

Table 27

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012**

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	82,674	43,333	52.4	451	0.5	127	0.2	977	1.2	76	0.1
Murder	63	33	52.4	2	3.2	0	0.0	1	1.6	0	0.0
Manslaughter	50	29	58.0	6	12.0	1	2.0	4	8.0	1	2.0
Kidnapping/Hostage Taking	49	20	40.8	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	428	249	58.2	8	1.9	5	1.2	15	3.5	1	0.2
Assault	689	397	57.6	19	2.8	6	0.9	19	2.8	3	0.4
Robbery	849	463	54.5	10	1.2	5	0.6	22	2.6	1	0.1
Arson	48	25	52.1	2	4.2	0	0.0	5	10.4	0	0.0
Drugs - Trafficking	24,711	10,595	42.9	66	0.3	15	0.1	121	0.5	9	0.0
Drugs - Communication Facility	373	186	49.9	1	0.3	1	0.3	8	2.1	1	0.3
Drugs - Simple Possession	1,119	1,090	97.4	3	0.3	0	0.0	3	0.3	0	0.0
Firearms	8,096	4,764	58.8	76	0.9	28	0.3	204	2.5	15	0.2
Burglary/B&E	42	26	61.9	2	4.8	0	0.0	1	2.4	0	0.0
Auto Theft	61	36	59.0	0	0.0	1	1.6	3	4.9	0	0.0
Larceny	1,322	920	69.6	3	0.2	3	0.2	18	1.4	0	0.0
Fraud	8,237	4,154	50.4	37	0.4	16	0.2	111	1.3	10	0.1
Embezzlement	322	185	57.5	0	0.0	0	0.0	1	0.3	0	0.0
Forgery/Counterfeiting	874	572	65.4	3	0.3	7	0.8	19	2.2	0	0.0
Bribery	229	70	30.6	0	0.0	0	0.0	0	0.0	1	0.4
Tax	605	223	36.9	2	0.3	0	0.0	5	0.8	0	0.0
Money Laundering	820	293	35.7	1	0.1	0	0.0	7	0.9	0	0.0
Racketeering/Extortion	911	400	43.9	13	1.4	3	0.3	18	2.0	1	0.1
Gambling/Lottery	45	18	40.0	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	53	19	35.8	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	26,255	14,897	56.7	166	0.6	26	0.1	248	0.9	26	0.1
Child Pornography	2,012	705	35.0	10	0.5	5	0.2	38	1.9	0	0.0
Prison Offenses	419	318	75.9	2	0.5	0	0.0	25	6.0	0	0.0
Administration of Justice Offenses	1,324	767	57.9	14	1.1	2	0.2	53	4.0	3	0.2
Environmental/Wildlife	182	101	55.5	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	114	40	35.1	0	0.0	1	0.9	0	0.0	0	0.0
Antitrust	20	1	5.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	57	39	68.4	1	1.8	0	0.0	3	5.3	0	0.0
Other Miscellaneous Offenses	2,295	1,698	74.0	4	0.2	2	0.1	25	1.1	4	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	9,677	11.7	9,276	11.2	4,034	4.9	1,897	2.3	811	1.0	11,487	13.9	528	0.6
Murder	8	12.7	0	0.0	10	15.9	0	0.0	0	0.0	9	14.3	0	0.0
Manslaughter	0	0.0	0	0.0	3	6.0	2	4.0	2	4.0	2	4.0	0	0.0
Kidnapping/Hostage Taking	8	16.3	0	0.0	9	18.4	3	6.1	1	2.0	8	16.3	0	0.0
Sexual Abuse	20	4.7	2	0.5	53	12.4	8	1.9	1	0.2	66	15.4	0	0.0
Assault	11	1.6	4	0.6	97	14.1	24	3.5	9	1.3	90	13.1	10	1.5
Robbery	90	10.6	3	0.4	59	6.9	22	2.6	13	1.5	157	18.5	4	0.5
Arson	12	25.0	0	0.0	2	4.2	0	0.0	0	0.0	2	4.2	0	0.0
Drugs - Trafficking	5,806	23.5	1,995	8.1	1,338	5.4	511	2.1	292	1.2	3,856	15.6	107	0.4
Drugs - Communication Facility	35	9.4	3	0.8	42	11.3	5	1.3	5	1.3	84	22.5	2	0.5
Drugs - Simple Possession	4	0.4	2	0.2	4	0.4	0	0.0	0	0.0	7	0.6	6	0.5
Firearms	858	10.6	12	0.1	531	6.6	167	2.1	88	1.1	1,300	16.1	53	0.7
Burglary/B&E	3	7.1	0	0.0	1	2.4	1	2.4	1	2.4	7	16.7	0	0.0
Auto Theft	7	11.5	0	0.0	3	4.9	2	3.3	0	0.0	9	14.8	0	0.0
Larceny	80	6.1	0	0.0	49	3.7	23	1.7	14	1.1	198	15.0	14	1.1
Fraud	1,442	17.5	10	0.1	499	6.1	145	1.8	120	1.5	1,602	19.4	91	1.1
Embezzlement	11	3.4	1	0.3	17	5.3	6	1.9	5	1.6	87	27.0	9	2.8
Forgery/Counterfeiting	70	8.0	2	0.2	30	3.4	14	1.6	6	0.7	141	16.1	10	1.1
Bribery	68	29.7	3	1.3	11	4.8	6	2.6	3	1.3	66	28.8	1	0.4
Tax	82	13.6	0	0.0	42	6.9	27	4.5	12	2.0	203	33.6	9	1.5
Money Laundering	203	24.8	5	0.6	95	11.6	17	2.1	11	1.3	180	22.0	8	1.0
Racketeering/Extortion	169	18.6	1	0.1	105	11.5	27	3.0	17	1.9	153	16.8	4	0.4
Gambling/Lottery	14	31.1	0	0.0	3	6.7	2	4.4	1	2.2	7	15.6	0	0.0
Civil Rights	13	24.5	0	0.0	5	9.4	1	1.9	1	1.9	12	22.6	2	3.8
Immigration	274	1.0	7,223	27.5	485	1.8	764	2.9	106	0.4	1,884	7.2	156	0.6
Child Pornography	79	3.9	1	0.0	265	13.2	43	2.1	55	2.7	799	39.7	12	0.6
Prison Offenses	6	1.4	1	0.2	26	6.2	6	1.4	4	1.0	30	7.2	1	0.2
Administration of Justice Offenses	95	7.2	5	0.4	104	7.9	26	2.0	19	1.4	229	17.3	7	0.5
Environmental/Wildlife	13	7.1	0	0.0	21	11.5	2	1.1	8	4.4	34	18.7	3	1.6
National Defense	38	33.3	1	0.9	9	7.9	4	3.5	1	0.9	20	17.5	0	0.0
Antitrust	16	80.0	0	0.0	0	0.0	0	0.0	1	5.0	2	10.0	0	0.0
Food & Drug	7	12.3	0	0.0	3	5.3	0	0.0	0	0.0	4	7.0	0	0.0
Other Miscellaneous Offenses	135	5.9	2	0.1	113	4.9	39	1.7	15	0.7	239	10.4	19	0.8

¹ Of the 84,173 cases, 1,499 were excluded due to information 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.