

Table 32A

UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	105	96.0	23.0	41.2
Murder	1	--	--	--
Manslaughter	3	180.0	43.0	31.4
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	156.0	60.0	44.4
Assault	5	72.0	26.0	53.2
Robbery	5	196.0	30.0	24.8
Arson	0	--	--	--
Drugs - Trafficking	14	106.5	28.0	59.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	21	120.0	24.0	38.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	24.0	12.0	100.0
Fraud	15	87.0	21.0	33.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	12.0	6.0	100.0
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	18	54.5	16.0	45.2
Child Pornography	2	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	21.0	10.0	77.6

¹ Of the 83,946 cases, 119 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 110 cases 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, four 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.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.