

Table 27

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2009**

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	79,153	44,991	56.8	382	0.5	151	0.2	842	1.1	121	0.2
Murder	92	54	58.7	6	6.5	1	1.1	2	2.2	0	0.0
Manslaughter	59	33	55.9	4	6.8	1	1.7	7	11.9	0	0.0
Kidnapping/Hostage Taking	41	13	31.7	1	2.4	0	0.0	2	4.9	1	2.4
Sexual Abuse	477	317	66.5	13	2.7	3	0.6	18	3.8	3	0.6
Assault	634	368	58.0	16	2.5	7	1.1	21	3.3	1	0.2
Robbery	1,006	598	59.4	14	1.4	3	0.3	26	2.6	3	0.3
Arson	60	35	58.3	1	1.7	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	23,899	11,087	46.4	56	0.2	15	0.1	93	0.4	24	0.1
Drugs - Communication Facility	508	260	51.2	0	0.0	0	0.0	5	1.0	0	0.0
Drugs - Simple Possession	530	477	90.0	3	0.6	1	0.2	13	2.5	3	0.6
Firearms	8,225	5,064	61.6	76	0.9	38	0.5	135	1.6	22	0.3
Burglary/B&E	36	30	83.3	0	0.0	0	0.0	2	5.6	1	2.8
Auto Theft	77	44	57.1	1	1.3	0	0.0	4	5.2	0	0.0
Larceny	1,510	1,128	74.7	6	0.4	2	0.1	10	0.7	5	0.3
Fraud	7,016	4,107	58.5	39	0.6	15	0.2	109	1.6	14	0.2
Embezzlement	466	316	67.8	0	0.0	1	0.2	4	0.9	0	0.0
Forgery/Counterfeiting	882	600	68.0	8	0.9	2	0.2	13	1.5	5	0.6
Bribery	171	61	35.7	0	0.0	0	0.0	1	0.6	0	0.0
Tax	621	234	37.7	0	0.0	2	0.3	3	0.5	0	0.0
Money Laundering	805	315	39.1	3	0.4	1	0.1	2	0.2	1	0.1
Racketeering/Extortion	625	266	42.6	1	0.2	8	1.3	10	1.6	1	0.2
Gambling/Lottery	62	31	50.0	0	0.0	0	0.0	2	3.2	0	0.0
Civil Rights	62	30	48.4	0	0.0	0	0.0	1	1.6	0	0.0
Immigration	25,385	15,860	62.5	106	0.4	37	0.1	278	1.1	26	0.1
Pornography/Prostitution	1,967	920	46.8	12	0.6	4	0.2	34	1.7	3	0.2
Prison Offenses	435	308	70.8	1	0.2	3	0.7	6	1.4	3	0.7
Administration of Justice Offenses	975	554	56.8	8	0.8	4	0.4	23	2.4	0	0.0
Environmental/Wildlife	211	115	54.5	1	0.5	0	0.0	0	0.0	0	0.0
National Defense	66	22	33.3	0	0.0	0	0.0	1	1.5	0	0.0
Antitrust	20	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	78	48	61.5	0	0.0	0	0.0	1	1.3	0	0.0
Other Miscellaneous Offenses	2,152	1,696	78.8	6	0.3	3	0.1	16	0.7	5	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	9,855	12.5	7,242	9.1	2,914	3.7	1,542	1.9	861	1.1	9,358	11.8	894	1.1
Murder	20	21.7	0	0.0	4	4.3	0	0.0	1	1.1	4	4.3	0	0.0
Manslaughter	0	0.0	0	0.0	2	3.4	7	11.9	1	1.7	4	6.8	0	0.0
Kidnapping/Hostage Taking	11	26.8	2	4.9	7	17.1	0	0.0	0	0.0	3	7.3	1	2.4
Sexual Abuse	12	2.5	1	0.2	28	5.9	7	1.5	8	1.7	64	13.4	3	0.6
Assault	8	1.3	2	0.3	82	12.9	25	3.9	11	1.7	82	12.9	11	1.7
Robbery	113	11.2	1	0.1	34	3.4	24	2.4	26	2.6	159	15.8	5	0.5
Arson	15	25.0	0	0.0	1	1.7	0	0.0	1	1.7	7	11.7	0	0.0
Drugs - Trafficking	6,192	25.9	1,438	6.0	867	3.6	409	1.7	297	1.2	3,223	13.5	198	0.8
Drugs - Communication Facility	92	18.1	2	0.4	25	4.9	14	2.8	8	1.6	96	18.9	6	1.2
Drugs - Simple Possession	10	1.9	0	0.0	4	0.8	5	0.9	0	0.0	9	1.7	5	0.9
Firearms	955	11.6	17	0.2	299	3.6	155	1.9	101	1.2	1,272	15.5	91	1.1
Burglary/B&E	2	5.6	0	0.0	0	0.0	0	0.0	0	0.0	1	2.8	0	0.0
Auto Theft	13	16.9	0	0.0	4	5.2	1	1.3	1	1.3	9	11.7	0	0.0
Larceny	88	5.8	1	0.1	35	2.3	19	1.3	15	1.0	165	10.9	36	2.4
Fraud	1,050	15.0	8	0.1	231	3.3	107	1.5	92	1.3	1,118	15.9	126	1.8
Embezzlement	14	3.0	0	0.0	11	2.4	9	1.9	10	2.1	88	18.9	13	2.8
Forgery/Counterfeiting	101	11.5	1	0.1	15	1.7	9	1.0	11	1.2	105	11.9	12	1.4
Bribery	55	32.2	1	0.6	7	4.1	3	1.8	2	1.2	39	22.8	2	1.2
Tax	87	14.0	0	0.0	36	5.8	19	3.1	28	4.5	199	32.0	13	2.1
Money Laundering	193	24.0	8	1.0	60	7.5	9	1.1	22	2.7	175	21.7	16	2.0
Racketeering/Extortion	123	19.7	0	0.0	88	14.1	13	2.1	8	1.3	100	16.0	7	1.1
Gambling/Lottery	13	21.0	0	0.0	4	6.5	1	1.6	3	4.8	7	11.3	1	1.6
Civil Rights	11	17.7	0	0.0	3	4.8	0	0.0	1	1.6	13	21.0	3	4.8
Immigration	317	1.2	5,753	22.7	713	2.8	591	2.3	126	0.5	1,336	5.3	242	1.0
Pornography/Prostitution	78	4.0	0	0.0	160	8.1	32	1.6	54	2.7	639	32.5	31	1.6
Prison Offenses	17	3.9	4	0.9	37	8.5	9	2.1	2	0.5	39	9.0	6	1.4
Administration of Justice Offenses	104	10.7	2	0.2	59	6.1	31	3.2	12	1.2	162	16.6	16	1.6
Environmental/Wildlife	25	11.8	0	0.0	23	10.9	7	3.3	3	1.4	28	13.3	9	4.3
National Defense	8	12.1	0	0.0	3	4.5	6	9.1	2	3.0	21	31.8	3	4.5
Antitrust	17	85.0	0	0.0	1	5.0	0	0.0	0	0.0	2	10.0	0	0.0
Food & Drug	10	12.8	0	0.0	9	11.5	0	0.0	2	2.6	6	7.7	2	2.6
Other Miscellaneous Offenses	101	4.7	1	0.0	62	2.9	30	1.4	13	0.6	183	8.5	36	1.7

¹Of the 81,372 cases, 2,219 were excluded due to information missing from the submitted documents that prevented the comparison of the sentence and the guideline range (2,219). 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.