

Table 45

SENTENCES RELATIVE TO THE GUIDELINE RANGE FOR DRUG OFFENDERS BY EACH DRUG TYPE¹
Fiscal Year 2008

DRUG TYPE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE²		UPWARD DEPARTURE W/ <i>BOOKER</i>²		ABOVE RANGE WITH W/ <i>BOOKER</i>²		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	25,260	13,300	52.7	49	0.2	21	0.1	76	0.3	27	0.1
Powder Cocaine	5,868	2,963	50.5	7	0.1	5	0.1	20	0.3	3	0.1
Crack Cocaine	6,150	3,458	56.2	14	0.2	10	0.2	12	0.2	5	0.1
Heroin	1,473	710	48.2	9	0.6	2	0.1	6	0.4	4	0.3
Marijuana	6,320	3,625	57.4	10	0.2	2	0.0	17	0.3	8	0.1
Methamphetamine	4,332	2,040	47.1	7	0.2	2	0.0	16	0.4	6	0.1
Other	1,117	504	45.1	2	0.2	0	0.0	5	0.4	1	0.1

Table 45 (cont.)

DRUG TYPE	§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	6,371	25.2	1,171	4.6	898	3.6	467	1.8	322	1.3	2,341	9.3	217	0.9
Powder Cocaine	1,662	28.3	161	2.7	247	4.2	89	1.5	87	1.5	574	9.8	50	0.9
Crack Cocaine	1,553	25.3	0	0.0	141	2.3	124	2.0	101	1.6	668	10.9	64	1.0
Heroin	387	26.3	21	1.4	48	3.3	42	2.9	43	2.9	187	12.7	14	1.0
Marijuana	933	14.8	921	14.6	242	3.8	121	1.9	31	0.5	357	5.6	53	0.8
Methamphetamine	1,455	33.6	68	1.6	189	4.4	68	1.6	47	1.1	407	9.4	27	0.6
Other	381	34.1	0	0.0	31	2.8	23	2.1	13	1.2	148	13.2	9	0.8

¹Of the 76,478 cases, 25,500 were sentenced under USSG Chapter Two, Part D (Drugs). Of these, 25,337 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 25,337 cases, 77 were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range. 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.

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.