

Table 32A

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2008**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	129	78.0	23.0	54.1
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	3	60.0	30.0	52.6
Robbery	12	144.0	47.0	69.5
Arson	0	--	--	--
Drugs - Trafficking	16	131.0	41.0	38.2
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	28	114.0	36.0	49.3
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	4	68.0	23.0	121.4
Fraud	6	53.5	11.0	30.5
Embezzlement	1	--	--	--
Forgery/Counterfeiting	4	46.5	12.0	44.5
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	27	27.0	10.0	100.0
Pornography/Prostitution	10	237.0	55.0	43.2
Prison Offenses	2	--	--	--
Administration of Justice Offenses	3	24.0	6.0	20.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	33.0	9.5	65.9

¹Of the 76,478 cases, 147 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 132 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional cases was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.