

**Table 29**

**WITHIN-RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2004, Post-Blakely (June 25, 2004, through September 30, 2004)**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>8,616</b>	<b>5,061</b>	<b>58.7</b>	<b>1,333</b>	<b>15.5</b>	<b>755</b>	<b>8.8</b>	<b>568</b>	<b>6.6</b>	<b>899</b>	<b>10.4</b>
Murder	5	0	0.0	0	0.0	0	0.0	1	20.0	4	80.0
Manslaughter	12	5	41.7	1	8.3	1	8.3	0	0.0	5	41.7
Kidnapping/Hostage Taking	6	1	16.7	3	50.0	0	0.0	1	16.7	1	16.7
Sexual Abuse	50	14	28.0	10	20.0	4	8.0	6	12.0	16	32.0
Assault	90	41	45.6	8	8.9	10	11.1	12	13.3	19	21.1
Robbery	224	96	42.9	47	21.0	26	11.6	20	8.9	35	15.6
Arson	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Drugs - Trafficking	2,768	1,964	71.0	356	12.9	183	6.6	101	3.6	164	5.9
Drugs - Communication Facility	19	17	89.5	0	0.0	1	5.3	0	0.0	1	5.3
Drugs - Simple Possession	82	57	69.5	7	8.5	4	4.9	7	8.5	7	8.5
Firearms	1,257	685	54.5	166	13.2	127	10.1	81	6.4	198	15.8
Burglary/B&E	10	4	40.0	0	0.0	2	20.0	1	10.0	3	30.0
Auto Theft	15	9	60.0	1	6.7	1	6.7	1	6.7	3	20.0
Larceny	304	207	68.1	30	9.9	24	7.9	9	3.0	34	11.2
Fraud	870	514	59.1	135	15.5	81	9.3	48	5.5	92	10.6
Embezzlement	110	72	65.5	18	16.4	9	8.2	4	3.6	7	6.4
Forgery/Counterfeiting	170	87	51.2	32	18.8	19	11.2	9	5.3	23	13.5
Bribery	21	11	52.4	2	9.5	2	9.5	1	4.8	5	23.8
Tax	65	37	56.9	15	23.1	5	7.7	3	4.6	5	7.7
Money Laundering	97	60	61.9	12	12.4	7	7.2	6	6.2	12	12.4
Racketeering/Extortion	49	27	55.1	9	18.4	2	4.1	7	14.3	4	8.2
Gambling/Lottery	12	9	75.0	2	16.7	1	8.3	0	0.0	0	0.0
Civil Rights	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	1,890	869	46.0	411	21.7	208	11.0	214	11.3	188	9.9
Pornography/Prostitution	134	67	50.0	13	9.7	12	9.0	13	9.7	29	21.6
Prison Offenses	68	22	32.4	13	19.1	7	10.3	7	10.3	19	27.9
Administration of Justice Offenses	144	93	64.6	23	16.0	11	7.6	5	3.5	12	8.3
Environmental/Wildlife	17	16	94.1	1	5.9	0	0.0	0	0.0	0	0.0
National Defense	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Antitrust	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	8	7	87.5	0	0.0	1	12.5	0	0.0	0	0.0
Other Miscellaneous Offenses	109	61	56.0	18	16.5	7	6.4	10	9.2	13	11.9

<sup>1</sup>Of the 18,203 cases, 12,059 were sentenced within the applicable guideline range. Of those, 10,206 had complete guideline application information. An additional 666 cases were excluded due to several logical criteria. Of the remaining 9,540 cases, 924 were excluded due to one or both of the following reasons: missing primary offense category (1) or missing point in range information (923). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2004 Datafile, USSCFY04, Post-Blakely Only Cases (June 25, 2004, through September 30, 2004).