

Table 29

**WITHIN-RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2004, Pre-Blakely (October 1, 2003, through June 24, 2004)**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	25,941	15,672	60.4	3,742	14.4	2,293	8.8	1,624	6.3	2,610	10.1
Murder	26	6	23.1	4	15.4	0	0.0	5	19.2	11	42.3
Manslaughter	34	7	20.6	3	8.8	0	0.0	1	2.9	23	67.6
Kidnapping/Hostage Taking	8	4	50.0	1	12.5	0	0.0	1	12.5	2	25.0
Sexual Abuse	123	66	53.7	11	8.9	12	9.8	10	8.1	24	19.5
Assault	272	125	46.0	32	11.8	21	7.7	28	10.3	66	24.3
Robbery	578	306	52.9	97	16.8	52	9.0	42	7.3	81	14.0
Arson	20	9	45.0	3	15.0	3	15.0	1	5.0	4	20.0
Drugs - Trafficking	8,529	6,020	70.6	1,125	13.2	557	6.5	331	3.9	496	5.8
Drugs - Communication Facility	56	31	55.4	7	12.5	7	12.5	5	8.9	6	10.7
Drugs - Simple Possession	275	180	65.5	34	12.4	15	5.5	18	6.5	28	10.2
Firearms	3,693	2,067	56.0	471	12.8	425	11.5	233	6.3	497	13.5
Burglary/B&E	39	19	48.7	3	7.7	5	12.8	3	7.7	9	23.1
Auto Theft	38	17	44.7	4	10.5	6	15.8	3	7.9	8	21.1
Larceny	924	644	69.7	101	10.9	53	5.7	35	3.8	91	9.8
Fraud	2,973	1,779	59.8	429	14.4	232	7.8	164	5.5	369	12.4
Embezzlement	304	201	66.1	61	20.1	19	6.3	12	3.9	11	3.6
Forgery/Counterfeiting	565	298	52.7	89	15.8	60	10.6	39	6.9	79	14.0
Bribery	56	39	69.6	7	12.5	3	5.4	2	3.6	5	8.9
Tax	188	109	58.0	43	22.9	12	6.4	3	1.6	21	11.2
Money Laundering	291	199	68.4	34	11.7	27	9.3	14	4.8	17	5.8
Racketeering/Extortion	173	105	60.7	14	8.1	11	6.4	16	9.2	27	15.6
Gambling/Lottery	42	32	76.2	4	9.5	1	2.4	1	2.4	4	9.5
Civil Rights	36	21	58.3	5	13.9	4	11.1	1	2.8	5	13.9
Immigration	5,251	2,490	47.4	983	18.7	650	12.4	590	11.2	538	10.2
Pornography/Prostitution	389	231	59.4	32	8.2	35	9.0	26	6.7	65	16.7
Prison Offenses	188	89	47.3	32	17.0	23	12.2	14	7.4	30	16.0
Administration of Justice Offenses	423	269	63.6	58	13.7	33	7.8	17	4.0	46	10.9
Environmental/Wildlife	56	46	82.1	4	7.1	3	5.4	1	1.8	2	3.6
National Defense	14	13	92.9	1	7.1	0	0.0	0	0.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	30	25	83.3	0	0.0	3	10.0	0	0.0	2	6.7
Other Miscellaneous Offenses	347	225	64.8	50	14.4	21	6.1	8	2.3	43	12.4

¹Of the 51,865 cases, 34,815 were sentenced within the applicable guideline range. Of those, 30,109 had complete guideline application information. An additional 2,024 cases were excluded due to several logical criteria. Of the remaining 28,085 cases, 2,144 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing point in range information (2,144). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2004 Datafile, USSCFY04, Pre-Blakely Only Cases (October 1, 2003, through June 24, 2004).