

Table 29

**WITHIN-RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2005, Pre-Booker (October 1, 2004, through January 11, 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	9,572	5,728	59.8	1,421	14.8	791	8.3	644	6.7	988	10.3
Murder	11	5	45.5	1	9.1	1	9.1	2	18.2	2	18.2
Manslaughter	4	3	75.0	0	0.0	0	0.0	0	0.0	1	25.0
Kidnapping/Hostage Taking	8	4	50.0	1	12.5	0	0.0	0	0.0	3	37.5
Sexual Abuse	59	27	45.8	14	23.7	5	8.5	3	5.1	10	16.9
Assault	71	32	45.1	12	16.9	9	12.7	5	7.0	13	18.3
Robbery	215	120	55.8	29	13.5	21	9.8	19	8.8	26	12.1
Arson	5	1	20.0	0	0.0	1	20.0	0	0.0	3	60.0
Drugs - Trafficking	2,965	2,113	71.3	391	13.2	186	6.3	127	4.3	148	5.0
Drugs - Communication Facility	25	11	44.0	3	12.0	5	20.0	0	0.0	6	24.0
Drugs - Simple Possession	94	58	61.7	16	17.0	5	5.3	3	3.2	12	12.8
Firearms	1,412	750	53.1	203	14.4	172	12.2	90	6.4	197	14.0
Burglary/B&E	7	3	42.9	0	0.0	1	14.3	1	14.3	2	28.6
Auto Theft	12	10	83.3	0	0.0	1	8.3	0	0.0	1	8.3
Larceny	291	206	70.8	25	8.6	12	4.1	14	4.8	34	11.7
Fraud	973	558	57.3	142	14.6	90	9.2	52	5.3	131	13.5
Embezzlement	118	84	71.2	24	20.3	2	1.7	4	3.4	4	3.4
Forgery/Counterfeiting	173	104	60.1	16	9.2	16	9.2	8	4.6	29	16.8
Bribery	17	12	70.6	2	11.8	1	5.9	0	0.0	2	11.8
Tax	81	52	64.2	15	18.5	6	7.4	2	2.5	6	7.4
Money Laundering	112	81	72.3	15	13.4	5	4.5	5	4.5	6	5.4
Racketeering/Extortion	85	59	69.4	13	15.3	1	1.2	0	0.0	12	14.1
Gambling/Lottery	11	10	90.9	1	9.1	0	0.0	0	0.0	0	0.0
Civil Rights	15	10	66.7	0	0.0	1	6.7	0	0.0	4	26.7
Immigration	2,237	1,083	48.4	441	19.7	200	8.9	286	12.8	227	10.1
Pornography/Prostitution	167	99	59.3	15	9.0	17	10.2	8	4.8	28	16.8
Prison Offenses	61	27	44.3	7	11.5	7	11.5	2	3.3	18	29.5
Administration of Justice Offenses	156	85	54.5	16	10.3	13	8.3	8	5.1	34	21.8
Environmental/Wildlife	23	19	82.6	2	8.7	1	4.3	1	4.3	0	0.0
National Defense	4	2	50.0	0	0.0	0	0.0	0	0.0	2	50.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	11	8	72.7	1	9.1	1	9.1	0	0.0	1	9.1
Other Miscellaneous Offenses	149	92	61.7	16	10.7	11	7.4	4	2.7	26	17.4

¹Of the 18,788 cases, 12,406 were sentenced within the applicable guideline range. Of those, 10,412 had complete guideline application information. An additional 660 cases were excluded due to several logical criteria. Of the remaining 9,752 cases, 180 were excluded due to one or both of the following reasons: missing primary offense category (0) or missing point in range information (180). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).