

Table 32A

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2009**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	137	69.0	18.0	46.3
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	108.0	33.0	27.7
Assault	7	84.0	36.0	46.3
Robbery	3	188.0	105.0	116.1
Arson	0	--	--	--
Drugs - Trafficking	10	138.0	31.0	14.5
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	35	87.0	16.0	37.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	14	52.5	13.0	31.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	7	240.0	98.0	92.1
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	35	45.0	12.0	71.4
Pornography/Prostitution	4	300.0	108.5	67.9
Prison Offenses	3	54.0	14.0	77.8
Administration of Justice Offenses	4	36.0	7.0	25.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	10.0	3.0	20.0

¹Of the 81,372 cases, 151 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 141 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, three 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.