

Table 32B

**ABOVE GUIDELINE RANGE 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	779	48.0	12.0	37.5
Murder	1	--	--	--
Manslaughter	7	160.0	54.0	64.9
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	17	90.0	24.0	33.3
Assault	21	60.0	15.0	39.2
Robbery	26	120.0	27.0	29.0
Arson	0	--	--	--
Drugs - Trafficking	84	96.5	15.0	24.2
Drugs - Communication Facility	5	84.0	18.0	23.1
Drugs - Simple Possession	12	12.0	6.0	83.3
Firearms	111	96.0	15.0	25.0
Burglary/B&E	2	--	--	--
Auto Theft	4	60.0	23.0	62.2
Larceny	10	54.0	15.0	57.3
Fraud	101	60.0	14.0	40.0
Embezzlement	4	48.0	12.5	58.5
Forgery/Counterfeiting	12	37.0	8.5	39.5
Bribery	1	--	--	--
Tax	3	60.0	9.0	17.6
Money Laundering	2	--	--	--
Racketeering/Extortion	9	111.0	33.0	42.3
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	268	18.0	6.0	50.0
Pornography/Prostitution	34	147.0	33.0	33.3
Prison Offenses	6	21.0	7.0	60.0
Administration of Justice Offenses	19	36.0	6.0	20.3
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	15	15.0	8.0	77.8

¹Of the 81,372 cases, 842 were sentenced above the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 789 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, seven 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.