

Table 27

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

| 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 | 81,859 | 45,028 | 55.0 | 350 | 0.4 | 119 | 0.1 | 916 | 1.1 | 127 | 0.2 |
| Murder | 66 | 41 | 62.1 | 2 | 3.0 | 1 | 1.5 | 3 | 4.5 | 2 | 3.0 |
| Manslaughter | 64 | 38 | 59.4 | 7 | 10.9 | 3 | 4.7 | 9 | 14.1 | 1 | 1.6 |
| Kidnapping/Hostage Taking | 38 | 16 | 42.1 | 0 | 0.0 | 0 | 0.0 | 3 | 7.9 | 0 | 0.0 |
| Sexual Abuse | 383 | 247 | 64.5 | 4 | 1.0 | 5 | 1.3 | 11 | 2.9 | 1 | 0.3 |
| Assault | 596 | 351 | 58.9 | 11 | 1.8 | 5 | 0.8 | 16 | 2.7 | 2 | 0.3 |
| Robbery | 1,079 | 621 | 57.6 | 15 | 1.4 | 5 | 0.5 | 30 | 2.8 | 5 | 0.5 |
| Arson | 75 | 38 | 50.7 | 4 | 5.3 | 0 | 0.0 | 1 | 1.3 | 2 | 2.7 |
| Drugs - Trafficking | 23,458 | 10,530 | 44.9 | 63 | 0.3 | 16 | 0.1 | 110 | 0.5 | 23 | 0.1 |
| Drugs - Communication Facility | 511 | 245 | 47.9 | 1 | 0.2 | 1 | 0.2 | 2 | 0.4 | 1 | 0.2 |
| Drugs - Simple Possession | 746 | 708 | 94.9 | 5 | 0.7 | 1 | 0.1 | 4 | 0.5 | 0 | 0.0 |
| Firearms | 7,969 | 4,667 | 58.6 | 71 | 0.9 | 24 | 0.3 | 169 | 2.1 | 33 | 0.4 |
| Burglary/B&E | 36 | 18 | 50.0 | 2 | 5.6 | 0 | 0.0 | 1 | 2.8 | 0 | 0.0 |
| Auto Theft | 91 | 52 | 57.1 | 1 | 1.1 | 1 | 1.1 | 3 | 3.3 | 0 | 0.0 |
| Larceny | 1,541 | 1,097 | 71.2 | 6 | 0.4 | 4 | 0.3 | 21 | 1.4 | 6 | 0.4 |
| Fraud | 7,471 | 4,149 | 55.5 | 24 | 0.3 | 19 | 0.3 | 112 | 1.5 | 16 | 0.2 |
| Embezzlement | 432 | 301 | 69.7 | 1 | 0.2 | 0 | 0.0 | 0 | 0.0 | 1 | 0.2 |
| Forgery/Counterfeiting | 877 | 577 | 65.8 | 8 | 0.9 | 3 | 0.3 | 22 | 2.5 | 1 | 0.1 |
| Bribery | 223 | 72 | 32.3 | 1 | 0.4 | 0 | 0.0 | 2 | 0.9 | 0 | 0.0 |
| Tax | 660 | 234 | 35.5 | 0 | 0.0 | 1 | 0.2 | 4 | 0.6 | 0 | 0.0 |
| Money Laundering | 800 | 278 | 34.8 | 1 | 0.1 | 0 | 0.0 | 6 | 0.8 | 0 | 0.0 |
| Racketeering/Extortion | 672 | 271 | 40.3 | 5 | 0.7 | 2 | 0.3 | 10 | 1.5 | 1 | 0.1 |
| Gambling/Lottery | 76 | 38 | 50.0 | 8 | 10.5 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Civil Rights | 60 | 30 | 50.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 1.7 |
| Immigration | 27,922 | 16,763 | 60.0 | 77 | 0.3 | 19 | 0.1 | 272 | 1.0 | 23 | 0.1 |
| Child Pornography | 1,886 | 783 | 41.5 | 12 | 0.6 | 3 | 0.2 | 28 | 1.5 | 2 | 0.1 |
| Prison Offenses | 418 | 308 | 73.7 | 0 | 0.0 | 2 | 0.5 | 10 | 2.4 | 0 | 0.0 |
| Administration of Justice Offenses | 1,141 | 626 | 54.9 | 7 | 0.6 | 0 | 0.0 | 34 | 3.0 | 4 | 0.4 |
| Environmental/Wildlife | 166 | 110 | 66.3 | 2 | 1.2 | 0 | 0.0 | 1 | 0.6 | 0 | 0.0 |
| National Defense | 69 | 21 | 30.4 | 1 | 1.4 | 0 | 0.0 | 2 | 2.9 | 0 | 0.0 |
| Antitrust | 16 | 3 | 18.8 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Food & Drug | 79 | 47 | 59.5 | 0 | 0.0 | 0 | 0.0 | 3 | 3.8 | 0 | 0.0 |
| Other Miscellaneous Offenses | 2,238 | 1,748 | 78.1 | 11 | 0.5 | 4 | 0.2 | 27 | 1.2 | 2 | 0.1 |

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 | 9,421 | 11.5 | 8,119 | 9.9 | 3,214 | 3.9 | 1,687 | 2.1 | 865 | 1.1 | 11,116 | 13.6 | 897 | 1.1 |
| Murder | 8 | 12.1 | 0 | 0.0 | 4 | 6.1 | 0 | 0.0 | 0 | 0.0 | 5 | 7.6 | 0 | 0.0 |
| Manslaughter | 1 | 1.6 | 0 | 0.0 | 2 | 3.1 | 0 | 0.0 | 0 | 0.0 | 3 | 4.7 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 9 | 23.7 | 0 | 0.0 | 3 | 7.9 | 0 | 0.0 | 0 | 0.0 | 7 | 18.4 | 0 | 0.0 |
| Sexual Abuse | 9 | 2.3 | 0 | 0.0 | 46 | 12.0 | 4 | 1.0 | 3 | 0.8 | 50 | 13.1 | 3 | 0.8 |
| Assault | 5 | 0.8 | 6 | 1.0 | 79 | 13.3 | 17 | 2.9 | 14 | 2.3 | 82 | 13.8 | 8 | 1.3 |
| Robbery | 100 | 9.3 | 2 | 0.2 | 39 | 3.6 | 36 | 3.3 | 31 | 2.9 | 188 | 17.4 | 7 | 0.6 |
| Arson | 17 | 22.7 | 0 | 0.0 | 2 | 2.7 | 1 | 1.3 | 1 | 1.3 | 9 | 12.0 | 0 | 0.0 |
| Drugs - Trafficking | 5,768 | 24.6 | 1,336 | 5.7 | 986 | 4.2 | 361 | 1.5 | 296 | 1.3 | 3,764 | 16.0 | 205 | 0.9 |
| Drugs - Communication Facility | 51 | 10.0 | 2 | 0.4 | 32 | 6.3 | 17 | 3.3 | 18 | 3.5 | 134 | 26.2 | 7 | 1.4 |
| Drugs - Simple Possession | 7 | 0.9 | 3 | 0.4 | 4 | 0.5 | 1 | 0.1 | 0 | 0.0 | 7 | 0.9 | 6 | 0.8 |
| Firearms | 911 | 11.4 | 9 | 0.1 | 384 | 4.8 | 132 | 1.7 | 98 | 1.2 | 1,368 | 17.2 | 103 | 1.3 |
| Burglary/B&E | 2 | 5.6 | 0 | 0.0 | 2 | 5.6 | 0 | 0.0 | 1 | 2.8 | 9 | 25.0 | 1 | 2.8 |
| Auto Theft | 17 | 18.7 | 0 | 0.0 | 1 | 1.1 | 0 | 0.0 | 0 | 0.0 | 14 | 15.4 | 2 | 2.2 |
| Larceny | 81 | 5.3 | 3 | 0.2 | 41 | 2.7 | 21 | 1.4 | 10 | 0.6 | 218 | 14.1 | 33 | 2.1 |
| Fraud | 1,196 | 16.0 | 4 | 0.1 | 286 | 3.8 | 120 | 1.6 | 106 | 1.4 | 1,322 | 17.7 | 117 | 1.6 |
| Embezzlement | 15 | 3.5 | 3 | 0.7 | 19 | 4.4 | 7 | 1.6 | 7 | 1.6 | 70 | 16.2 | 8 | 1.9 |
| Forgery/Counterfeiting | 84 | 9.6 | 2 | 0.2 | 25 | 2.9 | 12 | 1.4 | 8 | 0.9 | 121 | 13.8 | 14 | 1.6 |
| Bribery | 72 | 32.3 | 1 | 0.4 | 11 | 4.9 | 2 | 0.9 | 4 | 1.8 | 54 | 24.2 | 4 | 1.8 |
| Tax | 102 | 15.5 | 4 | 0.6 | 36 | 5.5 | 34 | 5.2 | 18 | 2.7 | 209 | 31.7 | 18 | 2.7 |
| Money Laundering | 196 | 24.5 | 18 | 2.3 | 70 | 8.8 | 15 | 1.9 | 10 | 1.3 | 191 | 23.9 | 15 | 1.9 |
| Racketeering/Extortion | 149 | 22.2 | 0 | 0.0 | 64 | 9.5 | 15 | 2.2 | 13 | 1.9 | 128 | 19.0 | 14 | 2.1 |
| Gambling/Lottery | 9 | 11.8 | 0 | 0.0 | 1 | 1.3 | 1 | 1.3 | 0 | 0.0 | 19 | 25.0 | 0 | 0.0 |
| Civil Rights | 11 | 18.3 | 0 | 0.0 | 1 | 1.7 | 0 | 0.0 | 1 | 1.7 | 11 | 18.3 | 5 | 8.3 |
| Immigration | 288 | 1.0 | 6,716 | 24.1 | 672 | 2.4 | 782 | 2.8 | 128 | 0.5 | 1,947 | 7.0 | 235 | 0.8 |
| Child Pornography | 57 | 3.0 | 0 | 0.0 | 195 | 10.3 | 43 | 2.3 | 57 | 3.0 | 676 | 35.8 | 30 | 1.6 |
| Prison Offenses | 11 | 2.6 | 3 | 0.7 | 30 | 7.2 | 5 | 1.2 | 3 | 0.7 | 40 | 9.6 | 6 | 1.4 |
| Administration of Justice Offenses | 106 | 9.3 | 5 | 0.4 | 68 | 6.0 | 17 | 1.5 | 14 | 1.2 | 242 | 21.2 | 18 | 1.6 |
| Environmental/Wildlife | 7 | 4.2 | 0 | 0.0 | 10 | 6.0 | 5 | 3.0 | 3 | 1.8 | 24 | 14.5 | 4 | 2.4 |
| National Defense | 19 | 27.5 | 0 | 0.0 | 6 | 8.7 | 7 | 10.1 | 4 | 5.8 | 9 | 13.0 | 0 | 0.0 |
| Antitrust | 8 | 50.0 | 0 | 0.0 | 0 | 0.0 | 1 | 6.3 | 1 | 6.3 | 3 | 18.8 | 0 | 0.0 |
| Food & Drug | 7 | 8.9 | 0 | 0.0 | 9 | 11.4 | 2 | 2.5 | 1 | 1.3 | 9 | 11.4 | 1 | 1.3 |
| Other Miscellaneous Offenses | 98 | 4.4 | 2 | 0.1 | 86 | 3.8 | 29 | 1.3 | 15 | 0.7 | 183 | 8.2 | 33 | 1.5 |

¹ Of the 83,946 cases, 2,087 were excluded due to information that was missing 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.

² See Tables 24-24B for a list of departure reasons comprising these categories.

³ See Tables 25-25B for a list of departure reasons comprising these categories.