

Table 27

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2008**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES ²		UPWARD DEPARTURES W/ <i>BOOKER</i> ²		ABOVE RANGE WITH W/ <i>BOOKER</i> ²		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	74,452	44,240	59.4	326	0.4	147	0.2	622	0.8	100	0.1
Murder	66	31	47.0	6	9.1	2	3.0	3	4.5	0	0.0
Manslaughter	53	38	71.7	3	5.7	1	1.9	1	1.9	0	0.0
Kidnapping/Hostage Taking	56	21	37.5	0	0.0	0	0.0	1	1.8	0	0.0
Sexual Abuse	480	338	70.4	9	1.9	2	0.4	15	3.1	0	0.0
Assault	636	423	66.5	14	2.2	3	0.5	22	3.5	5	0.8
Robbery	1,050	671	63.9	15	1.4	13	1.2	13	1.2	2	0.2
Arson	60	36	60.0	2	3.3	0	0.0	0	0.0	1	1.7
Drugs - Trafficking	24,213	12,484	51.6	43	0.2	17	0.1	66	0.3	21	0.1
Drugs - Communication Facility	351	211	60.1	1	0.3	1	0.3	2	0.6	0	0.0
Drugs - Simple Possession	413	370	89.6	1	0.2	2	0.5	5	1.2	3	0.7
Firearms	8,212	5,516	67.2	58	0.7	31	0.4	105	1.3	17	0.2
Burglary/B&E	45	33	73.3	1	2.2	0	0.0	1	2.2	0	0.0
Auto Theft	59	39	66.1	0	0.0	0	0.0	2	3.4	0	0.0
Larceny	1,548	1,159	74.9	3	0.2	4	0.3	25	1.6	5	0.3
Fraud	7,310	4,527	61.9	26	0.4	9	0.1	72	1.0	14	0.2
Embezzlement	483	334	69.2	0	0.0	1	0.2	2	0.4	0	0.0
Forgery/Counterfeiting	1,006	697	69.3	2	0.2	4	0.4	15	1.5	3	0.3
Bribery	218	95	43.6	0	0.0	0	0.0	0	0.0	0	0.0
Tax	574	253	44.1	2	0.3	2	0.3	6	1.0	0	0.0
Money Laundering	880	357	40.6	2	0.2	0	0.0	4	0.5	0	0.0
Racketeering/Extortion	735	339	46.1	12	1.6	0	0.0	12	1.6	2	0.3
Gambling/Lottery	126	63	50.0	1	0.8	0	0.0	1	0.8	0	0.0
Civil Rights	69	27	39.1	1	1.4	0	0.0	2	2.9	0	0.0
Immigration	21,072	13,151	62.4	97	0.5	35	0.2	196	0.9	21	0.1
Pornography/Prostitution	1,648	898	54.5	10	0.6	10	0.6	25	1.5	1	0.1
Prison Offenses	365	276	75.6	2	0.5	3	0.8	4	1.1	0	0.0
Administration of Justice Offenses	988	587	59.4	7	0.7	3	0.3	11	1.1	2	0.2
Environmental/Wildlife	170	112	65.9	0	0.0	0	0.0	1	0.6	0	0.0
National Defense	52	25	48.1	0	0.0	0	0.0	1	1.9	0	0.0
Antitrust	24	4	16.7	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	71	53	74.6	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	1,419	1,072	75.5	8	0.6	4	0.3	9	0.6	3	0.2

Table 27 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE ³		DOWNWARD DEPARTURE W/ BOOKER ³		BELOW RANGE W/ BOOKER ³		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	10,038	13.5	5,891	7.9	3,117	4.2	1,544	2.1	915	1.2	6,678	9.0	834	1.1
Murder	7	10.6	2	3.0	5	7.6	0	0.0	2	3.0	7	10.6	1	1.5
Manslaughter	0	0.0	0	0.0	4	7.5	1	1.9	1	1.9	4	7.5	0	0.0
Kidnapping/Hostage Taking	16	28.6	1	1.8	4	7.1	2	3.6	1	1.8	10	17.9	0	0.0
Sexual Abuse	17	3.5	1	0.2	29	6.0	4	0.8	7	1.5	53	11.0	5	1.0
Assault	9	1.4	8	1.3	46	7.2	24	3.8	9	1.4	62	9.7	11	1.7
Robbery	116	11.0	0	0.0	32	3.0	30	2.9	32	3.0	118	11.2	8	0.8
Arson	12	20.0	0	0.0	1	1.7	2	3.3	1	1.7	5	8.3	0	0.0
Drugs - Trafficking	6,270	25.9	1,184	4.9	884	3.7	457	1.9	322	1.3	2,274	9.4	191	0.8
Drugs - Communication Facility	58	16.5	1	0.3	17	4.8	3	0.9	4	1.1	47	13.4	6	1.7
Drugs - Simple Possession	10	2.4	0	0.0	11	2.7	0	0.0	1	0.2	6	1.5	4	1.0
Firearms	929	11.3	33	0.4	253	3.1	169	2.1	119	1.4	883	10.8	99	1.2
Burglary/B&E	4	8.9	0	0.0	0	0.0	2	4.4	0	0.0	2	4.4	2	4.4
Auto Theft	10	16.9	0	0.0	1	1.7	1	1.7	1	1.7	4	6.8	1	1.7
Larceny	97	6.3	6	0.4	39	2.5	23	1.5	15	1.0	134	8.7	38	2.5
Fraud	1,064	14.6	42	0.6	250	3.4	145	2.0	133	1.8	887	12.1	141	1.9
Embezzlement	28	5.8	0	0.0	14	2.9	14	2.9	9	1.9	71	14.7	10	2.1
Forgery/Counterfeiting	105	10.4	0	0.0	18	1.8	29	2.9	8	0.8	109	10.8	16	1.6
Bribery	61	28.0	0	0.0	12	5.5	2	0.9	3	1.4	42	19.3	3	1.4
Tax	114	19.9	0	0.0	19	3.3	16	2.8	20	3.5	127	22.1	15	2.6
Money Laundering	228	25.9	7	0.8	73	8.3	22	2.5	25	2.8	146	16.6	16	1.8
Racketeering/Extortion	189	25.7	0	0.0	72	9.8	15	2.0	6	0.8	77	10.5	11	1.5
Gambling/Lottery	21	16.7	0	0.0	10	7.9	5	4.0	2	1.6	14	11.1	9	7.1
Civil Rights	18	26.1	0	0.0	2	2.9	1	1.4	2	2.9	16	23.2	0	0.0
Immigration	344	1.6	4,593	21.8	1,072	5.1	457	2.2	93	0.4	842	4.0	171	0.8
Pornography/Prostitution	51	3.1	3	0.2	106	6.4	54	3.3	47	2.9	417	25.3	26	1.6
Prison Offenses	14	3.8	4	1.1	12	3.3	7	1.9	4	1.1	36	9.9	3	0.8
Administration of Justice Offenses	92	9.3	3	0.3	66	6.7	28	2.8	20	2.0	152	15.4	17	1.7
Environmental/Wildlife	22	12.9	0	0.0	11	6.5	4	2.4	3	1.8	14	8.2	3	1.8
National Defense	7	13.5	0	0.0	4	7.7	5	9.6	2	3.8	8	15.4	0	0.0
Antitrust	19	79.2	0	0.0	0	0.0	0	0.0	0	0.0	1	4.2	0	0.0
Food & Drug	8	11.3	0	0.0	2	2.8	2	2.8	1	1.4	5	7.0	0	0.0
Other Miscellaneous Offenses	98	6.9	3	0.2	48	3.4	20	1.4	22	1.6	105	7.4	27	1.9

¹Of the 76,478 cases, 2,026 were excluded due to one or both of the following reasons: missing primary offense (50) or information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (1,985). Descriptions of variables used in this table are provided in Appendix A.

²See Tables 24-24B for a list of departure reasons comprising these categories.

³See Tables 25-25B for a list of departure reasons comprising these categories.