.0	692	252	36.4
Florida												
Middle	4,398	1,788	40.7	995	330	33.2	2,438	859	35.2	2,458	803	32.7
Northern	1,306	516	39.5	284	151	53.2	537	195	36.3	527	176	33.4
Southern	6,754	1,050	15.5	1,025	174	17.0	2,270	366	16.1	2,506	294	11.7
Georgia												
Middle	1,064	402	37.8	175	80	45.7	461	145	31.5	408	95	23.3
Northern	1,664	540	32.5	202	36	17.8	543	111	20.4	700	140	20.0
Southern	714	246	34.5	83	28	33.7	319	68	21.3	630	145	23.0

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**  
**Drug Trafficking 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	%
<b>TOTAL</b>	<b>140,302</b>	<b>n/a</b>	<b>n/a</b>	<b>25,757</b>	<b>267</b>	<b>1.0</b>	<b>69,883</b>	<b>3,451</b>	<b>4.9</b>	<b>90,676</b>	<b>4,779</b>	<b>5.3</b>
<b>D.C. CIRCUIT</b>	<b>952</b>	<b>n/a</b>	<b>n/a</b>	<b>201</b>	<b>0</b>	<b>0.0</b>	<b>519</b>	<b>0</b>	<b>0.0</b>	<b>589</b>	<b>0</b>	<b>0.0</b>
District of Columbia	952	n/a	n/a	201	0	0.0	519	0	0.0	589	0	0.0
<b>FIRST CIRCUIT</b>	<b>4,470</b>	<b>n/a</b>	<b>n/a</b>	<b>870</b>	<b>0</b>	<b>0.0</b>	<b>2,009</b>	<b>0</b>	<b>0.0</b>	<b>3,339</b>	<b>0</b>	<b>0.0</b>
Maine	372	n/a	n/a	89	0	0.0	197	0	0.0	276	0	0.0
Massachusetts	1,326	n/a	n/a	199	0	0.0	570	0	0.0	751	0	0.0
New Hampshire	443	n/a	n/a	120	0	0.0	268	0	0.0	357	0	0.0
Puerto Rico	2,036	n/a	n/a	407	0	0.0	833	0	0.0	1,745	0	0.0
Rhode Island	293	n/a	n/a	55	0	0.0	141	0	0.0	210	0	0.0
<b>SECOND CIRCUIT</b>	<b>10,296</b>	<b>n/a</b>	<b>n/a</b>	<b>1,914</b>	<b>0</b>	<b>0.0</b>	<b>5,085</b>	<b>1</b>	<b>0.0</b>	<b>6,411</b>	<b>1</b>	<b>0.0</b>
Connecticut	664	n/a	n/a	174	0	0.0	508	0	0.0	715	0	0.0
New York												
Eastern	3,989	n/a	n/a	706	0	0.0	1,329	1	0.1	1,762	1	0.1
Northern	1,086	n/a	n/a	151	0	0.0	468	0	0.0	663	0	0.0
Southern	2,954	n/a	n/a	514	0	0.0	1,814	0	0.0	2,013	0	0.0
Western	1,147	n/a	n/a	236	0	0.0	728	0	0.0	969	0	0.0
Vermont	456	n/a	n/a	133	0	0.0	238	0	0.0	289	0	0.0
<b>THIRD CIRCUIT</b>	<b>5,702</b>	<b>n/a</b>	<b>n/a</b>	<b>1,082</b>	<b>1</b>	<b>0.1</b>	<b>2,926</b>	<b>0</b>	<b>0.0</b>	<b>3,665</b>	<b>0</b>	<b>0.0</b>
Delaware	155	n/a	n/a	30	0	0.0	76	0	0.0	119	0	0.0
New Jersey	1,696	n/a	n/a	254	0	0.0	891	0	0.0	919	0	0.0
Pennsylvania												
Eastern	2,160	n/a	n/a	396	0	0.0	733	0	0.0	1,104	0	0.0
Middle	815	n/a	n/a	226	1	0.4	733	0	0.0	821	0	0.0
Western	698	n/a	n/a	132	0	0.0	432	0	0.0	602	0	0.0
Virgin Islands	178	n/a	n/a	44	0	0.0	61	0	0.0	100	0	0.0
<b>FOURTH CIRCUIT</b>	<b>12,813</b>	<b>n/a</b>	<b>n/a</b>	<b>2,338</b>	<b>0</b>	<b>0.0</b>	<b>7,774</b>	<b>0</b>	<b>0.0</b>	<b>9,029</b>	<b>0</b>	<b>0.0</b>
Maryland	969	n/a	n/a	153	0	0.0	702	0	0.0	864	0	0.0
North Carolina												
Eastern	1,404	n/a	n/a	186	0	0.0	647	0	0.0	1,065	0	0.0
Middle	1,002	n/a	n/a	111	0	0.0	494	0	0.0	630	0	0.0
Western	1,869	n/a	n/a	251	0	0.0	993	0	0.0	901	0	0.0
South Carolina	2,302	n/a	n/a	419	0	0.0	1,186	0	0.0	1,706	0	0.0
Virginia												
Eastern	2,294	n/a	n/a	538	0	0.0	1,599	0	0.0	1,721	0	0.0
Western	1,317	n/a	n/a	293	0	0.0	1,088	0	0.0	869	0	0.0
West Virginia												
Northern	813	n/a	n/a	196	0	0.0	611	0	0.0	721	0	0.0
Southern	843	n/a	n/a	191	0	0.0	454	0	0.0	552	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)		
	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>	<b>Total</b>	<b>N</b>	<b>%</b>
<b>FIFTH CIRCUIT</b>	<b>29,947</b>	<b>n/a</b>	<b>n/a</b>	<b>5,859</b>	<b>0</b>	<b>0.0</b>	<b>13,859</b>	<b>17</b>	<b>0.1</b>	<b>18,672</b>	<b>8</b>	<b>0.0</b>
Louisiana												
Eastern	1,128	n/a	n/a	162	0	0.0	422	0	0.0	561	0	0.0
Middle	146	n/a	n/a	55	0	0.0	137	0	0.0	176	0	0.0
Western	798	n/a	n/a	140	0	0.0	450	0	0.0	351	0	0.0
Mississippi												
Northern	529	n/a	n/a	82	0	0.0	226	0	0.0	210	0	0.0
Southern	798	n/a	n/a	199	0	0.0	338	0	0.0	320	0	0.0
Texas												
Eastern	1,922	n/a	n/a	411	0	0.0	1,203	0	0.0	1,671	0	0.0
Northern	2,098	n/a	n/a	289	0	0.0	867	0	0.0	1,036	0	0.0
Southern	9,657	n/a	n/a	1,782	0	0.0	4,175	13	0.3	5,586	4	0.1
Western	12,871	n/a	n/a	2,739	0	0.0	6,041	4	0.1	8,761	4	0.0
<b>SIXTH CIRCUIT</b>	<b>10,587</b>	<b>n/a</b>	<b>n/a</b>	<b>1,817</b>	<b>0</b>	<b>0.0</b>	<b>5,544</b>	<b>0</b>	<b>0.0</b>	<b>7,390</b>	<b>0</b>	<b>0.0</b>
Kentucky												
Eastern	1,473	n/a	n/a	276	0	0.0	702	0	0.0	1,120	0	0.0
Western	571	n/a	n/a	97	0	0.0	387	0	0.0	581	0	0.0
Michigan												
Eastern	1,851	n/a	n/a	261	0	0.0	802	0	0.0	990	0	0.0
Western	819	n/a	n/a	159	0	0.0	441	0	0.0	519	0	0.0
Ohio												
Northern	1,606	n/a	n/a	239	0	0.0	1,035	0	0.0	750	0	0.0
Southern	1,097	n/a	n/a	163	0	0.0	703	0	0.0	944	0	0.0
Tennessee												
Eastern	1,609	n/a	n/a	357	0	0.0	776	0	0.0	1,460	0	0.0
Middle	540	n/a	n/a	119	0	0.0	260	0	0.0	298	0	0.0
Western	1,021	n/a	n/a	146	0	0.0	438	0	0.0	728	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>6,071</b>	<b>n/a</b>	<b>n/a</b>	<b>1,446</b>	<b>0</b>	<b>0.0</b>	<b>3,494</b>	<b>0</b>	<b>0.0</b>	<b>4,586</b>	<b>1</b>	<b>0.0</b>
Illinois												
Central	910	n/a	n/a	218	0	0.0	468	0	0.0	660	1	0.2
Northern	1,365	n/a	n/a	454	0	0.0	943	0	0.0	1,111	0	0.0
Southern	1,368	n/a	n/a	231	0	0.0	528	0	0.0	570	0	0.0
Indiana												
Northern	859	n/a	n/a	171	0	0.0	377	0	0.0	594	0	0.0
Southern	613	n/a	n/a	145	0	0.0	449	0	0.0	536	0	0.0
Wisconsin												
Eastern	653	n/a	n/a	141	0	0.0	469	0	0.0	834	0	0.0
Western	303	n/a	n/a	86	0	0.0	260	0	0.0	281	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>10,376</b>	<b>n/a</b>	<b>n/a</b>	<b>2,257</b>	<b>0</b>	<b>0.0</b>	<b>6,079</b>	<b>2</b>	<b>0.0</b>	<b>6,982</b>	<b>3</b>	<b>0.0</b>
Arkansas												
Eastern	715	n/a	n/a	97	0	0.0	318	0	0.0	524	0	0.0
Western	327	n/a	n/a	61	0	0.0	135	0	0.0	264	0	0.0
Iowa												
Northern	1,016	n/a	n/a	317	0	0.0	506	0	0.0	627	0	0.0
Southern	1,159	n/a	n/a	205	0	0.0	504	0	0.0	725	0	0.0
Minnesota	1,148	n/a	n/a	227	0	0.0	763	0	0.0	985	1	0.1
Missouri												
Eastern	1,851	n/a	n/a	332	0	0.0	1,239	0	0.0	1,231	0	0.0
Western	1,839	n/a	n/a	311	0	0.0	877	0	0.0	863	0	0.0
Nebraska	1,710	n/a	n/a	551	0	0.0	1,170	2	0.2	1,094	2	0.2
North Dakota	197	n/a	n/a	25	0	0.0	168	0	0.0	278	0	0.0
South Dakota	414	n/a	n/a	131	0	0.0	399	0	0.0	391	0	0.0

## Rate of §5K3.1 Early Disposition Program 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	%
<b>NINTH CIRCUIT</b>	<b>23,081</b>	<b>n/a</b>	<b>n/a</b>	<b>3,314</b>	<b>229</b>	<b>6.9</b>	<b>10,580</b>	<b>3,057</b>	<b>28.9</b>	<b>15,969</b>	<b>4,116</b>	<b>25.8</b>
Alaska	334	n/a	n/a	81	0	0.0	143	0	0.0	245	1	0.4
Arizona	5,215	n/a	n/a	890	102	11.5	2,997	1,520	50.7	4,734	1,711	36.1
California												
Central	577	n/a	n/a	142	0	0.0	603	2	0.3	1,581	2	0.1
Eastern	1,270	n/a	n/a	233	0	0.0	733	0	0.0	1,093	1	0.1
Northern	822	n/a	n/a	132	0	0.0	400	2	0.5	657	1	0.2
Southern	9,527	n/a	n/a	736	127	17.3	2,520	1,532	60.8	4,074	2,398	58.9
Guam	241	n/a	n/a	27	0	0.0	88	0	0.0	49	0	0.0
Hawaii	978	n/a	n/a	213	0	0.0	633	0	0.0	423	0	0.0
Idaho	233	n/a	n/a	62	0	0.0	198	0	0.0	391	1	0.3
Montana	758	n/a	n/a	149	0	0.0	357	0	0.0	421	0	0.0
Nevada	610	n/a	n/a	111	0	0.0	363	0	0.0	353	0	0.0
Northern Mariana Islands	45	n/a	n/a	10	0	0.0	28	0	0.0	24	0	0.0
Oregon	874	n/a	n/a	158	0	0.0	411	0	0.0	605	1	0.2
Washington												
Eastern	551	n/a	n/a	116	0	0.0	292	0	0.0	423	0	0.0
Western	1,046	n/a	n/a	254	0	0.0	814	1	0.1	896	0	0.0
<b>TENTH CIRCUIT</b>	<b>7,404</b>	<b>n/a</b>	<b>n/a</b>	<b>1,497</b>	<b>37</b>	<b>2.5</b>	<b>4,346</b>	<b>374</b>	<b>8.6</b>	<b>5,402</b>	<b>650</b>	<b>12.0</b>
Colorado	1,100	n/a	n/a	167	0	0.0	424	0	0.0	423	0	0.0
Kansas	1,098	n/a	n/a	329	0	0.0	742	0	0.0	1,034	0	0.0
New Mexico	3,367	n/a	n/a	575	37	6.4	1,805	374	20.7	2,198	650	29.6
Oklahoma												
Eastern	180	n/a	n/a	43	0	0.0	96	0	0.0	100	0	0.0
Northern	277	n/a	n/a	33	0	0.0	154	0	0.0	206	0	0.0
Western	545	n/a	n/a	64	0	0.0	180	0	0.0	300	0	0.0
Utah	400	n/a	n/a	170	0	0.0	537	0	0.0	549	0	0.0
Wyoming	437	n/a	n/a	116	0	0.0	408	0	0.0	592	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>18,603</b>	<b>n/a</b>	<b>n/a</b>	<b>3,162</b>	<b>0</b>	<b>0.0</b>	<b>7,668</b>	<b>0</b>	<b>0.0</b>	<b>8,642</b>	<b>0</b>	<b>0.0</b>
Alabama												
Middle	580	n/a	n/a	59	0	0.0	203	0	0.0	296	0	0.0
Northern	1,010	n/a	n/a	179	0	0.0	433	0	0.0	425	0	0.0
Southern	1,113	n/a	n/a	160	0	0.0	464	0	0.0	692	0	0.0
Florida												
Middle	4,398	n/a	n/a	995	0	0.0	2,438	0	0.0	2,458	0	0.0
Northern	1,306	n/a	n/a	284	0	0.0	537	0	0.0	527	0	0.0
Southern	6,754	n/a	n/a	1,025	0	0.0	2,270	0	0.0	2,506	0	0.0
Georgia												
Middle	1,064	n/a	n/a	175	0	0.0	461	0	0.0	408	0	0.0
Northern	1,664	n/a	n/a	202	0	0.0	543	0	0.0	700	0	0.0
Southern	714	n/a	n/a	83	0	0.0	319	0	0.0	630	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**  
**Drug Trafficking 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	%
<b>TOTAL</b>	<b>140,302</b>	<b>n/a</b>	<b>n/a</b>	<b>25,757</b>	<b>962</b>	<b>3.7</b>	<b>69,883</b>	<b>2,098</b>	<b>3.0</b>	<b>90,676</b>	<b>3,701</b>	<b>4.1</b>
<b>D.C. CIRCUIT</b>	<b>952</b>	<b>n/a</b>	<b>n/a</b>	<b>201</b>	<b>11</b>	<b>5.5</b>	<b>519</b>	<b>79</b>	<b>15.2</b>	<b>589</b>	<b>109</b>	<b>18.5</b>
District of Columbia	952	n/a	n/a	201	11	5.5	519	79	15.2	589	109	18.5
<b>FIRST CIRCUIT</b>	<b>4,470</b>	<b>n/a</b>	<b>n/a</b>	<b>870</b>	<b>4</b>	<b>0.5</b>	<b>2,009</b>	<b>63</b>	<b>3.1</b>	<b>3,339</b>	<b>242</b>	<b>7.2</b>
Maine	372	n/a	n/a	89	0	0.0	197	0	0.0	276	1	0.4
Massachusetts	1,326	n/a	n/a	199	3	1.5	570	21	3.7	751	111	14.8
New Hampshire	443	n/a	n/a	120	0	0.0	268	20	7.5	357	36	10.1
Puerto Rico	2,036	n/a	n/a	407	1	0.2	833	17	2.0	1,745	90	5.2
Rhode Island	293	n/a	n/a	55	0	0.0	141	5	3.5	210	4	1.9
<b>SECOND CIRCUIT</b>	<b>10,296</b>	<b>n/a</b>	<b>n/a</b>	<b>1,914</b>	<b>44</b>	<b>2.3</b>	<b>5,085</b>	<b>112</b>	<b>2.2</b>	<b>6,411</b>	<b>163</b>	<b>2.5</b>
Connecticut	664	n/a	n/a	174	11	6.3	508	3	0.6	715	24	3.4
New York												
Eastern	3,989	n/a	n/a	706	30	4.2	1,329	54	4.1	1,762	42	2.4
Northern	1,086	n/a	n/a	151	1	0.7	468	3	0.6	663	6	0.9
Southern	2,954	n/a	n/a	514	0	0.0	1,814	31	1.7	2,013	45	2.2
Western	1,147	n/a	n/a	236	2	0.8	728	17	2.3	969	25	2.6
Vermont	456	n/a	n/a	133	0	0.0	238	4	1.7	289	21	7.3
<b>THIRD CIRCUIT</b>	<b>5,702</b>	<b>n/a</b>	<b>n/a</b>	<b>1,082</b>	<b>10</b>	<b>0.9</b>	<b>2,926</b>	<b>59</b>	<b>2.0</b>	<b>3,665</b>	<b>118</b>	<b>3.2</b>
Delaware	155	n/a	n/a	30	0	0.0	76	1	1.3	119	3	2.5
New Jersey	1,696	n/a	n/a	254	5	2.0	891	10	1.1	919	10	1.1
Pennsylvania												
Eastern	2,160	n/a	n/a	396	3	0.8	733	16	2.2	1,104	35	3.2
Middle	815	n/a	n/a	226	1	0.4	733	30	4.1	821	56	6.8
Western	698	n/a	n/a	132	0	0.0	432	2	0.5	602	11	1.8
Virgin Islands	178	n/a	n/a	44	1	2.3	61	0	0.0	100	3	3.0
<b>FOURTH CIRCUIT</b>	<b>12,813</b>	<b>n/a</b>	<b>n/a</b>	<b>2,338</b>	<b>7</b>	<b>0.3</b>	<b>7,774</b>	<b>76</b>	<b>1.0</b>	<b>9,029</b>	<b>184</b>	<b>2.0</b>
Maryland	969	n/a	n/a	153	1	0.7	702	23	3.3	864	73	8.4
North Carolina												
Eastern	1,404	n/a	n/a	186	1	0.5	647	0	0.0	1,065	1	0.1
Middle	1,002	n/a	n/a	111	0	0.0	494	1	0.2	630	2	0.3
Western	1,869	n/a	n/a	251	1	0.4	993	13	1.3	901	12	1.3
South Carolina	2,302	n/a	n/a	419	0	0.0	1,186	14	1.2	1,706	39	2.3
Virginia												
Eastern	2,294	n/a	n/a	538	2	0.4	1,599	6	0.4	1,721	17	1.0
Western	1,317	n/a	n/a	293	2	0.7	1,088	10	0.9	869	26	3.0
West Virginia												
Northern	813	n/a	n/a	196	0	0.0	611	7	1.1	721	11	1.5
Southern	843	n/a	n/a	191	0	0.0	454	2	0.4	552	3	0.5

## Rate of Other Government Sponsored Below 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	%
<b>FIFTH CIRCUIT</b>	<b>29,947</b>	<b>n/a</b>	<b>n/a</b>	<b>5,859</b>	<b>182</b>	<b>3.1</b>	<b>13,859</b>	<b>576</b>	<b>4.2</b>	<b>18,672</b>	<b>633</b>	<b>3.4</b>
Louisiana												
Eastern	1,128	n/a	n/a	162	3	1.9	422	9	2.1	561	14	2.5
Middle	146	n/a	n/a	55	2	3.6	137	0	0.0	176	1	0.6
Western	798	n/a	n/a	140	0	0.0	450	0	0.0	351	2	0.6
Mississippi												
Northern	529	n/a	n/a	82	6	7.3	226	29	12.8	210	7	3.3
Southern	798	n/a	n/a	199	0	0.0	338	3	0.9	320	0	0.0
Texas												
Eastern	1,922	n/a	n/a	411	1	0.2	1,203	29	2.4	1,671	86	5.1
Northern	2,098	n/a	n/a	289	0	0.0	867	7	0.8	1,036	11	1.1
Southern	9,657	n/a	n/a	1,782	143	8.0	4,175	434	10.4	5,586	344	6.2
Western	12,871	n/a	n/a	2,739	27	1.0	6,041	65	1.1	8,761	168	1.9
<b>SIXTH CIRCUIT</b>	<b>10,587</b>	<b>n/a</b>	<b>n/a</b>	<b>1,817</b>	<b>7</b>	<b>0.4</b>	<b>5,544</b>	<b>91</b>	<b>1.6</b>	<b>7,390</b>	<b>210</b>	<b>2.8</b>
Kentucky												
Eastern	1,473	n/a	n/a	276	0	0.0	702	1	0.1	1,120	10	0.9
Western	571	n/a	n/a	97	0	0.0	387	14	3.6	581	50	8.6
Michigan												
Eastern	1,851	n/a	n/a	261	2	0.8	802	9	1.1	990	26	2.6
Western	819	n/a	n/a	159	1	0.6	441	3	0.7	519	5	1.0
Ohio												
Northern	1,606	n/a	n/a	239	3	1.3	1,035	22	2.1	750	25	3.3
Southern	1,097	n/a	n/a	163	0	0.0	703	13	1.8	944	46	4.9
Tennessee												
Eastern	1,609	n/a	n/a	357	1	0.3	776	5	0.6	1,460	6	0.4
Middle	540	n/a	n/a	119	0	0.0	260	9	3.5	298	17	5.7
Western	1,021	n/a	n/a	146	0	0.0	438	15	3.4	728	25	3.4
<b>SEVENTH CIRCUIT</b>	<b>6,071</b>	<b>n/a</b>	<b>n/a</b>	<b>1,446</b>	<b>17</b>	<b>1.2</b>	<b>3,494</b>	<b>67</b>	<b>1.9</b>	<b>4,586</b>	<b>178</b>	<b>3.9</b>
Illinois												
Central	910	n/a	n/a	218	1	0.5	468	11	2.4	660	8	1.2
Northern	1,365	n/a	n/a	454	8	1.8	943	22	2.3	1,111	15	1.4
Southern	1,368	n/a	n/a	231	0	0.0	528	4	0.8	570	4	0.7
Indiana												
Northern	859	n/a	n/a	171	4	2.3	377	2	0.5	594	21	3.5
Southern	613	n/a	n/a	145	3	2.1	449	17	3.8	536	39	7.3
Wisconsin												
Eastern	653	n/a	n/a	141	1	0.7	469	11	2.3	834	91	10.9
Western	303	n/a	n/a	86	0	0.0	260	0	0.0	281	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>10,376</b>	<b>n/a</b>	<b>n/a</b>	<b>2,257</b>	<b>20</b>	<b>0.9</b>	<b>6,079</b>	<b>150</b>	<b>2.5</b>	<b>6,982</b>	<b>191</b>	<b>2.7</b>
Arkansas												
Eastern	715	n/a	n/a	97	0	0.0	318	7	2.2	524	10	1.9
Western	327	n/a	n/a	61	0	0.0	135	0	0.0	264	0	0.0
Iowa												
Northern	1,016	n/a	n/a	317	2	0.6	506	9	1.8	627	8	1.3
Southern	1,159	n/a	n/a	205	0	0.0	504	3	0.6	725	29	4.0
Minnesota	1,148	n/a	n/a	227	1	0.4	763	14	1.8	985	8	0.8
Missouri												
Eastern	1,851	n/a	n/a	332	2	0.6	1,239	25	2.0	1,231	42	3.4
Western	1,839	n/a	n/a	311	4	1.3	877	12	1.4	863	35	4.1
Nebraska	1,710	n/a	n/a	551	11	2.0	1,170	73	6.2	1,094	40	3.7
North Dakota	197	n/a	n/a	25	0	0.0	168	5	3.0	278	11	4.0
South Dakota	414	n/a	n/a	131	0	0.0	399	2	0.5	391	8	2.0

## 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	%
<b>NINTH CIRCUIT</b>	<b>23,081</b>	<b>n/a</b>	<b>n/a</b>	<b>3,314</b>	<b>615</b>	<b>18.6</b>	<b>10,580</b>	<b>556</b>	<b>5.3</b>	<b>15,969</b>	<b>1,212</b>	<b>7.6</b>
Alaska	334	n/a	n/a	81	0	0.0	143	6	4.2	245	24	9.8
Arizona	5,215	n/a	n/a	890	230	25.8	2,997	111	3.7	4,734	188	4.0
California												
Central	577	n/a	n/a	142	1	0.7	603	47	7.8	1,581	187	11.8
Eastern	1,270	n/a	n/a	233	1	0.4	733	30	4.1	1,093	45	4.1
Northern	822	n/a	n/a	132	3	2.3	400	51	12.8	657	156	23.7
Southern	9,527	n/a	n/a	736	359	48.8	2,520	64	2.5	4,074	118	2.9
Guam	241	n/a	n/a	27	0	0.0	88	0	0.0	49	0	0.0
Hawaii	978	n/a	n/a	213	0	0.0	633	7	1.1	423	3	0.7
Idaho	233	n/a	n/a	62	0	0.0	198	0	0.0	391	5	1.3
Montana	758	n/a	n/a	149	0	0.0	357	1	0.3	421	5	1.2
Nevada	610	n/a	n/a	111	14	12.6	363	31	8.5	353	41	11.6
Northern Mariana Islands	45	n/a	n/a	10	0	0.0	28	1	3.6	24	0	0.0
Oregon	874	n/a	n/a	158	2	1.3	411	34	8.3	605	119	19.7
Washington												
Eastern	551	n/a	n/a	116	1	0.9	292	24	8.2	423	65	15.4
Western	1,046	n/a	n/a	254	4	1.6	814	149	18.3	896	256	28.6
<b>TENTH CIRCUIT</b>	<b>7,404</b>	<b>n/a</b>	<b>n/a</b>	<b>1,497</b>	<b>44</b>	<b>2.9</b>	<b>4,346</b>	<b>214</b>	<b>4.9</b>	<b>5,402</b>	<b>332</b>	<b>6.1</b>
Colorado	1,100	n/a	n/a	167	0	0.0	424	3	0.7	423	16	3.8
Kansas	1,098	n/a	n/a	329	1	0.3	742	33	4.4	1,034	112	10.8
New Mexico	3,367	n/a	n/a	575	33	5.7	1,805	117	6.5	2,198	122	5.6
Oklahoma												
Eastern	180	n/a	n/a	43	4	9.3	96	0	0.0	100	2	2.0
Northern	277	n/a	n/a	33	0	0.0	154	0	0.0	206	0	0.0
Western	545	n/a	n/a	64	0	0.0	180	2	1.1	300	0	0.0
Utah	400	n/a	n/a	170	5	2.9	537	31	5.8	549	45	8.2
Wyoming	437	n/a	n/a	116	1	0.9	408	28	6.9	592	35	5.9
<b>ELEVENTH CIRCUIT</b>	<b>18,603</b>	<b>n/a</b>	<b>n/a</b>	<b>3,162</b>	<b>1</b>	<b>0.0</b>	<b>7,668</b>	<b>55</b>	<b>0.7</b>	<b>8,642</b>	<b>129</b>	<b>1.5</b>
Alabama												
Middle	580	n/a	n/a	59	0	0.0	203	2	1.0	296	3	1.0
Northern	1,010	n/a	n/a	179	0	0.0	433	0	0.0	425	1	0.2
Southern	1,113	n/a	n/a	160	0	0.0	464	3	0.6	692	1	0.1
Florida												
Middle	4,398	n/a	n/a	995	0	0.0	2,438	13	0.5	2,458	38	1.5
Northern	1,306	n/a	n/a	284	0	0.0	537	0	0.0	527	1	0.2
Southern	6,754	n/a	n/a	1,025	0	0.0	2,270	21	0.9	2,506	43	1.7
Georgia												
Middle	1,064	n/a	n/a	175	1	0.6	461	2	0.4	408	4	1.0
Northern	1,664	n/a	n/a	202	0	0.0	543	12	2.2	700	31	4.4
Southern	714	n/a	n/a	83	0	0.0	319	2	0.6	630	7	1.1

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**  
**Drug Trafficking 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	%
<b>TOTAL</b>	<b>140,302</b>	<b>19,939</b>	<b>14.2</b>	<b>25,757</b>	<b>1,219</b>	<b>4.7</b>	<b>69,883</b>	<b>8,161</b>	<b>11.7</b>	<b>90,676</b>	<b>15,950</b>	<b>17.6</b>
<b>D.C. CIRCUIT</b>	<b>952</b>	<b>132</b>	<b>13.9</b>	<b>201</b>	<b>8</b>	<b>4.0</b>	<b>519</b>	<b>80</b>	<b>15.4</b>	<b>589</b>	<b>96</b>	<b>16.3</b>
District of Columbia	952	132	13.9	201	8	4.0	519	80	15.4	589	96	16.3
<b>FIRST CIRCUIT</b>	<b>4,470</b>	<b>391</b>	<b>8.7</b>	<b>870</b>	<b>35</b>	<b>4.0</b>	<b>2,009</b>	<b>300</b>	<b>14.9</b>	<b>3,339</b>	<b>705</b>	<b>21.1</b>
Maine	372	20	5.4	89	3	3.4	197	10	5.1	276	42	15.2
Massachusetts	1,326	219	16.5	199	20	10.1	570	162	28.4	751	276	36.8
New Hampshire	443	33	7.4	120	5	4.2	268	35	13.1	357	93	26.1
Puerto Rico	2,036	95	4.7	407	6	1.5	833	50	6.0	1,745	198	11.3
Rhode Island	293	24	8.2	55	1	1.8	141	43	30.5	210	96	45.7
<b>SECOND CIRCUIT</b>	<b>10,296</b>	<b>2,451</b>	<b>23.8</b>	<b>1,914</b>	<b>294</b>	<b>15.4</b>	<b>5,085</b>	<b>1,304</b>	<b>25.6</b>	<b>6,411</b>	<b>2,310</b>	<b>36.0</b>
Connecticut	664	236	35.5	174	40	23.0	508	160	31.5	715	300	42.0
New York												
Eastern	3,989	1,522	38.2	706	180	25.5	1,329	468	35.2	1,762	718	40.7
Northern	1,086	98	9.0	151	19	12.6	468	63	13.5	663	150	22.6
Southern	2,954	409	13.8	514	35	6.8	1,814	513	28.3	2,013	907	45.1
Western	1,147	70	6.1	236	3	1.3	728	57	7.8	969	109	11.2
Vermont	456	116	25.4	133	17	12.8	238	43	18.1	289	126	43.6
<b>THIRD CIRCUIT</b>	<b>5,702</b>	<b>400</b>	<b>7.0</b>	<b>1,082</b>	<b>37</b>	<b>3.4</b>	<b>2,926</b>	<b>433</b>	<b>14.8</b>	<b>3,665</b>	<b>800</b>	<b>21.8</b>
Delaware	155	12	7.7	30	1	3.3	76	23	30.3	119	49	41.2
New Jersey	1,696	145	8.5	254	14	5.5	891	127	14.3	919	179	19.5
Pennsylvania												
Eastern	2,160	133	6.2	396	15	3.8	733	133	18.1	1,104	210	19.0
Middle	815	42	5.2	226	4	1.8	733	76	10.4	821	167	20.3
Western	698	53	7.6	132	2	1.5	432	63	14.6	602	175	29.1
Virgin Islands	178	15	8.4	44	1	2.3	61	11	18.0	100	20	20.0
<b>FOURTH CIRCUIT</b>	<b>12,813</b>	<b>438</b>	<b>3.4</b>	<b>2,338</b>	<b>55</b>	<b>2.4</b>	<b>7,774</b>	<b>664</b>	<b>8.5</b>	<b>9,029</b>	<b>1,514</b>	<b>16.8</b>
Maryland	969	105	10.8	153	17	11.1	702	111	15.8	864	160	18.5
North Carolina												
Eastern	1,404	41	2.9	186	4	2.2	647	28	4.3	1,065	51	4.8
Middle	1,002	17	1.7	111	1	0.9	494	44	8.9	630	64	10.2
Western	1,869	64	3.4	251	2	0.8	993	66	6.6	901	70	7.8
South Carolina	2,302	48	2.1	419	2	0.5	1,186	63	5.3	1,706	217	12.7
Virginia												
Eastern	2,294	92	4.0	538	23	4.3	1,599	215	13.4	1,721	446	25.9
Western	1,317	31	2.4	293	1	0.3	1,088	68	6.3	869	151	17.4
West Virginia												
Northern	813	16	2.0	196	3	1.5	611	39	6.4	721	158	21.9
Southern	843	24	2.8	191	2	1.0	454	30	6.6	552	197	35.7

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

CIRCUIT	<i>Koon</i>			PROTECT Act			<i>Booker</i>			<i>Gall</i>		
	Period			Period			Period			Period		
District	(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	%
<b>FIFTH CIRCUIT</b>	<b>29,947</b>	<b>2,499</b>	<b>8.3</b>	<b>5,859</b>	<b>130</b>	<b>2.2</b>	<b>13,859</b>	<b>844</b>	<b>6.1</b>	<b>18,672</b>	<b>1,884</b>	<b>10.1</b>
Louisiana												
Eastern	1,128	64	5.7	162	3	1.9	422	28	6.6	561	76	13.5
Middle	146	5	3.4	55	0	0.0	137	5	3.6	176	18	10.2
Western	798	24	3.0	140	1	0.7	450	35	7.8	351	41	11.7
Mississippi												
Northern	529	30	5.7	82	2	2.4	226	4	1.8	210	13	6.2
Southern	798	28	3.5	199	0	0.0	338	21	6.2	320	37	11.6
Texas												
Eastern	1,922	102	5.3	411	9	2.2	1,203	87	7.2	1,671	132	7.9
Northern	2,098	111	5.3	289	5	1.7	867	61	7.0	1,036	147	14.2
Southern	9,657	688	7.1	1,782	49	2.7	4,175	258	6.2	5,586	583	10.4
Western	12,871	1,447	11.2	2,739	61	2.2	6,041	345	5.7	8,761	837	9.6
<b>SIXTH CIRCUIT</b>	<b>10,587</b>	<b>515</b>	<b>4.9</b>	<b>1,817</b>	<b>57</b>	<b>3.1</b>	<b>5,544</b>	<b>611</b>	<b>11.0</b>	<b>7,390</b>	<b>1,148</b>	<b>15.5</b>
Kentucky												
Eastern	1,473	29	2.0	276	1	0.4	702	31	4.4	1,120	70	6.3
Western	571	24	4.2	97	6	6.2	387	35	9.0	581	72	12.4
Michigan												
Eastern	1,851	94	5.1	261	6	2.3	802	112	14.0	990	237	23.9
Western	819	38	4.6	159	7	4.4	441	75	17.0	519	115	22.2
Ohio												
Northern	1,606	149	9.3	239	15	6.3	1,035	133	12.9	750	80	10.7
Southern	1,097	80	7.3	163	10	6.1	703	99	14.1	944	217	23.0
Tennessee												
Eastern	1,609	30	1.9	357	8	2.2	776	53	6.8	1,460	181	12.4
Middle	540	26	4.8	119	2	1.7	260	31	11.9	298	53	17.8
Western	1,021	45	4.4	146	2	1.4	438	42	9.6	728	123	16.9
<b>SEVENTH CIRCUIT</b>	<b>6,071</b>	<b>285</b>	<b>4.7</b>	<b>1,446</b>	<b>47</b>	<b>3.3</b>	<b>3,494</b>	<b>516</b>	<b>14.8</b>	<b>4,586</b>	<b>1,085</b>	<b>23.7</b>
Illinois												
Central	910	42	4.6	218	15	6.9	468	87	18.6	660	114	17.3
Northern	1,365	106	7.8	454	17	3.7	943	176	18.7	1,111	397	35.7
Southern	1,368	42	3.1	231	4	1.7	528	36	6.8	570	52	9.1
Indiana												
Northern	859	36	4.2	171	4	2.3	377	17	4.5	594	78	13.1
Southern	613	28	4.6	145	2	1.4	449	60	13.4	536	86	16.0
Wisconsin												
Eastern	653	24	3.7	141	5	3.5	469	112	23.9	834	244	29.3
Western	303	7	2.3	86	0	0.0	260	28	10.8	281	114	40.6
<b>EIGHTH CIRCUIT</b>	<b>10,376</b>	<b>769</b>	<b>7.4</b>	<b>2,257</b>	<b>100</b>	<b>4.4</b>	<b>6,079</b>	<b>794</b>	<b>13.1</b>	<b>6,982</b>	<b>1,407</b>	<b>20.2</b>
Arkansas												
Eastern	715	15	2.1	97	1	1.0	318	40	12.6	524	84	16.0
Western	327	14	4.3	61	0	0.0	135	5	3.7	264	28	10.6
Iowa												
Northern	1,016	63	6.2	317	1	0.3	506	73	14.4	627	105	16.7
Southern	1,159	125	10.8	205	8	3.9	504	101	20.0	725	129	17.8
Minnesota	1,148	163	14.2	227	12	5.3	763	161	21.1	985	327	33.2
Missouri												
Eastern	1,851	93	5.0	332	3	0.9	1,239	137	11.1	1,231	259	21.0
Western	1,839	65	3.5	311	9	2.9	877	88	10.0	863	131	15.2
Nebraska	1,710	189	11.1	551	58	10.5	1,170	135	11.5	1,094	242	22.1
North Dakota	197	12	6.1	25	0	0.0	168	8	4.8	278	29	10.4
South Dakota	414	30	7.2	131	8	6.1	399	46	11.5	391	73	18.7

## 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	%
<b>NINTH CIRCUIT</b>	<b>23,081</b>	<b>10,211</b>	<b>44.2</b>	<b>3,314</b>	<b>307</b>	<b>9.3</b>	<b>10,580</b>	<b>1,339</b>	<b>12.7</b>	<b>15,969</b>	<b>2,568</b>	<b>16.1</b>
Alaska	334	46	13.8	81	5	6.2	143	26	18.2	245	58	23.7
Arizona	5,215	3,009	57.7	890	113	12.7	2,997	235	7.8	4,734	560	11.8
California												
Central	577	86	14.9	142	13	9.2	603	157	26.0	1,581	518	32.8
Eastern	1,270	109	8.6	233	9	3.9	733	100	13.6	1,093	144	13.2
Northern	822	183	22.3	132	16	12.1	400	68	17.0	657	114	17.4
Southern	9,527	6,169	64.8	736	59	8.0	2,520	218	8.7	4,074	482	11.8
Guam	241	2	0.8	27	0	0.0	88	17	19.3	49	4	8.2
Hawaii	978	86	8.8	213	14	6.6	633	101	16.0	423	124	29.3
Idaho	233	9	3.9	62	0	0.0	198	11	5.6	391	45	11.5
Montana	758	35	4.6	149	4	2.7	357	16	4.5	421	39	9.3
Nevada	610	103	16.9	111	3	2.7	363	53	14.6	353	43	12.2
Northern Mariana Islands	45	0	0.0	10	0	0.0	28	1	3.6	24	3	12.5
Oregon	874	111	12.7	158	18	11.4	411	86	20.9	605	93	15.4
Washington												
Eastern	551	113	20.5	116	16	13.8	292	54	18.5	423	109	25.8
Western	1,046	150	14.3	254	37	14.6	814	196	24.1	896	232	25.9
<b>TENTH CIRCUIT</b>	<b>7,404</b>	<b>936</b>	<b>12.6</b>	<b>1,497</b>	<b>56</b>	<b>3.7</b>	<b>4,346</b>	<b>493</b>	<b>11.3</b>	<b>5,402</b>	<b>894</b>	<b>16.5</b>
Colorado	1,100	84	7.6	167	4	2.4	424	40	9.4	423	57	13.5
Kansas	1,098	68	6.2	329	4	1.2	742	61	8.2	1,034	96	9.3
New Mexico	3,367	619	18.4	575	25	4.3	1,805	173	9.6	2,198	320	14.6
Oklahoma												
Eastern	180	47	26.1	43	0	0.0	96	6	6.3	100	15	15.0
Northern	277	10	3.6	33	0	0.0	154	8	5.2	206	22	10.7
Western	545	14	2.6	64	0	0.0	180	47	26.1	300	74	24.7
Utah	400	67	16.8	170	19	11.2	537	113	21.0	549	167	30.4
Wyoming	437	27	6.2	116	4	3.4	408	45	11.0	592	143	24.2
<b>ELEVENTH CIRCUIT</b>	<b>18,603</b>	<b>912</b>	<b>4.9</b>	<b>3,162</b>	<b>93</b>	<b>2.9</b>	<b>7,668</b>	<b>783</b>	<b>10.2</b>	<b>8,642</b>	<b>1,539</b>	<b>17.8</b>
Alabama												
Middle	580	29	5.0	59	1	1.7	203	7	3.4	296	23	7.8
Northern	1,010	14	1.4	179	1	0.6	433	29	6.7	425	49	11.5
Southern	1,113	36	3.2	160	0	0.0	464	40	8.6	692	86	12.4
Florida												
Middle	4,398	236	5.4	995	47	4.7	2,438	245	10.0	2,458	492	20.0
Northern	1,306	16	1.2	284	3	1.1	537	24	4.5	527	48	9.1
Southern	6,754	347	5.1	1,025	31	3.0	2,270	310	13.7	2,506	598	23.9
Georgia												
Middle	1,064	40	3.8	175	0	0.0	461	20	4.3	408	18	4.4
Northern	1,664	170	10.2	202	7	3.5	543	87	16.0	700	145	20.7
Southern	714	24	3.4	83	3	3.6	319	21	6.6	630	80	12.7

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**  
**Drug Trafficking 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
<b>TOTAL</b>	<b>140,600</b>	<b>89</b>	<b>72</b>	<b>25,804</b>	<b>96</b>	<b>81</b>	<b>69,952</b>	<b>101</b>	<b>83</b>	<b>90,679</b>	<b>95</b>	<b>75</b>
<b>D.C. CIRCUIT</b>	<b>958</b>	<b>115</b>	<b>74</b>	<b>201</b>	<b>140</b>	<b>69</b>	<b>519</b>	<b>140</b>	<b>77</b>	<b>589</b>	<b>131</b>	<b>69</b>
District of Columbia	958	115	74	201	140	69	519	140	77	589	131	69
<b>FIRST CIRCUIT</b>	<b>4,481</b>	<b>84</b>	<b>71</b>	<b>870</b>	<b>86</b>	<b>77</b>	<b>2,014</b>	<b>95</b>	<b>82</b>	<b>3,339</b>	<b>91</b>	<b>75</b>
Maine	372	77	61	89	95	79	197	81	74	276	92	68
Massachusetts	1,332	92	68	199	97	79	574	111	86	751	105	71
New Hampshire	443	71	53	120	72	59	268	67	50	357	70	47
Puerto Rico	2,040	83	79	407	79	79	834	91	87	1,745	91	85
Rhode Island	294	87	81	55	107	100	141	122	108	210	83	65
<b>SECOND CIRCUIT</b>	<b>10,325</b>	<b>83</b>	<b>55</b>	<b>1,924</b>	<b>83</b>	<b>59</b>	<b>5,092</b>	<b>96</b>	<b>62</b>	<b>6,412</b>	<b>94</b>	<b>55</b>
Connecticut	666	125	87	175	113	82	509	113	73	715	98	64
New York												
Eastern	3,996	68	42	710	63	45	1,329	80	47	1,762	89	45
Northern	1,087	77	46	151	77	54	469	92	58	663	92	62
Southern	2,969	105	73	517	111	82	1,819	116	76	2,014	112	63
Western	1,148	63	46	238	65	48	728	73	54	969	69	48
Vermont	459	67	42	133	78	46	238	78	42	289	88	39
<b>THIRD CIRCUIT</b>	<b>5,715</b>	<b>104</b>	<b>74</b>	<b>1,084</b>	<b>116</b>	<b>83</b>	<b>2,927</b>	<b>114</b>	<b>82</b>	<b>3,665</b>	<b>113</b>	<b>78</b>
Delaware	155	99	82	30	88	50	76	111	94	119	111	70
New Jersey	1,700	86	68	254	85	63	892	95	65	919	96	68
Pennsylvania												
Eastern	2,164	122	77	397	144	90	733	153	93	1,104	150	91
Middle	817	100	77	227	115	93	733	104	81	821	93	73
Western	700	101	79	132	120	101	432	109	97	602	107	80
Virgin Islands	179	76	59	44	61	52	61	74	62	100	76	64
<b>FOURTH CIRCUIT</b>	<b>12,826</b>	<b>135</b>	<b>112</b>	<b>2,341</b>	<b>134</b>	<b>117</b>	<b>7,777</b>	<b>134</b>	<b>116</b>	<b>9,029</b>	<b>127</b>	<b>108</b>
Maryland	971	140	114	154	129	113	702	137	109	864	128	98
North Carolina												
Eastern	1,405	178	141	186	159	114	647	165	127	1,065	166	137
Middle	1,002	159	140	111	153	143	494	154	138	630	134	117
Western	1,871	159	106	252	141	108	993	142	115	901	136	111
South Carolina	2,302	117	100	419	159	136	1,187	147	128	1,706	146	119
Virginia												
Eastern	2,300	136	131	538	136	133	1,599	132	131	1,721	123	116
Western	1,318	122	92	294	148	118	1,088	139	113	869	125	103
West Virginia												
Northern	813	80	80	196	74	74	611	76	73	721	66	58
Southern	844	88	83	191	77	79	456	80	72	552	69	58

**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
<b>FIFTH CIRCUIT</b>	<b>29,994</b>	<b>68</b>	<b>59</b>	<b>5,864</b>	<b>69</b>	<b>63</b>	<b>13,861</b>	<b>78</b>	<b>71</b>	<b>18,673</b>	<b>75</b>	<b>66</b>
Louisiana												
Eastern	1,130	86	77	162	82	81	423	107	99	561	119	109
Middle	146	98	90	55	102	85	137	118	108	176	124	107
Western	801	136	114	140	121	119	450	122	111	351	137	126
Mississippi												
Northern	529	120	92	82	132	102	226	95	74	210	101	83
Southern	800	89	77	199	82	72	338	97	91	320	97	90
Texas												
Eastern	1,923	92	85	411	98	95	1,204	105	98	1,672	104	96
Northern	2,100	114	97	289	133	127	867	145	138	1,036	139	123
Southern	9,671	66	58	1,785	64	58	4,175	73	65	5,586	70	62
Western	12,894	48	42	2,741	54	48	6,041	59	53	8,761	58	50
<b>SIXTH CIRCUIT</b>	<b>10,602</b>	<b>94</b>	<b>74</b>	<b>1,822</b>	<b>106</b>	<b>85</b>	<b>5,552</b>	<b>107</b>	<b>84</b>	<b>7,390</b>	<b>102</b>	<b>77</b>
Kentucky												
Eastern	1,474	64	47	276	88	63	702	104	73	1,120	92	62
Western	573	95	89	97	105	96	388	120	99	581	96	73
Michigan												
Eastern	1,854	91	70	263	86	66	803	89	66	990	97	74
Western	821	100	84	160	102	93	441	115	101	519	117	100
Ohio												
Northern	1,608	97	74	240	117	88	1,035	96	75	750	95	70
Southern	1,098	92	68	164	95	71	707	102	73	944	101	68
Tennessee												
Eastern	1,610	99	83	357	130	110	776	135	115	1,460	116	96
Middle	540	114	90	119	108	97	262	114	89	298	100	70
Western	1,024	116	90	146	111	83	438	105	79	728	105	80
<b>SEVENTH CIRCUIT</b>	<b>6,090</b>	<b>121</b>	<b>106</b>	<b>1,448</b>	<b>125</b>	<b>112</b>	<b>3,497</b>	<b>134</b>	<b>119</b>	<b>4,587</b>	<b>124</b>	<b>102</b>
Illinois												
Central	912	140	116	218	157	145	470	178	153	660	175	146
Northern	1,368	122	97	455	122	100	943	125	99	1,112	125	97
Southern	1,373	122	121	231	120	115	528	155	153	570	136	133
Indiana												
Northern	864	96	84	171	117	99	378	91	82	594	81	72
Southern	613	129	105	146	133	123	449	132	120	536	140	125
Wisconsin												
Eastern	654	119	106	141	102	95	469	117	98	834	101	64
Western	306	114	119	86	110	118	260	143	149	281	107	89
<b>EIGHTH CIRCUIT</b>	<b>10,409</b>	<b>107</b>	<b>86</b>	<b>2,263</b>	<b>118</b>	<b>104</b>	<b>6,083</b>	<b>114</b>	<b>96</b>	<b>6,982</b>	<b>116</b>	<b>93</b>
Arkansas												
Eastern	717	93	88	97	103	101	318	98	83	524	89	76
Western	328	91	82	61	112	93	135	97	79	264	110	93
Iowa												
Northern	1,018	135	107	317	145	124	507	159	140	627	157	135
Southern	1,163	136	113	206	152	132	504	152	121	725	173	138
Minnesota	1,160	103	81	228	97	77	763	103	79	985	104	71
Missouri												
Eastern	1,855	97	80	335	89	80	1,241	95	80	1,231	93	77
Western	1,842	103	67	311	112	88	877	123	97	863	125	86
Nebraska	1,714	109	93	552	131	127	1,171	106	99	1,094	101	93
North Dakota	198	79	59	25	96	93	168	171	116	278	157	97
South Dakota	414	73	66	131	84	73	399	90	84	391	82	74

**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
<b>NINTH CIRCUIT</b>	<b>23,145</b>	<b>61</b>	<b>45</b>	<b>3,324</b>	<b>70</b>	<b>55</b>	<b>10,609</b>	<b>74</b>	<b>56</b>	<b>15,969</b>	<b>69</b>	<b>52</b>
Alaska	336	89	81	82	91	73	143	111	93	245	97	79
Arizona	5,230	51	29	893	52	36	2,998	56	38	4,734	45	33
California												
Central	584	111	95	143	115	94	628	119	93	1,581	96	73
Eastern	1,272	121	102	233	112	93	733	104	85	1,093	92	75
Northern	824	90	72	132	96	74	401	98	72	657	94	72
Southern	9,552	37	25	737	35	25	2,522	40	30	4,074	51	36
Guam	242	95	71	27	97	61	88	105	74	49	87	71
Hawaii	980	88	68	213	102	77	633	120	85	423	117	84
Idaho	234	130	96	62	111	85	198	105	78	391	95	72
Montana	759	79	69	151	110	111	357	123	114	421	97	86
Nevada	610	94	82	111	97	87	363	86	78	353	89	82
Northern Mariana Islands	47	57	38	10	41	36	28	44	40	24	38	33
Oregon	874	94	77	158	82	70	411	92	71	605	100	70
Washington												
Eastern	552	73	59	117	65	57	292	100	78	423	99	74
Western	1,049	87	60	255	70	53	814	81	55	896	90	60
<b>TENTH CIRCUIT</b>	<b>7,433</b>	<b>76</b>	<b>62</b>	<b>1,499</b>	<b>84</b>	<b>73</b>	<b>4,351</b>	<b>87</b>	<b>71</b>	<b>5,402</b>	<b>84</b>	<b>65</b>
Colorado	1,101	75	55	167	78	58	424	90	62	423	87	58
Kansas	1,100	93	79	329	98	87	742	107	89	1,034	127	99
New Mexico	3,370	51	40	575	54	44	1,806	52	40	2,198	43	31
Oklahoma												
Eastern	180	107	89	43	153	149	96	148	134	100	112	91
Northern	277	123	106	33	152	139	154	139	125	206	104	85
Western	546	142	124	64	136	113	180	129	111	300	106	81
Utah	421	73	57	171	96	83	539	109	90	549	97	80
Wyoming	438	103	94	117	117	111	410	119	109	592	122	104
<b>ELEVENTH CIRCUIT</b>	<b>18,622</b>	<b>111</b>	<b>95</b>	<b>3,164</b>	<b>117</b>	<b>100</b>	<b>7,670</b>	<b>121</b>	<b>104</b>	<b>8,642</b>	<b>113</b>	<b>96</b>
Alabama												
Middle	580	105	82	59	153	122	203	111	83	296	109	87
Northern	1,012	113	83	179	131	91	433	144	98	425	138	99
Southern	1,114	115	86	160	113	94	465	125	97	692	111	85
Florida												
Middle	4,399	118	99	996	123	109	2,439	121	104	2,458	120	100
Northern	1,307	179	152	284	177	124	537	189	155	527	173	136
Southern	6,764	94	85	1,025	92	84	2,270	104	94	2,506	98	88
Georgia												
Middle	1,065	95	84	175	95	84	461	98	92	408	84	79
Northern	1,667	112	94	203	132	123	543	131	118	700	128	113
Southern	714	126	115	83	105	92	319	108	105	630	85	81

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  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>Koon Period (6/13/96 - 4/30/03)</b>	
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
New York, Northern	64.9	705	1,086
Northern Mariana Islands	64.4	29	45
Idaho	61.4	143	233
North Carolina, Western	61.1	1,142	1,869
Ohio, Southern	59.7	655	1,097
Pennsylvania, Eastern	59.4	1,283	2,160
Alabama, Middle	58.3	338	580
Alabama, Northern	56.9	575	1,010
Missouri, Western	55.8	1,027	1,839
Indiana, Southern	55.3	339	613
Pennsylvania, Middle	55.1	449	815
Louisiana, Middle	52.7	77	146
Colorado	52.1	573	1,100
Illinois, Central	51.4	468	910
New Hampshire	51.2	227	443
Alabama, Southern	51.2	570	1,113
Guam	51.0	123	241
New York, Western	50.2	576	1,147
Mississippi, Northern	50.1	265	529
Michigan, Western	47.7	391	819
Ohio, Northern	46.9	754	1,606
North Dakota	46.7	92	197
North Carolina, Eastern	45.3	636	1,404
Tennessee, Middle	44.8	242	540
Maine	44.6	166	372
Tennessee, Western	43.8	447	1,021
Maryland	43.7	423	969
Tennessee, Eastern	43.4	698	1,609
Michigan, Eastern	42.9	794	1,851
Hawaii	41.7	408	978
Delaware	41.3	64	155
Iowa, Southern	41.1	476	1,159
Illinois, Northern	40.7	556	1,365
Florida, Middle	40.7	1,788	4,398
Iowa, Northern	40.6	412	1,016
Kentucky, Eastern	40.5	596	1,473
Florida, Northern	39.5	516	1,306
Virginia, Western	39.0	514	1,317
Georgia, Middle	37.8	402	1,064
District of Columbia	37.4	356	952
South Carolina	37.2	856	2,302
Washington, Western	36.8	385	1,046

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

<b>District</b>	<b>Percent</b>	<b>Koon Period (6/13/96 - 4/30/03)</b>	
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Montana	36.7	278	758
Missouri, Eastern	35.8	662	1,851
Pennsylvania, Western	34.7	242	698
New Jersey	34.6	586	1,696
Louisiana, Western	34.5	275	798
Georgia, Southern	34.5	246	714
Minnesota	34.0	390	1,148
North Carolina, Middle	33.7	338	1,002
Vermont	33.6	153	456
Mississippi, Southern	32.5	259	798
Georgia, Northern	32.5	540	1,664
Oregon	32.0	280	874
Wyoming	31.6	138	437
Arkansas, Western	31.5	103	327
Massachusetts	31.3	415	1,326
Texas, Northern	30.6	641	2,098
Kansas	30.2	332	1,098
California, Eastern	29.4	373	1,270
Wisconsin, Eastern	27.9	182	653
Virgin Islands	27.5	49	178
Oklahoma, Northern	27.1	75	277
Indiana, Northern	27.0	232	859
Texas, Southern	26.7	2,578	9,657
New York, Eastern	24.1	963	3,989
New York, Southern	23.9	705	2,954
Louisiana, Eastern	23.1	261	1,128
California, Central	23.1	133	577
Nebraska	22.8	390	1,710
Connecticut	22.3	148	664
Oklahoma, Western	21.3	116	545
Alaska	21.0	70	334
California, Northern	20.8	171	822
Nevada	20.3	124	610
Washington, Eastern	20.1	111	551
South Dakota	20.0	83	414
Utah	19.8	79	400
Arizona	18.8	982	5,215
Kentucky, Western	18.7	107	571
Wisconsin, Western	17.5	53	303
Texas, Western	17.0	2,191	12,871
California, Southern	15.7	1,497	9,527
Florida, Southern	15.5	1,050	6,754
Arkansas, Eastern	15.2	109	715
West Virginia, Southern	14.9	126	843
Texas, Eastern	14.8	284	1,922
New Mexico	14.6	492	3,367
Oklahoma, Eastern	11.7	21	180
Virginia, Eastern	10.9	251	2,294
Rhode Island	9.9	29	293
Puerto Rico	9.2	187	2,036
Illinois, Southern	8.9	122	1,368
West Virginia, Northern	8.9	72	813

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

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>PROTECT Act</b>	
		<b>Period</b>	
<b>(5/1/03 - 6/24/04)</b>			
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	75.5	556	736
Guam	74.1	20	27
Alabama, Middle	64.4	38	59
Idaho	59.7	37	62
Colorado	59.3	99	167
District of Columbia	58.7	118	201
North Carolina, Eastern	58.6	109	186
Mississippi, Northern	57.3	47	82
Maine	57.3	51	89
Arizona	57.2	509	890
Pennsylvania, Eastern	56.8	225	396
Alabama, Northern	54.7	98	179
Pennsylvania, Middle	54.4	123	226
New York, Western	54.2	128	236
Ohio, Southern	54.0	88	163
Florida, Northern	53.2	151	284
Kentucky, Eastern	52.9	146	276
Louisiana, Middle	52.7	29	55
Arkansas, Western	52.5	32	61
Tennessee, Western	52.1	76	146
Delaware	50.0	15	30
North Carolina, Western	47.8	120	251
Ohio, Northern	46.9	112	239
Vermont	46.6	62	133
Georgia, Middle	46.3	81	175
New York, Northern	45.0	68	151
New Hampshire	45.0	54	120
Alabama, Southern	43.1	69	160
Illinois, Northern	43.0	195	454
Michigan, Eastern	42.5	111	261
Hawaii	41.8	89	213
Tennessee, Eastern	41.5	148	357
Michigan, Western	40.9	65	159
Alaska	40.7	33	81
New Jersey	40.6	103	254
Northern Mariana Islands	40.0	4	10
California, Northern	38.6	51	132
Minnesota	38.3	87	227
California, Eastern	37.3	87	233
Missouri, Western	37.3	116	311
Oregon	36.7	58	158
Maryland	35.9	55	153

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

District	Percent	PROTECT Act	
		Period	
		(5/1/03 - 6/24/04)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Drug Trafficking Sentences Imposed
Indiana, Southern	35.9	52	145
Virginia, Western	35.5	104	293
Iowa, Northern	35.0	111	317
Illinois, Central	34.9	76	218
Oklahoma, Western	34.4	22	64
Virgin Islands	34.1	15	44
Indiana, Northern	33.9	58	171
Georgia, Southern	33.7	28	83
South Carolina	33.7	141	419
Florida, Middle	33.2	330	995
California, Central	32.4	46	142
Iowa, Southern	32.2	66	205
Pennsylvania, Western	31.8	42	132
Nevada	30.6	34	111
Tennessee, Middle	30.3	36	119
Mississippi, Southern	29.6	59	199
Washington, Western	29.5	75	254
North Dakota	28.0	7	25
Kansas	26.4	87	329
North Carolina, Middle	25.2	28	111
Texas, Southern	25.2	449	1,782
Montana	24.8	37	149
Missouri, Eastern	24.7	82	332
Texas, Northern	24.2	70	289
New York, Eastern	24.1	170	706
New Mexico	23.8	137	575
Kentucky, Western	23.7	23	97
Connecticut	23.6	41	174
Utah	22.9	39	170
Louisiana, Western	22.9	32	140
New York, Southern	20.4	105	514
South Dakota	19.8	26	131
Massachusetts	19.1	38	199
Oklahoma, Eastern	18.6	8	43
Oklahoma, Northern	18.2	6	33
Georgia, Northern	17.8	36	202
Texas, Western	17.6	483	2,739
Florida, Southern	17.0	174	1,025
Wisconsin, Eastern	16.3	23	141
Washington, Eastern	15.5	18	116
Texas, Eastern	15.3	63	411
Illinois, Southern	15.2	35	231
Wyoming	14.7	17	116
West Virginia, Northern	14.3	28	196
Louisiana, Eastern	14.2	23	162
Arkansas, Eastern	11.3	11	97
Rhode Island	10.9	6	55
Wisconsin, Western	8.1	7	86
Virginia, Eastern	7.8	42	538
Puerto Rico	7.6	31	407
Nebraska	5.6	31	551
West Virginia, Southern	1.6	3	191

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

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>Booker Period</b>	
		<b>(1/12/05 - 12/10/07)</b>	
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	71.9	1,812	2,520
North Dakota	70.8	119	168
Alabama, Middle	70.4	143	203
Arizona	68.5	2,053	2,997
Idaho	64.1	127	198
Colorado	60.6	257	424
Ohio, Southern	58.7	413	703
Kentucky, Eastern	58.3	409	702
District of Columbia	56.8	295	519
Guam	56.8	50	88
Pennsylvania, Middle	56.3	413	733
Alabama, Northern	55.4	240	433
Mississippi, Northern	54.0	122	226
North Carolina, Eastern	53.9	349	647
New York, Western	53.6	390	728
Hawaii	52.6	333	633
Pennsylvania, Eastern	52.1	382	733
New York, Northern	50.9	238	468
Tennessee, Western	48.4	212	438
Vermont	48.3	115	238
Arkansas, Western	47.4	64	135
New Jersey	47.4	422	891
Maryland	47.2	331	702
Michigan, Eastern	44.3	355	802
New Hampshire	44.0	118	268
Washington, Western	43.1	351	814
Alabama, Southern	42.7	198	464
Ohio, Northern	42.3	438	1,035
Iowa, Southern	41.7	210	504
Louisiana, Middle	41.6	57	137
North Carolina, Western	40.3	400	993
Maine	40.1	79	197
Tennessee, Middle	40.0	104	260
Oregon	39.7	163	411
California, Northern	39.3	157	400
Tennessee, Eastern	39.2	304	776
New Mexico	38.6	696	1,805
Kentucky, Western	38.0	147	387
Minnesota	37.2	284	763
Florida, Northern	36.3	195	537
Michigan, Western	35.8	158	441
Florida, Middle	35.8	872	2,438

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

District	Percent	Booker Period	
		(1/12/05 - 12/10/07)	
		Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Drug Trafficking Sentences Imposed
Illinois, Central	35.0	164	468
Illinois, Northern	34.8	328	943
Indiana, Northern	34.7	131	377
Kansas	34.6	257	742
New York, Eastern	33.0	439	1,329
Virginia, Western	32.9	358	1,088
Washington, Eastern	32.5	95	292
Northern Mariana Islands	32.1	9	28
Indiana, Southern	32.1	144	449
California, Eastern	31.9	234	733
Georgia, Middle	31.9	147	461
Missouri, Western	31.8	279	877
Montana	31.4	112	357
California, Central	31.3	189	603
Connecticut	30.3	154	508
Iowa, Northern	30.2	153	506
Wisconsin, Eastern	30.1	141	469
Arkansas, Eastern	28.6	91	318
Texas, Southern	28.6	1,192	4,175
South Carolina	28.4	337	1,186
Utah	27.6	148	537
Alaska	27.3	39	143
Virgin Islands	26.2	16	61
Oklahoma, Northern	25.3	39	154
North Carolina, Middle	25.1	124	494
Oklahoma, Eastern	25.0	24	96
Missouri, Eastern	24.6	305	1,239
Texas, Northern	24.6	213	867
New York, Southern	23.8	432	1,814
Nevada	23.1	84	363
Wyoming	23.0	94	408
Louisiana, Western	22.9	103	450
Georgia, Northern	22.7	123	543
Louisiana, Eastern	22.5	95	422
Georgia, Southern	21.9	70	319
Massachusetts	20.9	119	570
Delaware	19.7	15	76
Pennsylvania, Western	17.6	76	432
Florida, Southern	17.0	387	2,270
Texas, Eastern	17.0	205	1,203
Texas, Western	16.1	975	6,041
Mississippi, Southern	16.0	54	338
Oklahoma, Western	13.9	25	180
Rhode Island	13.5	19	141
South Dakota	12.0	48	399
Nebraska	12.0	140	1,170
West Virginia, Northern	10.8	66	611
West Virginia, Southern	10.8	49	454
Puerto Rico	9.7	81	833
Illinois, Southern	6.3	33	528
Wisconsin, Western	6.2	16	260
Virginia, Eastern	4.8	76	1,599

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

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<i>Gall</i> <b>Period</b>	
		<b>(12/11/07 - 9/30/11)</b>	
		<b>Number of Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	73.3	2,986	4,074
North Dakota	72.7	202	278
Kentucky, Eastern	61.8	692	1,120
District of Columbia	59.6	351	589
Idaho	59.3	232	391
New York, Western	58.1	563	969
Oregon	57.4	347	605
Colorado	56.0	237	423
Maine	54.3	150	276
Ohio, Southern	53.8	508	944
North Carolina, Eastern	52.1	555	1,065
Alabama, Middle	51.0	151	296
Pennsylvania, Eastern	50.7	560	1,104
Washington, Western	49.3	442	896
Wisconsin, Eastern	48.7	406	834
Arizona	48.1	2,277	4,734
Hawaii	48.0	203	423
Pennsylvania, Middle	46.5	382	821
Kentucky, Western	46.0	267	581
Ohio, Northern	45.3	340	750
Alabama, Northern	44.9	191	425
Maryland	44.9	388	864
New Mexico	44.5	979	2,198
Tennessee, Western	44.5	324	728
New York, Northern	43.9	291	663
North Carolina, Western	43.8	395	901
Tennessee, Middle	43.6	130	298
Guam	42.9	21	49
New Hampshire	42.6	152	357
Mississippi, Northern	42.4	89	210
Louisiana, Middle	41.5	73	176
Vermont	41.2	119	289
Minnesota	40.9	403	985
Kansas	40.7	421	1,034
Iowa, Southern	40.4	293	725
New Jersey	40.2	369	919
Missouri, Western	40.0	345	863
Arkansas, Western	39.4	104	264
Iowa, Northern	38.1	239	627
California, Northern	37.7	248	657
Tennessee, Eastern	37.2	543	1,460
Montana	36.6	154	421

**Spread of Rates of Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

District	Gall		
	Period		
	(12/11/07 - 9/30/11)		
Percent	Number of Govt Sponsored Below Range Sentences Imposed	Total Number of Drug Trafficking Sentences Imposed	
Alabama, Southern	36.6	253	692
Delaware	35.3	42	119
Alaska	35.1	86	245
Washington, Eastern	35.0	148	423
Illinois, Central	34.7	229	660
California, Eastern	34.5	377	1,093
Florida, Middle	34.2	841	2,458
Indiana, Northern	34.2	203	594
New York, Eastern	33.7	594	1,762
South Carolina	33.7	575	1,706
Florida, Northern	33.6	177	527
Oklahoma, Northern	33.0	68	206
Michigan, Eastern	31.2	309	990
California, Central	29.9	473	1,581
Virginia, Western	29.5	256	869
North Carolina, Middle	28.9	182	630
Massachusetts	28.8	216	751
Indiana, Southern	28.5	153	536
Texas, Northern	28.5	295	1,036
Michigan, Western	28.1	146	519
Oklahoma, Eastern	28.0	28	100
Wyoming	25.7	152	592
Pennsylvania, Western	25.2	152	602
Oklahoma, Western	25.0	75	300
Missouri, Eastern	24.9	306	1,231
Illinois, Northern	24.8	275	1,111
New York, Southern	24.4	492	2,013
Georgia, Northern	24.4	171	700
Georgia, Middle	24.3	99	408
Georgia, Southern	24.1	152	630
Connecticut	24.1	172	715
Texas, Southern	22.8	1,271	5,586
Arkansas, Eastern	22.3	117	524
Virgin Islands	22.0	22	100
Utah	21.5	118	549
Louisiana, Eastern	21.0	118	561
Nevada	20.7	73	353
Texas, Eastern	19.3	322	1,671
Texas, Western	18.2	1,598	8,761
Louisiana, Western	18.2	64	351
Mississippi, Southern	17.5	56	320
Northern Mariana Islands	16.7	4	24
West Virginia, Northern	14.0	101	721
Florida, Southern	13.4	337	2,506
Wisconsin, Western	13.2	37	281
Rhode Island	12.4	26	210
Puerto Rico	12.0	209	1,745
West Virginia, Southern	11.2	62	552
Illinois, Southern	9.8	56	570
South Dakota	9.0	35	391
Nebraska	8.3	91	1,094
Virginia, Eastern	6.6	114	1,721

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

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses**

*Koon*  
**Period**  

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

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<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
New York, Northern	64.8	704	1,086
Northern Mariana Islands	64.4	29	45
North Carolina, Western	61.0	1,141	1,869
Idaho	60.5	141	233
Ohio, Southern	59.7	655	1,097
Pennsylvania, Eastern	59.4	1,282	2,160
Alabama, Middle	58.3	338	580
Alabama, Northern	56.9	575	1,010
Missouri, Western	55.7	1,025	1,839
Pennsylvania, Middle	55.1	449	815
Indiana, Southern	55.0	337	613
Louisiana, Middle	52.7	77	146
Colorado	52.1	573	1,100
Illinois, Central	51.4	468	910
New Hampshire	51.2	227	443
Alabama, Southern	51.2	570	1,113
Guam	51.0	123	241
New York, Western	50.0	573	1,147
Mississippi, Northern	49.5	262	529
Michigan, Western	47.7	391	819
Ohio, Northern	46.9	754	1,606
North Dakota	46.2	91	197
North Carolina, Eastern	45.3	636	1,404
Tennessee, Middle	44.8	242	540
Maine	44.6	166	372
Tennessee, Western	43.8	447	1,021
Maryland	43.7	423	969
Tennessee, Eastern	43.4	698	1,609
Michigan, Eastern	42.8	793	1,851
Hawaii	41.7	408	978
Delaware	41.3	64	155
Iowa, Southern	41.0	475	1,159
Illinois, Northern	40.7	555	1,365
Florida, Middle	40.7	1,788	4,398
Iowa, Northern	40.6	412	1,016
Kentucky, Eastern	40.5	596	1,473
Florida, Northern	39.5	516	1,306
Virginia, Western	38.9	512	1,317
Georgia, Middle	37.8	402	1,064
South Carolina	37.2	856	2,302
District of Columbia	37.0	352	952
Montana	36.7	278	758

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses (cont.)**

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**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Washington, Western	36.1	378	1,046
Missouri, Eastern	35.5	657	1,851
Pennsylvania, Western	34.7	242	698
New Jersey	34.6	586	1,696
Louisiana, Western	34.5	275	798
Georgia, Southern	34.5	246	714
Minnesota	33.8	388	1,148
North Carolina, Middle	33.7	338	1,002
Vermont	33.6	153	456
Mississippi, Southern	32.5	259	798
Georgia, Northern	32.5	540	1,664
Oregon	31.8	278	874
Arkansas, Western	31.5	103	327
Massachusetts	31.2	414	1,326
Wyoming	31.1	136	437
Texas, Northern	30.5	640	2,098
Kansas	30.2	332	1,098
California, Eastern	29.3	372	1,270
Wisconsin, Eastern	27.6	180	653
Oklahoma, Northern	27.1	75	277
Virgin Islands	27.0	48	178
Indiana, Northern	26.8	230	859
Texas, Southern	26.0	2,510	9,657
New York, Southern	23.9	705	2,954
New York, Eastern	23.7	944	3,989
California, Central	23.1	133	577
Louisiana, Eastern	22.7	256	1,128
Nebraska	22.6	386	1,710
Connecticut	21.8	145	664
Oklahoma, Western	21.3	116	545
Alaska	21.0	70	334
California, Northern	20.1	165	822
South Dakota	20.0	83	414
Nevada	20.0	122	610
Washington, Eastern	19.6	108	551
Utah	19.3	77	400
Kentucky, Western	18.7	107	571
Wisconsin, Western	17.5	53	303
Texas, Western	16.7	2,151	12,871
Florida, Southern	15.5	1,050	6,754
Arkansas, Eastern	15.2	109	715
West Virginia, Southern	14.9	126	843
Texas, Eastern	14.8	284	1,922
Arizona	14.6	760	5,215
New Mexico	13.9	467	3,367
California, Southern	13.6	1,300	9,527
Virginia, Eastern	10.9	251	2,294
Oklahoma, Eastern	10.0	18	180
Rhode Island	9.9	29	293
Puerto Rico	9.0	184	2,036
Illinois, Southern	8.9	122	1,368
West Virginia, Northern	8.9	72	813

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

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses**

District	PROTECT Act		
	Period		
	(5/1/03 - 6/24/04)		
	Percent	Number of §5K1.1 Sentences Imposed	Total Number of Drug Trafficking Sentences Imposed
Guam	74.1	20	27
Alabama, Middle	64.4	38	59
Idaho	59.7	37	62
Colorado	59.3	99	167
North Carolina, Eastern	58.1	108	186
Maine	57.3	51	89
Pennsylvania, Eastern	56.1	222	396
Alabama, Northern	54.7	98	179
Ohio, Southern	54.0	88	163
Pennsylvania, Middle	53.5	121	226
New York, Western	53.4	126	236
District of Columbia	53.2	107	201
Florida, Northern	53.2	151	284
Kentucky, Eastern	52.9	146	276
Arkansas, Western	52.5	32	61
Tennessee, Western	52.1	76	146
Mississippi, Northern	50.0	41	82
Delaware	50.0	15	30
Louisiana, Middle	49.1	27	55
North Carolina, Western	47.4	119	251
Vermont	46.6	62	133
Georgia, Middle	45.7	80	175
Ohio, Northern	45.6	109	239
New Hampshire	45.0	54	120
New York, Northern	44.4	67	151
Alabama, Southern	43.1	69	160
Hawaii	41.8	89	213
Michigan, Eastern	41.8	109	261
Illinois, Northern	41.2	187	454
Tennessee, Eastern	41.2	147	357
Alaska	40.7	33	81
Michigan, Western	40.3	64	159
Northern Mariana Islands	40.0	4	10
New Jersey	38.6	98	254
Minnesota	37.9	86	227
California, Eastern	36.9	86	233
California, Northern	36.4	48	132
Missouri, Western	36.0	112	311
Oregon	35.4	56	158
Maryland	35.3	54	153
Virginia, Western	34.8	102	293
Illinois, Central	34.4	75	218

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses (cont.)**

**PROTECT Act  
Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Iowa, Northern	34.4	109	317
Oklahoma, Western	34.4	22	64
Indiana, Southern	33.8	49	145
Georgia, Southern	33.7	28	83
South Carolina	33.7	141	419
Florida, Middle	33.2	330	995
Iowa, Southern	32.2	66	205
Pennsylvania, Western	31.8	42	132
Virgin Islands	31.8	14	44
California, Central	31.7	45	142
Indiana, Northern	31.6	54	171
Tennessee, Middle	30.3	36	119
Mississippi, Southern	29.6	59	199
North Dakota	28.0	7	25
Washington, Western	28.0	71	254
Kansas	26.1	86	329
North Carolina, Middle	25.2	28	111
Montana	24.8	37	149
Texas, Northern	24.2	70	289
Missouri, Eastern	24.1	80	332
Kentucky, Western	23.7	23	97
Louisiana, Western	22.9	32	140
New York, Southern	20.4	105	514
Utah	20.0	34	170
Arizona	19.9	177	890
South Dakota	19.8	26	131
New York, Eastern	19.8	140	706
Oklahoma, Northern	18.2	6	33
Nevada	18.0	20	111
Georgia, Northern	17.8	36	202
Massachusetts	17.6	35	199
Connecticut	17.2	30	174
Texas, Southern	17.2	306	1,782
Florida, Southern	17.0	174	1,025
Texas, Western	16.6	456	2,739
Wisconsin, Eastern	15.6	22	141
Illinois, Southern	15.2	35	231
Texas, Eastern	15.1	62	411
Washington, Eastern	14.7	17	116
West Virginia, Northern	14.3	28	196
Wyoming	13.8	16	116
Louisiana, Eastern	12.3	20	162
New Mexico	11.7	67	575
Arkansas, Eastern	11.3	11	97
Rhode Island	10.9	6	55
California, Southern	9.5	70	736
Oklahoma, Eastern	9.3	4	43
Wisconsin, Western	8.1	7	86
Virginia, Eastern	7.4	40	538
Puerto Rico	7.4	30	407
Nebraska	3.6	20	551
West Virginia, Southern	1.6	3	191

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

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses**

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**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Alabama, Middle	69.5	141	203
North Dakota	67.9	114	168
Idaho	64.1	127	198
Colorado	59.9	254	424
Kentucky, Eastern	58.1	408	702
Ohio, Southern	56.9	400	703
Guam	56.8	50	88
Alabama, Northern	55.4	240	433
North Carolina, Eastern	53.9	349	647
Pennsylvania, Middle	52.3	383	733
Hawaii	51.5	326	633
New York, Western	51.2	373	728
New York, Northern	50.2	235	468
Pennsylvania, Eastern	49.9	366	733
Arkansas, Western	47.4	64	135
Vermont	46.6	111	238
New Jersey	46.2	412	891
Tennessee, Western	45.0	197	438
Maryland	43.9	308	702
Michigan, Eastern	43.1	346	802
Alabama, Southern	42.0	195	464
District of Columbia	41.6	216	519
Louisiana, Middle	41.6	57	137
Mississippi, Northern	41.2	93	226
Iowa, Southern	41.1	207	504
Ohio, Northern	40.2	416	1,035
Maine	40.1	79	197
North Carolina, Western	39.0	387	993
Tennessee, Eastern	38.5	299	776
New Hampshire	36.6	98	268
Tennessee, Middle	36.5	95	260
Florida, Northern	36.3	195	537
Minnesota	35.4	270	763
Florida, Middle	35.2	859	2,438
Michigan, Western	35.1	155	441
Kentucky, Western	34.4	133	387
Indiana, Northern	34.2	129	377
Illinois, Central	32.7	153	468
Illinois, Northern	32.4	306	943
Virginia, Western	32.0	348	1,088
Georgia, Middle	31.5	145	461
Oregon	31.4	129	411

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses (cont.)**

*Booker*  
Period

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Montana	31.1	111	357
Missouri, Western	30.4	267	877
Kansas	30.2	224	742
Connecticut	29.7	151	508
New York, Eastern	28.9	384	1,329
Northern Mariana Islands	28.6	8	28
Iowa, Northern	28.5	144	506
Indiana, Southern	28.3	127	449
California, Eastern	27.8	204	733
Wisconsin, Eastern	27.7	130	469
South Carolina	27.2	323	1,186
Arkansas, Eastern	26.4	84	318
Virgin Islands	26.2	16	61
California, Northern	26.0	104	400
Oklahoma, Northern	25.3	39	154
Oklahoma, Eastern	25.0	24	96
North Carolina, Middle	24.9	123	494
Washington, Western	24.7	201	814
Washington, Eastern	24.3	71	292
Texas, Northern	23.8	206	867
California, Central	23.2	140	603
Alaska	23.1	33	143
Louisiana, Western	22.9	103	450
Missouri, Eastern	22.6	280	1,239
New York, Southern	22.1	401	1,814
Utah	21.8	117	537
Georgia, Southern	21.3	68	319
Georgia, Northern	20.4	111	543
Louisiana, Eastern	20.4	86	422
Delaware	18.4	14	76
Texas, Southern	17.8	745	4,175
Massachusetts	17.2	98	570
Pennsylvania, Western	17.1	74	432
Wyoming	16.2	66	408
Florida, Southern	16.1	366	2,270
Mississippi, Southern	15.1	51	338
Texas, Western	15.0	906	6,041
Texas, Eastern	14.6	176	1,203
Nevada	14.6	53	363
Arizona	14.1	422	2,997
Oklahoma, Western	12.8	23	180
South Dakota	11.5	46	399
New Mexico	11.4	205	1,805
West Virginia, Southern	10.4	47	454
Rhode Island	9.9	14	141
West Virginia, Northern	9.7	59	611
California, Southern	8.6	216	2,520
Puerto Rico	7.7	64	833
Wisconsin, Western	6.2	16	260
Nebraska	5.6	65	1,170
Illinois, Southern	5.5	29	528
Virginia, Eastern	4.4	70	1,599

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

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses**

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**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
North Dakota	68.7	191	278
Kentucky, Eastern	60.9	682	1,120
Idaho	57.8	226	391
New York, Western	55.5	538	969
Maine	54.0	149	276
Colorado	52.2	221	423
North Carolina, Eastern	52.0	554	1,065
Alabama, Middle	50.0	148	296
Ohio, Southern	48.9	462	944
Pennsylvania, Eastern	47.6	525	1,104
Hawaii	47.3	200	423
Alabama, Northern	44.7	190	425
New York, Northern	43.0	285	663
Guam	42.9	21	49
North Carolina, Western	42.5	383	901
Ohio, Northern	42.0	315	750
District of Columbia	41.1	242	589
Tennessee, Western	41.1	299	728
Louisiana, Middle	40.9	72	176
Minnesota	40.0	394	985
Pennsylvania, Middle	39.7	326	821
Arkansas, Western	39.4	104	264
New Jersey	39.1	359	919
Mississippi, Northern	39.0	82	210
Tennessee, Middle	37.9	113	298
Wisconsin, Eastern	37.8	315	834
Oregon	37.5	227	605
Kentucky, Western	37.3	217	581
Iowa, Northern	36.8	231	627
Tennessee, Eastern	36.8	537	1,460
Maryland	36.5	315	864
Alabama, Southern	36.4	252	692
Iowa, Southern	36.4	264	725
Missouri, Western	35.9	310	863
Montana	35.4	149	421
Vermont	33.9	98	289
Florida, Northern	33.4	176	527
Illinois, Central	33.3	220	660
Oklahoma, Northern	33.0	68	206
Delaware	32.8	39	119
Florida, Middle	32.7	803	2,458
New Hampshire	32.5	116	357

**Spread of Rates of §5K1.1 Substantial Assistance Sentences  
Drug Trafficking Offenses (cont.)**

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**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K1.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
South Carolina	31.4	536	1,706
New York, Eastern	31.3	551	1,762
Indiana, Northern	30.6	182	594
California, Eastern	30.3	331	1,093
Kansas	29.9	309	1,034
Michigan, Eastern	28.6	283	990
North Carolina, Middle	28.6	180	630
Texas, Northern	27.4	284	1,036
Michigan, Western	27.2	141	519
Virginia, Western	26.5	230	869
Oklahoma, Eastern	26.0	26	100
Oklahoma, Western	25.0	75	300
Alaska	24.9	61	245
Pennsylvania, Western	23.4	141	602
Illinois, Northern	23.4	260	1,111
Georgia, Middle	23.3	95	408
Georgia, Southern	23.0	145	630
New York, Southern	22.2	447	2,013
Missouri, Eastern	21.4	264	1,231
Indiana, Southern	21.3	114	536
Washington, Western	20.8	186	896
Connecticut	20.7	148	715
Arkansas, Eastern	20.4	107	524
Georgia, Northern	20.0	140	700
Wyoming	19.8	117	592
Washington, Eastern	19.6	83	423
Virgin Islands	19.0	19	100
Louisiana, Eastern	18.5	104	561
California, Central	18.0	284	1,581
Louisiana, Western	17.7	62	351
Mississippi, Southern	17.5	56	320
Northern Mariana Islands	16.7	4	24
Texas, Southern	16.5	923	5,586
Texas, Western	16.3	1,426	8,761
Texas, Eastern	14.1	236	1,671
Massachusetts	14.0	105	751
California, Northern	13.9	91	657
Utah	13.3	73	549
Wisconsin, Western	13.2	37	281
West Virginia, Northern	12.5	90	721
Florida, Southern	11.7	294	2,506
California, Southern	11.5	470	4,074
West Virginia, Southern	10.7	59	552
Rhode Island	10.5	22	210
New Mexico	9.4	207	2,198
Illinois, Southern	9.1	52	570
Nevada	9.1	32	353
Arizona	8.0	378	4,734
South Dakota	6.9	27	391
Puerto Rico	6.8	119	1,745
Virginia, Eastern	5.6	97	1,721
Nebraska	4.5	49	1,094

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

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
Drug Trafficking Offenses**

**PROTECT Act**

**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	17.3	127	736
Arizona	11.5	102	890
New Mexico	6.4	37	575
Pennsylvania, Middle	0.4	1	226
Texas, Western	0.0	0	2,739
Texas, Southern	0.0	0	1,782
Florida, Southern	0.0	0	1,025
Florida, Middle	0.0	0	995
New York, Eastern	0.0	0	706
Nebraska	0.0	0	551
Virginia, Eastern	0.0	0	538
New York, Southern	0.0	0	514
Illinois, Northern	0.0	0	454
South Carolina	0.0	0	419
Texas, Eastern	0.0	0	411
Puerto Rico	0.0	0	407
Pennsylvania, Eastern	0.0	0	396
Tennessee, Eastern	0.0	0	357
Missouri, Eastern	0.0	0	332
Kansas	0.0	0	329
Iowa, Northern	0.0	0	317
Missouri, Western	0.0	0	311
Virginia, Western	0.0	0	293
Texas, Northern	0.0	0	289
Florida, Northern	0.0	0	284
Kentucky, Eastern	0.0	0	276
Michigan, Eastern	0.0	0	261
New Jersey	0.0	0	254
Washington, Western	0.0	0	254
North Carolina, Western	0.0	0	251
Ohio, Northern	0.0	0	239
New York, Western	0.0	0	236
California, Eastern	0.0	0	233
Illinois, Southern	0.0	0	231
Minnesota	0.0	0	227
Illinois, Central	0.0	0	218
Hawaii	0.0	0	213
Iowa, Southern	0.0	0	205
Georgia, Northern	0.0	0	202
District of Columbia	0.0	0	201
Massachusetts	0.0	0	199
Mississippi, Southern	0.0	0	199

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
Drug Trafficking Offenses (cont.)**

**PROTECT Act**

**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
West Virginia, Northern	0.0	0	196
West Virginia, Southern	0.0	0	191
North Carolina, Eastern	0.0	0	186
Alabama, Northern	0.0	0	179
Georgia, Middle	0.0	0	175
Connecticut	0.0	0	174
Indiana, Northern	0.0	0	171
Utah	0.0	0	170
Colorado	0.0	0	167
Ohio, Southern	0.0	0	163
Louisiana, Eastern	0.0	0	162
Alabama, Southern	0.0	0	160
Michigan, Western	0.0	0	159
Oregon	0.0	0	158
Maryland	0.0	0	153
New York, Northern	0.0	0	151
Montana	0.0	0	149
Tennessee, Western	0.0	0	146
Indiana, Southern	0.0	0	145
California, Central	0.0	0	142
Wisconsin, Eastern	0.0	0	141
Louisiana, Western	0.0	0	140
Vermont	0.0	0	133
Pennsylvania, Western	0.0	0	132
California, Northern	0.0	0	132
South Dakota	0.0	0	131
New Hampshire	0.0	0	120
Tennessee, Middle	0.0	0	119
Washington, Eastern	0.0	0	116
Wyoming	0.0	0	116
North Carolina, Middle	0.0	0	111
Nevada	0.0	0	111
Kentucky, Western	0.0	0	97
Arkansas, Eastern	0.0	0	97
Maine	0.0	0	89
Wisconsin, Western	0.0	0	86
Georgia, Southern	0.0	0	83
Mississippi, Northern	0.0	0	82
Alaska	0.0	0	81
Oklahoma, Western	0.0	0	64
Idaho	0.0	0	62
Arkansas, Western	0.0	0	61
Alabama, Middle	0.0	0	59
Rhode Island	0.0	0	55
Louisiana, Middle	0.0	0	55
Virgin Islands	0.0	0	44
Oklahoma, Eastern	0.0	0	43
Oklahoma, Northern	0.0	0	33
Delaware	0.0	0	30
Guam	0.0	0	27
North Dakota	0.0	0	25
Northern Mariana Islands	0.0	0	10

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

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
Drug Trafficking Offenses**

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**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	60.8	1,532	2,520
Arizona	50.7	1,520	2,997
New Mexico	20.7	374	1,805
California, Northern	0.5	2	400
California, Central	0.3	2	603
Texas, Southern	0.3	13	4,175
Nebraska	0.2	2	1,170
Washington, Western	0.1	1	814
New York, Eastern	0.1	1	1,329
Texas, Western	0.1	4	6,041
Florida, Middle	0.0	0	2,438
Florida, Southern	0.0	0	2,270
New York, Southern	0.0	0	1,814
Virginia, Eastern	0.0	0	1,599
Missouri, Eastern	0.0	0	1,239
Texas, Eastern	0.0	0	1,203
South Carolina	0.0	0	1,186
Virginia, Western	0.0	0	1,088
Ohio, Northern	0.0	0	1,035
North Carolina, Western	0.0	0	993
Illinois, Northern	0.0	0	943
New Jersey	0.0	0	891
Missouri, Western	0.0	0	877
Texas, Northern	0.0	0	867
Puerto Rico	0.0	0	833
Michigan, Eastern	0.0	0	802
Tennessee, Eastern	0.0	0	776
Minnesota	0.0	0	763
Kansas	0.0	0	742
Pennsylvania, Eastern	0.0	0	733
Pennsylvania, Middle	0.0	0	733
California, Eastern	0.0	0	733
New York, Western	0.0	0	728
Ohio, Southern	0.0	0	703
Maryland	0.0	0	702
Kentucky, Eastern	0.0	0	702
North Carolina, Eastern	0.0	0	647
Hawaii	0.0	0	633
West Virginia, Northern	0.0	0	611
Massachusetts	0.0	0	570
Georgia, Northern	0.0	0	543
Utah	0.0	0	537

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
Drug Trafficking Offenses (cont.)**

*Booker*

**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Florida, Northern	0.0	0	537
Illinois, Southern	0.0	0	528
District of Columbia	0.0	0	519
Connecticut	0.0	0	508
Iowa, Northern	0.0	0	506
Iowa, Southern	0.0	0	504
North Carolina, Middle	0.0	0	494
Wisconsin, Eastern	0.0	0	469
New York, Northern	0.0	0	468
Illinois, Central	0.0	0	468
Alabama, Southern	0.0	0	464
Georgia, Middle	0.0	0	461
West Virginia, Southern	0.0	0	454
Louisiana, Western	0.0	0	450
Indiana, Southern	0.0	0	449
Michigan, Western	0.0	0	441
Tennessee, Western	0.0	0	438
Alabama, Northern	0.0	0	433
Pennsylvania, Western	0.0	0	432
Colorado	0.0	0	424
Louisiana, Eastern	0.0	0	422
Oregon	0.0	0	411
Wyoming	0.0	0	408
South Dakota	0.0	0	399
Kentucky, Western	0.0	0	387
Indiana, Northern	0.0	0	377
Nevada	0.0	0	363
Montana	0.0	0	357
Mississippi, Southern	0.0	0	338
Georgia, Southern	0.0	0	319
Arkansas, Eastern	0.0	0	318
Washington, Eastern	0.0	0	292
New Hampshire	0.0	0	268
Tennessee, Middle	0.0	0	260
Wisconsin, Western	0.0	0	260
Vermont	0.0	0	238
Mississippi, Northern	0.0	0	226
Alabama, Middle	0.0	0	203
Idaho	0.0	0	198
Maine	0.0	0	197
Oklahoma, Western	0.0	0	180
North Dakota	0.0	0	168
Oklahoma, Northern	0.0	0	154
Alaska	0.0	0	143
Rhode Island	0.0	0	141
Louisiana, Middle	0.0	0	137
Arkansas, Western	0.0	0	135
Oklahoma, Eastern	0.0	0	96
Guam	0.0	0	88
Delaware	0.0	0	76
Virgin Islands	0.0	0	61
Northern Mariana Islands	0.0	0	28

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

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
Drug Trafficking Offenses**

*Gall*  
**Period**  

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

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<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	58.9	2,398	4,074
Arizona	36.1	1,711	4,734
New Mexico	29.6	650	2,198
Alaska	0.4	1	245
Idaho	0.3	1	391
Nebraska	0.2	2	1,094
Oregon	0.2	1	605
California, Northern	0.2	1	657
Illinois, Central	0.2	1	660
California, Central	0.1	2	1,581
Minnesota	0.1	1	985
California, Eastern	0.1	1	1,093
Texas, Southern	0.1	4	5,586
New York, Eastern	0.1	1	1,762
Texas, Western	0.0	4	8,761
Florida, Southern	0.0	0	2,506
Florida, Middle	0.0	0	2,458
New York, Southern	0.0	0	2,013
Puerto Rico	0.0	0	1,745
Virginia, Eastern	0.0	0	1,721
South Carolina	0.0	0	1,706
Texas, Eastern	0.0	0	1,671
Tennessee, Eastern	0.0	0	1,460
Missouri, Eastern	0.0	0	1,231
Kentucky, Eastern	0.0	0	1,120
Illinois, Northern	0.0	0	1,111
Pennsylvania, Eastern	0.0	0	1,104
North Carolina, Eastern	0.0	0	1,065
Texas, Northern	0.0	0	1,036
Kansas	0.0	0	1,034
Michigan, Eastern	0.0	0	990
New York, Western	0.0	0	969
Ohio, Southern	0.0	0	944
New Jersey	0.0	0	919
North Carolina, Western	0.0	0	901
Washington, Western	0.0	0	896
Virginia, Western	0.0	0	869
Maryland	0.0	0	864
Missouri, Western	0.0	0	863
Wisconsin, Eastern	0.0	0	834
Pennsylvania, Middle	0.0	0	821
Massachusetts	0.0	0	751

**Spread of Rates of §5K3.1 Early Disposition Program Sentences  
Drug Trafficking Offenses (cont.)**

*Gall*

**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of §5K3.1 Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Ohio, Northern	0.0	0	750
Tennessee, Western	0.0	0	728
Iowa, Southern	0.0	0	725
West Virginia, Northern	0.0	0	721
Connecticut	0.0	0	715
Georgia, Northern	0.0	0	700
Alabama, Southern	0.0	0	692
New York, Northern	0.0	0	663
North Carolina, Middle	0.0	0	630
Georgia, Southern	0.0	0	630
Iowa, Northern	0.0	0	627
Pennsylvania, Western	0.0	0	602
Indiana, Northern	0.0	0	594
Wyoming	0.0	0	592
District of Columbia	0.0	0	589
Kentucky, Western	0.0	0	581
Illinois, Southern	0.0	0	570
Louisiana, Eastern	0.0	0	561
West Virginia, Southern	0.0	0	552
Utah	0.0	0	549
Indiana, Southern	0.0	0	536
Florida, Northern	0.0	0	527
Arkansas, Eastern	0.0	0	524
Michigan, Western	0.0	0	519
Alabama, Northern	0.0	0	425
Hawaii	0.0	0	423
Washington, Eastern	0.0	0	423
Colorado	0.0	0	423
Montana	0.0	0	421
Georgia, Middle	0.0	0	408
South Dakota	0.0	0	391
New Hampshire	0.0	0	357
Nevada	0.0	0	353
Louisiana, Western	0.0	0	351
Mississippi, Southern	0.0	0	320
Oklahoma, Western	0.0	0	300
Tennessee, Middle	0.0	0	298
Alabama, Middle	0.0	0	296
Vermont	0.0	0	289
Wisconsin, Western	0.0	0	281
North Dakota	0.0	0	278
Maine	0.0	0	276
Arkansas, Western	0.0	0	264
Rhode Island	0.0	0	210
Mississippi, Northern	0.0	0	210
Oklahoma, Northern	0.0	0	206
Louisiana, Middle	0.0	0	176
Delaware	0.0	0	119
Virgin Islands	0.0	0	100
Oklahoma, Eastern	0.0	0	100
Guam	0.0	0	49
Northern Mariana Islands	0.0	0	24

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

**Spread of Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>PROTECT Act</b>	
		<b>Period</b>	
<b>(5/1/03 - 6/24/04)</b>			
		<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	48.8	359	736
Arizona	25.8	230	890
Nevada	12.6	14	111
Oklahoma, Eastern	9.3	4	43
Texas, Southern	8.0	143	1,782
Mississippi, Northern	7.3	6	82
Connecticut	6.3	11	174
New Mexico	5.7	33	575
District of Columbia	5.5	11	201
New York, Eastern	4.2	30	706
Louisiana, Middle	3.6	2	55
Utah	2.9	5	170
Indiana, Northern	2.3	4	171
California, Northern	2.3	3	132
Virgin Islands	2.3	1	44
Indiana, Southern	2.1	3	145
Nebraska	2.0	11	551
New Jersey	2.0	5	254
Louisiana, Eastern	1.9	3	162
Illinois, Northern	1.8	8	454
Washington, Western	1.6	4	254
Massachusetts	1.5	3	199
Missouri, Western	1.3	4	311
Oregon	1.3	2	158
Ohio, Northern	1.3	3	239
Texas, Western	1.0	27	2,739
Washington, Eastern	0.9	1	116
Wyoming	0.9	1	116
New York, Western	0.8	2	236
Michigan, Eastern	0.8	2	261
Pennsylvania, Eastern	0.8	3	396
Wisconsin, Eastern	0.7	1	141
California, Central	0.7	1	142
Virginia, Western	0.7	2	293
New York, Northern	0.7	1	151
Maryland	0.7	1	153
Iowa, Northern	0.6	2	317
Michigan, Western	0.6	1	159
Missouri, Eastern	0.6	2	332
Georgia, Middle	0.6	1	175
North Carolina, Eastern	0.5	1	186
Illinois, Central	0.5	1	218

**Spread of Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

<b>PROTECT Act</b>					
<b>Period</b>					
<b>(5/1/03 - 6/24/04)</b>					
<b>District</b>	<b>Percent</b>	<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>		
Pennsylvania, Middle	0.4	1	226		
Minnesota	0.4	1	227		
California, Eastern	0.4	1	233		
North Carolina, Western	0.4	1	251		
Virginia, Eastern	0.4	2	538		
Kansas	0.3	1	329		
Tennessee, Eastern	0.3	1	357		
Puerto Rico	0.2	1	407		
Texas, Eastern	0.2	1	411		
Florida, Southern	0.0	0	1,025		
Florida, Middle	0.0	0	995		
New York, Southern	0.0	0	514		
South Carolina	0.0	0	419		
Texas, Northern	0.0	0	289		
Florida, Northern	0.0	0	284		
Kentucky, Eastern	0.0	0	276		
Illinois, Southern	0.0	0	231		
Hawaii	0.0	0	213		
Iowa, Southern	0.0	0	205		
Georgia, Northern	0.0	0	202		
Mississippi, Southern	0.0	0	199		
West Virginia, Northern	0.0	0	196		
West Virginia, Southern	0.0	0	191		
Alabama, Northern	0.0	0	179		
Colorado	0.0	0	167		
Ohio, Southern	0.0	0	163		
Alabama, Southern	0.0	0	160		
Montana	0.0	0	149		
Tennessee, Western	0.0	0	146		
Louisiana, Western	0.0	0	140		
Vermont	0.0	0	133		
Pennsylvania, Western	0.0	0	132		
South Dakota	0.0	0	131		
New Hampshire	0.0	0	120		
Tennessee, Middle	0.0	0	119		
North Carolina, Middle	0.0	0	111		
Kentucky, Western	0.0	0	97		
Arkansas, Eastern	0.0	0	97		
Maine	0.0	0	89		
Wisconsin, Western	0.0	0	86		
Georgia, Southern	0.0	0	83		
Alaska	0.0	0	81		
Oklahoma, Western	0.0	0	64		
Idaho	0.0	0	62		
Arkansas, Western	0.0	0	61		
Alabama, Middle	0.0	0	59		
Rhode Island	0.0	0	55		
Oklahoma, Northern	0.0	0	33		
Delaware	0.0	0	30		
Guam	0.0	0	27		
North Dakota	0.0	0	25		
Northern Mariana Islands	0.0	0	10		

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

**Spread of Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>Booker Period</b>	
		<b>(1/12/05 - 12/10/07)</b>	
		<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Washington, Western	18.3	149	814
District of Columbia	15.2	79	519
Mississippi, Northern	12.8	29	226
California, Northern	12.8	51	400
Texas, Southern	10.4	434	4,175
Nevada	8.5	31	363
Oregon	8.3	34	411
Washington, Eastern	8.2	24	292
California, Central	7.8	47	603
New Hampshire	7.5	20	268
Wyoming	6.9	28	408
New Mexico	6.5	117	1,805
Nebraska	6.2	73	1,170
Utah	5.8	31	537
Kansas	4.4	33	742
Alaska	4.2	6	143
Pennsylvania, Middle	4.1	30	733
California, Eastern	4.1	30	733
New York, Eastern	4.1	54	1,329
Indiana, Southern	3.8	17	449
Arizona	3.7	111	2,997
Massachusetts	3.7	21	570
Kentucky, Western	3.6	14	387
Northern Mariana Islands	3.6	1	28
Rhode Island	3.5	5	141
Tennessee, Middle	3.5	9	260
Tennessee, Western	3.4	15	438
Maryland	3.3	23	702
North Dakota	3.0	5	168
California, Southern	2.5	64	2,520
Texas, Eastern	2.4	29	1,203
Illinois, Central	2.4	11	468
Wisconsin, Eastern	2.3	11	469
New York, Western	2.3	17	728
Illinois, Northern	2.3	22	943
Georgia, Northern	2.2	12	543
Arkansas, Eastern	2.2	7	318
Pennsylvania, Eastern	2.2	16	733
Louisiana, Eastern	2.1	9	422
Ohio, Northern	2.1	22	1,035
Puerto Rico	2.0	17	833
Missouri, Eastern	2.0	25	1,239

**Spread of Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

District	<i>Booker</i>			
	Period			
	(1/12/05 - 12/10/07)			
Percent	Number of Other Govt Sponsored Below Range Sentences Imposed	Total Number of Drug Trafficking Sentences Imposed		
Ohio, Southern	1.8	13	703	
Minnesota	1.8	14	763	
Iowa, Northern	1.8	9	506	
New York, Southern	1.7	31	1,814	
Vermont	1.7	4	238	
Missouri, Western	1.4	12	877	
Delaware	1.3	1	76	
North Carolina, Western	1.3	13	993	
South Carolina	1.2	14	1,186	
West Virginia, Northern	1.1	7	611	
New Jersey	1.1	10	891	
Michigan, Eastern	1.1	9	802	
Oklahoma, Western	1.1	2	180	
Hawaii	1.1	7	633	
Texas, Western	1.1	65	6,041	
Alabama, Middle	1.0	2	203	
Florida, Southern	0.9	21	2,270	
Virginia, Western	0.9	10	1,088	
Mississippi, Southern	0.9	3	338	
Texas, Northern	0.8	7	867	
Illinois, Southern	0.8	4	528	
Colorado	0.7	3	424	
Michigan, Western	0.7	3	441	
Alabama, Southern	0.6	3	464	
Tennessee, Eastern	0.6	5	776	
New York, Northern	0.6	3	468	
Georgia, Southern	0.6	2	319	
Iowa, Southern	0.6	3	504	
Connecticut	0.6	3	508	
Florida, Middle	0.5	13	2,438	
Indiana, Northern	0.5	2	377	
South Dakota	0.5	2	399	
Pennsylvania, Western	0.5	2	432	
West Virginia, Southern	0.4	2	454	
Georgia, Middle	0.4	2	461	
Virginia, Eastern	0.4	6	1,599	
Montana	0.3	1	357	
North Carolina, Middle	0.2	1	494	
Kentucky, Eastern	0.1	1	702	
North Carolina, Eastern	0.0	0	647	
Florida, Northern	0.0	0	537	
Louisiana, Western	0.0	0	450	
Alabama, Northern	0.0	0	433	
Wisconsin, Western	0.0	0	260	
Idaho	0.0	0	198	
Maine	0.0	0	197	
Oklahoma, Northern	0.0	0	154	
Louisiana, Middle	0.0	0	137	
Arkansas, Western	0.0	0	135	
Oklahoma, Eastern	0.0	0	96	
Guam	0.0	0	88	
Virgin Islands	0.0	0	61	

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

**Spread of Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<i>Gall</i> <b>Period</b>		
	<b>(12/11/07 - 9/30/11)</b>		
	<b>Percent</b>	<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Washington, Western	28.6	256	896
California, Northern	23.7	156	657
Oregon	19.7	119	605
District of Columbia	18.5	109	589
Washington, Eastern	15.4	65	423
Massachusetts	14.8	111	751
California, Central	11.8	187	1,581
Nevada	11.6	41	353
Wisconsin, Eastern	10.9	91	834
Kansas	10.8	112	1,034
New Hampshire	10.1	36	357
Alaska	9.8	24	245
Kentucky, Western	8.6	50	581
Maryland	8.4	73	864
Utah	8.2	45	549
Indiana, Southern	7.3	39	536
Vermont	7.3	21	289
Pennsylvania, Middle	6.8	56	821
Texas, Southern	6.2	344	5,586
Wyoming	5.9	35	592
Tennessee, Middle	5.7	17	298
New Mexico	5.6	122	2,198
Puerto Rico	5.2	90	1,745
Texas, Eastern	5.1	86	1,671
Ohio, Southern	4.9	46	944
Georgia, Northern	4.4	31	700
California, Eastern	4.1	45	1,093
Missouri, Western	4.1	35	863
Iowa, Southern	4.0	29	725
Arizona	4.0	188	4,734
North Dakota	4.0	11	278
Colorado	3.8	16	423
Nebraska	3.7	40	1,094
Indiana, Northern	3.5	21	594
Tennessee, Western	3.4	25	728
Missouri, Eastern	3.4	42	1,231
Connecticut	3.4	24	715
Ohio, Northern	3.3	25	750
Mississippi, Northern	3.3	7	210
Pennsylvania, Eastern	3.2	35	1,104
Virgin Islands	3.0	3	100
Virginia, Western	3.0	26	869

**Spread of Rates of Other Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

*Gall*

**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of Other Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	2.9	118	4,074
Michigan, Eastern	2.6	26	990
New York, Western	2.6	25	969
Delaware	2.5	3	119
Louisiana, Eastern	2.5	14	561
New York, Eastern	2.4	42	1,762
South Carolina	2.3	39	1,706
New York, Southern	2.2	45	2,013
South Dakota	2.0	8	391
Oklahoma, Eastern	2.0	2	100
Texas, Western	1.9	168	8,761
Arkansas, Eastern	1.9	10	524
Rhode Island	1.9	4	210
Pennsylvania, Western	1.8	11	602
Florida, Southern	1.7	43	2,506
Florida, Middle	1.5	38	2,458
West Virginia, Northern	1.5	11	721
Illinois, Northern	1.4	15	1,111
North Carolina, Western	1.3	12	901
Idaho	1.3	5	391
Iowa, Northern	1.3	8	627
Illinois, Central	1.2	8	660
Montana	1.2	5	421
Georgia, Southern	1.1	7	630
New Jersey	1.1	10	919
Texas, Northern	1.1	11	1,036
Alabama, Middle	1.0	3	296
Virginia, Eastern	1.0	17	1,721
Georgia, Middle	1.0	4	408
Michigan, Western	1.0	5	519
New York, Northern	0.9	6	663
Kentucky, Eastern	0.9	10	1,120
Minnesota	0.8	8	985
Hawaii	0.7	3	423
Illinois, Southern	0.7	4	570
Louisiana, Western	0.6	2	351
Louisiana, Middle	0.6	1	176
West Virginia, Southern	0.5	3	552
Tennessee, Eastern	0.4	6	1,460
Maine	0.4	1	276
North Carolina, Middle	0.3	2	630
Alabama, Northern	0.2	1	425
Florida, Northern	0.2	1	527
Alabama, Southern	0.1	1	692
North Carolina, Eastern	0.1	1	1,065
Mississippi, Southern	0.0	0	320
Oklahoma, Western	0.0	0	300
Wisconsin, Western	0.0	0	281
Arkansas, Western	0.0	0	264
Oklahoma, Northern	0.0	0	206
Guam	0.0	0	49
Northern Mariana Islands	0.0	0	24

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

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>Koon Period (6/13/96 - 4/30/03)</b>	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Southern	64.8	6,169	9,527
Arizona	57.7	3,009	5,215
New York, Eastern	38.2	1,522	3,989
Connecticut	35.5	236	664
Oklahoma, Eastern	26.1	47	180
Vermont	25.4	116	456
California, Northern	22.3	183	822
Washington, Eastern	20.5	113	551
New Mexico	18.4	619	3,367
Nevada	16.9	103	610
Utah	16.8	67	400
Massachusetts	16.5	219	1,326
California, Central	14.9	86	577
Washington, Western	14.3	150	1,046
Minnesota	14.2	163	1,148
District of Columbia	13.9	132	952
New York, Southern	13.8	409	2,954
Alaska	13.8	46	334
Oregon	12.7	111	874
Texas, Western	11.2	1,447	12,871
Nebraska	11.1	189	1,710
Maryland	10.8	105	969
Iowa, Southern	10.8	125	1,159
Georgia, Northern	10.2	170	1,664
Ohio, Northern	9.3	149	1,606
New York, Northern	9.0	98	1,086
Hawaii	8.8	86	978
California, Eastern	8.6	109	1,270
New Jersey	8.5	145	1,696
Virgin Islands	8.4	15	178
Rhode Island	8.2	24	293
Illinois, Northern	7.8	106	1,365
Delaware	7.7	12	155
Colorado	7.6	84	1,100
Pennsylvania, Western	7.6	53	698
New Hampshire	7.4	33	443
Ohio, Southern	7.3	80	1,097
South Dakota	7.2	30	414
Texas, Southern	7.1	688	9,657
Iowa, Northern	6.2	63	1,016
Kansas	6.2	68	1,098
Wyoming	6.2	27	437

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

<b>District</b>	<b>Percent</b>	<b>Koon Period (6/13/96 - 4/30/03)</b>	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Pennsylvania, Eastern	6.2	133	2,160
New York, Western	6.1	70	1,147
North Dakota	6.1	12	197
Louisiana, Eastern	5.7	64	1,128
Mississippi, Northern	5.7	30	529
Maine	5.4	20	372
Florida, Middle	5.4	236	4,398
Texas, Eastern	5.3	102	1,922
Texas, Northern	5.3	111	2,098
Pennsylvania, Middle	5.2	42	815
Florida, Southern	5.1	347	6,754
Michigan, Eastern	5.1	94	1,851
Missouri, Eastern	5.0	93	1,851
Alabama, Middle	5.0	29	580
Tennessee, Middle	4.8	26	540
Puerto Rico	4.7	95	2,036
Michigan, Western	4.6	38	819
Montana	4.6	35	758
Illinois, Central	4.6	42	910
Indiana, Southern	4.6	28	613
Tennessee, Western	4.4	45	1,021
Arkansas, Western	4.3	14	327
Kentucky, Western	4.2	24	571
Indiana, Northern	4.2	36	859
Virginia, Eastern	4.0	92	2,294
Idaho	3.9	9	233
Georgia, Middle	3.8	40	1,064
Wisconsin, Eastern	3.7	24	653
Oklahoma, Northern	3.6	10	277
Missouri, Western	3.5	65	1,839
Mississippi, Southern	3.5	28	798
Louisiana, Middle	3.4	5	146
North Carolina, Western	3.4	64	1,869
Georgia, Southern	3.4	24	714
Alabama, Southern	3.2	36	1,113
Illinois, Southern	3.1	42	1,368
Louisiana, Western	3.0	24	798
North Carolina, Eastern	2.9	41	1,404
West Virginia, Southern	2.8	24	843
Oklahoma, Western	2.6	14	545
Virginia, Western	2.4	31	1,317
Wisconsin, Western	2.3	7	303
Arkansas, Eastern	2.1	15	715
South Carolina	2.1	48	2,302
Kentucky, Eastern	2.0	29	1,473
West Virginia, Northern	2.0	16	813
Tennessee, Eastern	1.9	30	1,609
North Carolina, Middle	1.7	17	1,002
Alabama, Northern	1.4	14	1,010
Florida, Northern	1.2	16	1,306
Guam	0.8	2	241
Northern Mariana Islands	0.0	0	45

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

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>PROTECT Act</b>	
		<b>Period</b>	
		<b>(5/1/03 - 6/24/04)</b>	
		<b>Number of Non-Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
New York, Eastern	25.5	180	706
Connecticut	23.0	40	174
Washington, Western	14.6	37	254
Washington, Eastern	13.8	16	116
Vermont	12.8	17	133
Arizona	12.7	113	890
New York, Northern	12.6	19	151
California, Northern	12.1	16	132
Oregon	11.4	18	158
Utah	11.2	19	170
Maryland	11.1	17	153
Nebraska	10.5	58	551
Massachusetts	10.1	20	199
California, Central	9.2	13	142
California, Southern	8.0	59	736
Illinois, Central	6.9	15	218
New York, Southern	6.8	35	514
Hawaii	6.6	14	213
Ohio, Northern	6.3	15	239
Kentucky, Western	6.2	6	97
Alaska	6.2	5	81
Ohio, Southern	6.1	10	163
South Dakota	6.1	8	131
New Jersey	5.5	14	254
Minnesota	5.3	12	227
Florida, Middle	4.7	47	995
Michigan, Western	4.4	7	159
New Mexico	4.3	25	575
Virginia, Eastern	4.3	23	538
New Hampshire	4.2	5	120
District of Columbia	4.0	8	201
Iowa, Southern	3.9	8	205
California, Eastern	3.9	9	233
Pennsylvania, Eastern	3.8	15	396
Illinois, Northern	3.7	17	454
Georgia, Southern	3.6	3	83
Wisconsin, Eastern	3.5	5	141
Georgia, Northern	3.5	7	202
Wyoming	3.4	4	116
Maine	3.4	3	89
Delaware	3.3	1	30
Florida, Southern	3.0	31	1,025

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking 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 Drug Trafficking Sentences Imposed	
Missouri, Western	2.9	9	311
Texas, Southern	2.7	49	1,782
Nevada	2.7	3	111
Montana	2.7	4	149
Mississippi, Northern	2.4	2	82
Colorado	2.4	4	167
Indiana, Northern	2.3	4	171
Michigan, Eastern	2.3	6	261
Virgin Islands	2.3	1	44
Tennessee, Eastern	2.2	8	357
Texas, Western	2.2	61	2,739
Texas, Eastern	2.2	9	411
North Carolina, Eastern	2.2	4	186
Louisiana, Eastern	1.9	3	162
Rhode Island	1.8	1	55
Pennsylvania, Middle	1.8	4	226
Illinois, Southern	1.7	4	231
Texas, Northern	1.7	5	289
Alabama, Middle	1.7	1	59
Tennessee, Middle	1.7	2	119
West Virginia, Northern	1.5	3	196
Pennsylvania, Western	1.5	2	132
Puerto Rico	1.5	6	407
Indiana, Southern	1.4	2	145
Tennessee, Western	1.4	2	146
New York, Western	1.3	3	236
Kansas	1.2	4	329
Florida, Northern	1.1	3	284
West Virginia, Southern	1.0	2	191
Arkansas, Eastern	1.0	1	97
Missouri, Eastern	0.9	3	332
North Carolina, Middle	0.9	1	111
North Carolina, Western	0.8	2	251
Louisiana, Western	0.7	1	140
Alabama, Northern	0.6	1	179
South Carolina	0.5	2	419
Kentucky, Eastern	0.4	1	276
Virginia, Western	0.3	1	293
Iowa, Northern	0.3	1	317
Mississippi, Southern	0.0	0	199
Georgia, Middle	0.0	0	175
Alabama, Southern	0.0	0	160
Wisconsin, Western	0.0	0	86
Oklahoma, Western	0.0	0	64
Idaho	0.0	0	62
Arkansas, Western	0.0	0	61
Louisiana, Middle	0.0	0	55
Oklahoma, Eastern	0.0	0	43
Oklahoma, Northern	0.0	0	33
Guam	0.0	0	27
North Dakota	0.0	0	25
Northern Mariana Islands	0.0	0	10

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

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>Booker Period</b>	
		<b>(1/12/05 - 12/10/07)</b>	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
New York, Eastern	35.2	468	1,329
Connecticut	31.5	160	508
Rhode Island	30.5	43	141
Delaware	30.3	23	76
Massachusetts	28.4	162	570
New York, Southern	28.3	513	1,814
Oklahoma, Western	26.1	47	180
California, Central	26.0	157	603
Washington, Western	24.1	196	814
Wisconsin, Eastern	23.9	112	469
Minnesota	21.1	161	763
Utah	21.0	113	537
Oregon	20.9	86	411
Iowa, Southern	20.0	101	504
Guam	19.3	17	88
Illinois, Northern	18.7	176	943
Illinois, Central	18.6	87	468
Washington, Eastern	18.5	54	292
Alaska	18.2	26	143
Pennsylvania, Eastern	18.1	133	733
Vermont	18.1	43	238
Virgin Islands	18.0	11	61
Michigan, Western	17.0	75	441
California, Northern	17.0	68	400
Georgia, Northern	16.0	87	543
Hawaii	16.0	101	633
Maryland	15.8	111	702
District of Columbia	15.4	80	519
Nevada	14.6	53	363
Pennsylvania, Western	14.6	63	432
Iowa, Northern	14.4	73	506
New Jersey	14.3	127	891
Ohio, Southern	14.1	99	703
Michigan, Eastern	14.0	112	802
Florida, Southern	13.7	310	2,270
California, Eastern	13.6	100	733
New York, Northern	13.5	63	468
Virginia, Eastern	13.4	215	1,599
Indiana, Southern	13.4	60	449
New Hampshire	13.1	35	268
Ohio, Northern	12.9	133	1,035
Arkansas, Eastern	12.6	40	318

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

<b>District</b>	<b>Percent</b>	<b>Booker Period (1/12/05 - 12/10/07)</b>	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Tennessee, Middle	11.9	31	260
Nebraska	11.5	135	1,170
South Dakota	11.5	46	399
Missouri, Eastern	11.1	137	1,239
Wyoming	11.0	45	408
Wisconsin, Western	10.8	28	260
Pennsylvania, Middle	10.4	76	733
Florida, Middle	10.0	245	2,438
Missouri, Western	10.0	88	877
Tennessee, Western	9.6	42	438
New Mexico	9.6	173	1,805
Colorado	9.4	40	424
Kentucky, Western	9.0	35	387
North Carolina, Middle	8.9	44	494
California, Southern	8.7	218	2,520
Alabama, Southern	8.6	40	464
Kansas	8.2	61	742
Arizona	7.8	235	2,997
New York, Western	7.8	57	728
Louisiana, Western	7.8	35	450
Texas, Eastern	7.2	87	1,203
Texas, Northern	7.0	61	867
Tennessee, Eastern	6.8	53	776
Illinois, Southern	6.8	36	528
Alabama, Northern	6.7	29	433
North Carolina, Western	6.6	66	993
Louisiana, Eastern	6.6	28	422
West Virginia, Southern	6.6	30	454
Georgia, Southern	6.6	21	319
West Virginia, Northern	6.4	39	611
Virginia, Western	6.3	68	1,088
Oklahoma, Eastern	6.3	6	96
Mississippi, Southern	6.2	21	338
Texas, Southern	6.2	258	4,175
Puerto Rico	6.0	50	833
Texas, Western	5.7	345	6,041
Idaho	5.6	11	198
South Carolina	5.3	63	1,186
Oklahoma, Northern	5.2	8	154
Maine	5.1	10	197
North Dakota	4.8	8	168
Indiana, Northern	4.5	17	377
Montana	4.5	16	357
Florida, Northern	4.5	24	537
Kentucky, Eastern	4.4	31	702
Georgia, Middle	4.3	20	461
North Carolina, Eastern	4.3	28	647
Arkansas, Western	3.7	5	135
Louisiana, Middle	3.6	5	137
Northern Mariana Islands	3.6	1	28
Alabama, Middle	3.4	7	203
Mississippi, Northern	1.8	4	226

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

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses**

<b>District</b>	<b>Percent</b>	<b>Gall Period</b>	
		<b>(12/11/07 - 9/30/11)</b>	
		<b>Number of Non- Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
Rhode Island	45.7	96	210
New York, Southern	45.1	907	2,013
Vermont	43.6	126	289
Connecticut	42.0	300	715
Delaware	41.2	49	119
New York, Eastern	40.7	718	1,762
Wisconsin, Western	40.6	114	281
Massachusetts	36.8	276	751
Illinois, Northern	35.7	397	1,111
West Virginia, Southern	35.7	197	552
Minnesota	33.2	327	985
California, Central	32.8	518	1,581
Utah	30.4	167	549
Hawaii	29.3	124	423
Wisconsin, Eastern	29.3	244	834
Pennsylvania, Western	29.1	175	602
New Hampshire	26.1	93	357
Virginia, Eastern	25.9	446	1,721
Washington, Western	25.9	232	896
Washington, Eastern	25.8	109	423
Oklahoma, Western	24.7	74	300
Wyoming	24.2	143	592
Michigan, Eastern	23.9	237	990
Florida, Southern	23.9	598	2,506
Alaska	23.7	58	245
Ohio, Southern	23.0	217	944
New York, Northern	22.6	150	663
Michigan, Western	22.2	115	519
Nebraska	22.1	242	1,094
West Virginia, Northern	21.9	158	721
Missouri, Eastern	21.0	259	1,231
Georgia, Northern	20.7	145	700
Pennsylvania, Middle	20.3	167	821
Florida, Middle	20.0	492	2,458
Virgin Islands	20.0	20	100
New Jersey	19.5	179	919
Pennsylvania, Eastern	19.0	210	1,104
South Dakota	18.7	73	391
Maryland	18.5	160	864
Iowa, Southern	17.8	129	725
Tennessee, Middle	17.8	53	298
Virginia, Western	17.4	151	869

**Spread of Rates of Non-Government Sponsored Below Range Sentences  
Drug Trafficking Offenses (cont.)**

*Gall*

**Period**

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

<b>District</b>	<b>Percent</b>	<b>Number of Non-Govt Sponsored Below Range Sentences Imposed</b>	<b>Total Number of Drug Trafficking Sentences Imposed</b>
California, Northern	17.4	114	657
Illinois, Central	17.3	114	660
Tennessee, Western	16.9	123	728
Iowa, Northern	16.7	105	627
District of Columbia	16.3	96	589
Indiana, Southern	16.0	86	536
Arkansas, Eastern	16.0	84	524
Oregon	15.4	93	605
Maine	15.2	42	276
Missouri, Western	15.2	131	863
Oklahoma, Eastern	15.0	15	100
New Mexico	14.6	320	2,198
Texas, Northern	14.2	147	1,036
Louisiana, Eastern	13.5	76	561
Colorado	13.5	57	423
California, Eastern	13.2	144	1,093
Indiana, Northern	13.1	78	594
South Carolina	12.7	217	1,706
Georgia, Southern	12.7	80	630
Northern Mariana Islands	12.5	3	24
Alabama, Southern	12.4	86	692
Tennessee, Eastern	12.4	181	1,460
Kentucky, Western	12.4	72	581
Nevada	12.2	43	353
California, Southern	11.8	482	4,074
Arizona	11.8	560	4,734
Louisiana, Western	11.7	41	351
Mississippi, Southern	11.6	37	320
Alabama, Northern	11.5	49	425
Idaho	11.5	45	391
Puerto Rico	11.3	198	1,745
New York, Western	11.2	109	969
Oklahoma, Northern	10.7	22	206
Ohio, Northern	10.7	80	750
Arkansas, Western	10.6	28	264
Texas, Southern	10.4	583	5,586
North Dakota	10.4	29	278
Louisiana, Middle	10.2	18	176
North Carolina, Middle	10.2	64	630
Texas, Western	9.6	837	8,761
Kansas	9.3	96	1,034
Montana	9.3	39	421
Illinois, Southern	9.1	52	570
Florida, Northern	9.1	48	527
Guam	8.2	4	49
Texas, Eastern	7.9	132	1,671
Alabama, Middle	7.8	23	296
North Carolina, Western	7.8	70	901
Kentucky, Eastern	6.3	70	1,120
Mississippi, Northern	6.2	13	210
North Carolina, Eastern	4.8	51	1,065
Georgia, Middle	4.4	18	408

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