

Table 26A

**DOWNWARD DEPARTURE RATE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2004, Pre-Blakely (October 1, 2003, through June 24, 2004)**

CIRCUIT District	OVERALL CASE TOTAL	DEPARTURES	SUBSTANTIAL ASSISTANCE DEPARTURES		GOV'T SPONSORED DOWNWARD DEPARTURES <sup>2</sup>		OTHER DOWNWARD DEPARTURES <sup>3</sup>	
		BELOW RANGE TOTAL	n	%	n	%	n	%
<b>TOTAL</b>	<b>48,251</b>	<b>13,054</b>	<b>7,484</b>	<b>15.5</b>	<b>3,072</b>	<b>6.4</b>	<b>2,498</b>	<b>5.2</b>
<b>D.C. CIRCUIT</b>	<b>409</b>	<b>163</b>	<b>128</b>	<b>31.3</b>	<b>15</b>	<b>3.7</b>	<b>20</b>	<b>4.9</b>
District of Columbia	409	163	128	31.3	15	3.7	20	4.9
<b>FIRST CIRCUIT</b>	<b>1,279</b>	<b>250</b>	<b>177</b>	<b>13.8</b>	<b>7</b>	<b>0.5</b>	<b>66</b>	<b>5.2</b>
Maine	170	60	54	31.8	0	0.0	6	3.5
Massachusetts	364	71	30	8.2	3	0.8	38	10.4
New Hampshire	169	68	58	34.3	2	1.2	8	4.7
Puerto Rico	485	39	26	5.4	2	0.4	11	2.3
Rhode Island	91	12	9	9.9	0	0.0	3	3.3
<b>SECOND CIRCUIT</b>	<b>3,426</b>	<b>1,210</b>	<b>659</b>	<b>19.2</b>	<b>86</b>	<b>2.5</b>	<b>465</b>	<b>13.6</b>
Connecticut	269	102	28	10.4	16	5.9	58	21.6
New York								
Eastern	1,132	512	226	20.0	58	5.1	228	20.1
Northern	328	113	73	22.3	2	0.6	38	11.6
Southern	1,174	267	167	14.2	5	0.4	95	8.1
Western	371	149	119	32.1	5	1.3	25	6.7
Vermont	152	67	46	30.3	0	0.0	21	13.8
<b>THIRD CIRCUIT</b>	<b>2,086</b>	<b>768</b>	<b>632</b>	<b>30.3</b>	<b>21</b>	<b>1.0</b>	<b>115</b>	<b>5.5</b>
Delaware	87	31	15	17.2	1	1.1	15	17.2
New Jersey	587	209	157	26.7	10	1.7	42	7.2
Pennsylvania								
Eastern	712	303	257	36.1	7	1.0	39	5.5
Middle	366	130	119	32.5	3	0.8	8	2.2
Western	261	77	69	26.4	0	0.0	8	3.1
Virgin Islands	73	18	15	20.5	0	0.0	3	4.1
<b>FOURTH CIRCUIT</b>	<b>4,185</b>	<b>839</b>	<b>699</b>	<b>16.7</b>	<b>12</b>	<b>0.3</b>	<b>128</b>	<b>3.1</b>
Maryland	383	134	82	21.4	2	0.5	50	13.1
North Carolina								
Eastern	410	149	136	33.2	0	0.0	13	3.2
Middle	268	29	29	10.8	0	0.0	0	0.0
Western	352	125	110	31.3	3	0.9	12	3.4
South Carolina	967	211	196	20.3	2	0.2	13	1.3
Virginia								
Eastern	1,117	87	54	4.8	4	0.4	29	2.6
Western	318	67	61	19.2	1	0.3	5	1.6
West Virginia								
Northern	177	29	26	14.7	0	0.0	3	1.7
Southern	193	8	5	2.6	0	0.0	3	1.6

Table 26A (cont.)

CIRCUIT District	OVERALL CASE TOTAL	DEPARTURES BELOW RANGE TOTAL	SUBSTANTIAL ASSISTANCE DEPARTURES		GOV'T SPONSORED DOWNWARD DEPARTURES <sup>2</sup>		OTHER DOWNWARD DEPARTURES <sup>3</sup>	
			n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>9,773</b>	<b>1,856</b>	<b>1,005</b>	<b>10.3</b>	<b>490</b>	<b>5.0</b>	<b>361</b>	<b>3.7</b>
Louisiana								
Eastern	282	36	25	8.9	5	1.8	6	2.1
Middle	136	36	32	23.5	3	2.2	1	0.7
Western	276	36	31	11.2	0	0.0	5	1.8
Mississippi								
Northern	123	53	45	36.6	6	4.9	2	1.6
Southern	253	42	37	14.6	1	0.4	4	1.6
Texas								
Eastern	626	75	56	8.9	2	0.3	17	2.7
Northern	827	102	79	9.6	3	0.4	20	2.4
Southern	3,695	904	312	8.4	385	10.4	207	5.6
Western	3,555	572	388	10.9	85	2.4	99	2.8
<b>SIXTH CIRCUIT</b>	<b>3,434</b>	<b>1,024</b>	<b>836</b>	<b>24.3</b>	<b>13</b>	<b>0.4</b>	<b>175</b>	<b>5.1</b>
Kentucky								
Eastern	377	139	133	35.3	2	0.5	4	1.1
Western	275	43	30	10.9	0	0.0	13	4.7
Michigan								
Eastern	571	173	131	22.9	3	0.5	39	6.8
Western	250	55	42	16.8	0	0.0	13	5.2
Ohio								
Northern	541	163	114	21.1	2	0.4	47	8.7
Southern	342	137	106	31.0	2	0.6	29	8.5
Tennessee								
Eastern	466	176	158	33.9	3	0.6	15	3.2
Middle	221	47	40	18.1	0	0.0	7	3.2
Western	391	91	82	21.0	1	0.3	8	2.0
<b>SEVENTH CIRCUIT</b>	<b>2,224</b>	<b>520</b>	<b>423</b>	<b>19.0</b>	<b>15</b>	<b>0.7</b>	<b>82</b>	<b>3.7</b>
Illinois								
Central	267	67	51	19.1	0	0.0	16	6.0
Northern	811	250	205	25.3	8	1.0	37	4.6
Southern	249	30	26	10.4	0	0.0	4	1.6
Indiana								
Northern	257	68	55	21.4	3	1.2	10	3.9
Southern	246	63	56	22.8	1	0.4	6	2.4
Wisconsin								
Eastern	248	34	22	8.9	3	1.2	9	3.6
Western	146	8	8	5.5	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>3,528</b>	<b>782</b>	<b>540</b>	<b>15.3</b>	<b>77</b>	<b>2.2</b>	<b>165</b>	<b>4.7</b>
Arkansas								
Eastern	201	26	24	11.9	0	0.0	2	1.0
Western	135	30	29	21.5	1	0.7	0	0.0
Iowa								
Northern	368	88	84	22.8	1	0.3	3	0.8
Southern	270	71	55	20.4	0	0.0	16	5.9
Minnesota	323	104	75	23.2	2	0.6	27	8.4
Missouri								
Eastern	643	133	116	18.0	1	0.2	16	2.5
Western	557	128	102	18.3	5	0.9	21	3.8
Nebraska	612	133	22	3.6	53	8.7	58	9.5
North Dakota	144	26	12	8.3	11	7.6	3	2.1
South Dakota	275	43	21	7.6	3	1.1	19	6.9

Table 26A (cont.)

CIRCUIT District	OVERALL CASE TOTAL	DEPARTURES BELOW RANGE TOTAL	SUBSTANTIAL ASSISTANCE DEPARTURES		GOV'T SPONSORED DOWNWARD DEPARTURES <sup>2</sup>		OTHER DOWNWARD DEPARTURES <sup>3</sup>	
			n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>9,377</b>	<b>3,513</b>	<b>990</b>	<b>10.6</b>	<b>1,927</b>	<b>20.6</b>	<b>596</b>	<b>6.4</b>
Alaska	153	53	41	26.8	1	0.7	11	7.2
Arizona	2,806	1,717	206	7.3	1,359	48.4	152	5.4
California								
Central	787	104	60	7.6	11	1.4	33	4.2
Eastern	681	202	112	16.4	58	8.5	32	4.7
Northern	496	132	74	14.9	16	3.2	42	8.5
Southern	1,921	573	74	3.9	402	20.9	97	5.0
Guam	70	34	28	40.0	0	0.0	6	8.6
Hawaii	311	102	89	28.6	1	0.3	12	3.9
Idaho	183	101	51	27.9	39	21.3	11	6.0
Montana	267	43	33	12.4	0	0.0	10	3.7
Nevada	476	77	49	10.3	10	2.1	18	3.8
Northern Mariana Islands	21	3	3	14.3	0	0.0	0	0.0
Oregon	421	127	70	16.6	2	0.5	55	13.1
Washington								
Eastern	297	77	27	9.1	7	2.4	43	14.5
Western	487	168	73	15.0	21	4.3	74	15.2
<b>TENTH CIRCUIT</b>	<b>3,728</b>	<b>949</b>	<b>385</b>	<b>10.3</b>	<b>399</b>	<b>10.7</b>	<b>165</b>	<b>4.4</b>
Colorado	397	142	115	29.0	2	0.5	25	6.3
Kansas	487	101	85	17.5	2	0.4	14	2.9
New Mexico	1,621	499	63	3.9	384	23.7	52	3.2
Oklahoma								
Eastern	105	11	7	6.7	4	3.8	0	0.0
Northern	120	11	11	9.2	0	0.0	0	0.0
Western	185	36	28	15.1	1	0.5	7	3.8
Utah	621	111	54	8.7	4	0.6	53	8.5
Wyoming	192	38	22	11.5	2	1.0	14	7.3
<b>ELEVENTH CIRCUIT</b>	<b>4,802</b>	<b>1,180</b>	<b>1,010</b>	<b>21.0</b>	<b>10</b>	<b>0.2</b>	<b>160</b>	<b>3.3</b>
Alabama								
Middle	141	55	47	33.3	0	0.0	8	5.7
Northern	408	120	115	28.2	0	0.0	5	1.2
Southern	216	68	62	28.7	1	0.5	5	2.3
Florida								
Middle	1,248	353	299	24.0	0	0.0	54	4.3
Northern	321	108	102	31.8	0	0.0	6	1.9
Southern	1,422	235	197	13.9	2	0.1	36	2.5
Georgia								
Middle	286	76	73	25.5	1	0.3	2	0.7
Northern	562	119	81	14.4	5	0.9	33	5.9
Southern	198	46	34	17.2	1	0.5	11	5.6

<sup>1</sup>See Table 26, footnote 1 for a detailed account of cases excluded from this table. The percent values presented in Table 26A represent the proportion of the total number of cases with complete sentencing information (45,905) that received substantial assistance departures, other government sponsored departures, and other downward departures, respectively.

<sup>2</sup>See description of the government sponsored category in Appendix A.

<sup>3</sup>See Table 25 for a list of departure reasons comprising this category.