

Table 29

**WITHIN-RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	24,397	14,373	58.9	3,752	15.4	2,062	8.5	1,778	7.3	2,432	10.0
Murder	16	5	31.3	2	12.5	2	12.5	4	25.0	3	18.8
Manslaughter	24	5	20.8	2	8.3	5	20.8	2	8.3	10	41.7
Kidnapping/Hostage Taking	15	10	66.7	2	13.3	1	6.7	1	6.7	1	6.7
Sexual Abuse	144	64	44.4	23	16.0	13	9.0	11	7.6	33	22.9
Assault	254	137	53.9	30	11.8	18	7.1	14	5.5	55	21.7
Robbery	590	291	49.3	91	15.4	52	8.8	68	11.5	88	14.9
Arson	13	5	38.5	1	7.7	1	7.7	5	38.5	1	7.7
Drugs - Trafficking	7,660	5,436	71.0	944	12.3	485	6.3	315	4.1	480	6.3
Drugs - Communication Facility	83	55	66.3	6	7.2	5	6.0	7	8.4	10	12.0
Drugs - Simple Possession	209	141	67.5	19	9.1	9	4.3	18	8.6	22	10.5
Firearms	3,557	1,965	55.2	461	13.0	398	11.2	252	7.1	481	13.5
Burglary/B&E	14	8	57.1	0	0.0	1	7.1	0	0.0	5	35.7
Auto Theft	23	7	30.4	3	13.0	1	4.3	2	8.7	10	43.5
Larceny	771	553	71.7	79	10.2	49	6.4	34	4.4	56	7.3
Fraud	2,487	1,383	55.6	433	17.4	221	8.9	174	7.0	276	11.1
Embezzlement	234	164	70.1	40	17.1	11	4.7	8	3.4	11	4.7
Forgery/Counterfeiting	497	277	55.7	61	12.3	52	10.5	39	7.8	68	13.7
Bribery	60	39	65.0	11	18.3	5	8.3	2	3.3	3	5.0
Tax	183	115	62.8	32	17.5	8	4.4	9	4.9	19	10.4
Money Laundering	303	199	65.7	53	17.5	14	4.6	13	4.3	24	7.9
Racketeering/Extortion	180	96	53.3	31	17.2	14	7.8	13	7.2	26	14.4
Gambling/Lottery	48	43	89.6	1	2.1	1	2.1	2	4.2	1	2.1
Civil Rights	25	14	56.0	3	12.0	3	12.0	1	4.0	4	16.0
Immigration	5,658	2,538	44.9	1,252	22.1	588	10.4	707	12.5	573	10.1
Pornography/Prostitution	431	270	62.6	52	12.1	24	5.6	18	4.2	67	15.5
Prison Offenses	184	73	39.7	36	19.6	33	17.9	12	6.5	30	16.3
Administration of Justice Offenses	335	188	56.1	45	13.4	29	8.7	28	8.4	45	13.4
Environmental/Wildlife	55	50	90.9	3	5.5	0	0.0	1	1.8	1	1.8
National Defense	4	2	50.0	0	0.0	1	25.0	0	0.0	1	25.0
Antitrust	4	2	50.0	2	50.0	0	0.0	0	0.0	0	0.0
Food & Drug	33	26	78.8	0	0.0	3	9.1	2	6.1	2	6.1
Other Miscellaneous Offenses	303	212	70.0	34	11.2	15	5.0	16	5.3	26	8.6

¹Of the 53,674 cases, 31,623 were sentenced within the applicable guideline range. Of those, 27,361 had complete guideline application information. An additional 1,595 cases were excluded due to several logical criteria. Of the remaining 25,766 cases, 1,369 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing point in range information (1,369). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).