

# **U.S. Sentencing Commission Preliminary Quarterly Data Report**



**4<sup>th</sup> Quarter Release  
Preliminary Fiscal Year 2014 Data  
Through September 30, 2014**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress<sup>3</sup> and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of United States v. Booker on Federal Sentencing*,<sup>4</sup> based on cases sentenced one year since the *Booker* decision. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the quarterly data can

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<sup>1</sup> In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

<sup>2</sup> Electronic copies of the 1995-2013 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

<sup>3</sup> See [www.ussc.gov/bf.htm](http://www.ussc.gov/bf.htm) for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives, February 10, 2005.

<sup>4</sup> See [www.ussc.gov/bf.htm](http://www.ussc.gov/bf.htm) for an electronic copy of the Commission's *Final Report on the Impact of United States v. Booker on Federal Sentencing*.

be compared easily with data from prior fiscal years.<sup>5</sup> In Appendix A are descriptions of datafile and variable definitions.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of the fiscal year may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the second quarter.<sup>6</sup> Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*. As a result, **quarterly data should not be considered final until publication of the Commission's *Annual Report* and *Sourcebook*.**

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<sup>5</sup> The Commission has tried to maintain the same table numbers and figure letters over the past several years but, due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

<sup>6</sup> The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the United States Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

# CONTENTS

## *Information on Sentences Relative to the Guideline Range*

Table 1: National Comparison of Sentence Imposed and Position Relative to the Guideline Range.....	1
Table 2: Sentences Relative to the Guideline Range by Circuit and District.....	2
Table 3: Sentences Relative to the Guideline Range by Each Primary Offense Category.....	8
Figure A: Quarterly Data for Within Range and Out of Range Sentences.....	10
Figure B: Quarterly Data for Within Range/Government Sponsored and Other Out of Range Sentences.....	11
Table 4: Quarterly Data for Within Range and Out of Range Sentences.....	12
Table 5: Sentences Relative to the Guideline Range by Each Primary Sentencing Guideline...	13
Table 6: Attribution Category for Cases Outside of the Guideline Range.....	17
Table 7: §5K1.1 Substantial Assistance Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category.....	19
Table 8: §5K3.1 Early Disposition Program Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category.....	20
Table 9: Other Government Sponsored Below Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category.....	21
Table 10: Downward Departures from Guideline Range: Degree of Decrease for Offenders in Each Primary Offense Category.....	22
Table 11: Downward Departures with <i>Booker</i> /18 U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category.....	23
Table 12: Below Guideline Range with <i>Booker</i> /18 U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category.....	24
Table 13: All Remaining Below Guideline Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category.....	25

Table 14: Upward Departures from Guideline Range: Degree of Increase for Offenders in Each Primary Offense Category. . . . . 26

Table 15: Upward Departures with *Booker*/18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category.. . . . 27

Table 16: Above Guideline Range with *Booker*/18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category. . . . . 28

Table 17: All Remaining Above Guideline Range Cases: Degree of Increase for Offenders in Each Primary Offense Category.. . . . 29

***Sentence Imposed Information***

Table 18: Offenders Receiving Sentencing Options in Each Primary Offense Category.. . . . 30

Table 19: Sentence Length in Each Primary Offense Category. . . . . 31

Figure C: Average Sentence Length and Average Guideline Minimum Quarterly Data for All Offenders. . . . . 32

Figure D: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2B1.1 Offenders.. . . . 33

Figure E: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2K2.1 Offenders.. . . . 34

Figure F: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.1 Offenders.. . . . 35

Figure G: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.2 Offenders.. . . . 36

Figure H: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2D1.1 Offenders.. . . . 37

Figure I: Average Sentence Length for Each Drug Type. . . . . 38

Table 20: Within Range Cases: Position of Sentence for Offenders in Each Primary Offense Category. . . . . 39

***General Information (Primary Offenses, Mode of Conviction, and Document Submission)***

Figure J: Offenders in Each Primary Offense Category. . . . . 40

Table 21: Guideline Offenders in Each Primary Offense Category. . . . . 41

Table 22: Guilty Pleas and Trials in Each Primary Offense Category. ....	42
Figure K: Quarterly Data for Guilty Pleas and Trials. ....	43
Table 23: Race of Offenders in Each Primary Offense Category. ....	44
Table 24: Gender of Offenders in Each Primary Offense Category. ....	45
Table 25: Age, Race, and Gender of Offenders. ....	46
Table 26: Citizenship of Offenders in Each Primary Offense Category. ....	47
Table 27: Document Submission by Each Circuit and District. ....	48
Table 28: Rate of Submission of Statement of Reasons Form by Each Circuit and District. ...	51

***Appendices***

Appendix A: Descriptions of Datafiles and Variables. ....	A-1
Appendix B: List of Quarterly Report Tables and Figures and Comparable <i>Sourcebook</i> Number/Letter. ....	B-1

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)

	N	%
<b>TOTAL CASES</b>	<b>72,975</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>33,796</b>	<b>46.3</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,620</b>	<b>2.2</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>472</b>	<b>0.6</b>
Upward Departure From Guideline Range <sup>2</sup>	341	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	131	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>1,148</b>	<b>1.6</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	1,082	1.5
All Remaining Cases Above Guideline Range <sup>5</sup>	66	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>21,844</b>	<b>29.9</b>
§5K1.1 Substantial Assistance Departure	9,370	12.8
§5K3.1 Early Disposition Program Departure	6,477	8.9
Other Government Sponsored Below Range	5,997	8.2
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>15,715</b>	<b>21.5</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>2,528</b>	<b>3.5</b>
Downward Departure From Guideline Range <sup>2</sup>	1,751	2.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	777	1.1
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>13,187</b>	<b>18.1</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	12,708	17.4
All Remaining Cases Below Guideline Range <sup>5</sup>	479	0.7

<sup>1</sup> This table reflects the 74,370 cases sentenced on or after October 1, 2013, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by December 8, 2014. Of these, 1,395 cases were excluded because 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.

<sup>2</sup> All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup> All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup> All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup> All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup> Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through September 30, 2014).

### Note to Readers

On April 30, 2014, the Commission submitted to Congress a proposed amendment to the sentencing guidelines to revise the guidelines applicable to drug trafficking offenses. That amendment became effective on November 1, 2014 and was designated as Amendment 782 in the 2014 edition of Appendix C to the *Guidelines Manual*. Amendment 782 changed the manner in which the statutory mandatory minimum penalties for drug trafficking offenses are incorporated into the base offense levels in the drug quantity table in section 2D1.1 of the *Guidelines Manual*. Specifically, the amendment generally reduced by two levels the offense levels assigned to the quantities described in section 2D1.1 and made corresponding changes to section 2D1.11. On July 18, the Commission voted to give retroactive effect to Amendment 782, beginning on November 1, 2014.

On March 12, 2014, the Department of Justice issued guidance to all United States Attorneys regarding the sentencing of drug trafficking offenders in anticipation of an amendment to the guidelines lowering the base offense levels for drug trafficking cases. In that guidance, the Attorney General authorized prosecutors to not object to a defense request for a two-level variance from the sentencing range calculated under the current version of the *Guidelines Manual* in drug trafficking offenses, provided that several other conditions were met. Judges and probation offices have informed the Commission that in some districts the prosecutors themselves requested that the court depart from the sentencing range calculated under the *Guidelines Manual* and impose a sentence that was two levels below that range.

The data the Commission is reporting in this Preliminary Quarterly Data Report appears to reflect those practices. On Table 1 of this report, the Commission reports the rate at which the sentence imposed in individual cases was within the applicable guideline range. The rate through the fourth quarter of fiscal year 2014 was 46.3 percent. This compares with 51.2 percent in fiscal year 2013. However, as can be seen from Tables 1-A and 1-B, most of this decrease is attributable to sentences imposed in drug offenses. As shown on Table 1-A, the within range rate in cases not involving a drug offense was 53.3 percent through the fourth quarter of fiscal year 2014, compared with 54.8 percent in fiscal year 2013.

Table 1-B presents data for drug cases only. As shown on that table, the within range rate for sentences imposed in drug cases through the fourth quarter of fiscal year 2014 was 27.5 percent, a decrease of more than 11 percentage points from the rate of 38.8 percent at the end of fiscal year 2014. This decrease in the within range rate resulted from an increase in the rate at which the government requested a below range sentence, from 39.4 percent in fiscal year 2013 to 47.0 percent through the fourth quarter of fiscal year 2014, as well as an increase in the rate of non-government sponsored below range sentences, from 20.8 percent in fiscal year 2013 to 24.7 percent through the fourth quarter of fiscal year 2014.

The Commission expects some further reduction in the within range rate for drug offenses to be reflected in the data for the completed fiscal year 2014, which will be released in early 2015.



**NATIONAL COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE  
TO THE GUIDELINE RANGE FOR NON-DRUG OFFENSES<sup>1</sup>**  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)

	N	%	FY 2013 %
<b>TOTAL CASES</b>	<b>50,160</b>	<b>100.0</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>26,724</b>	<b>53.3</b>	<b>54.8</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,235</b>	<b>2.5</b>	<b>2.4</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>388</b>	<b>0.8</b>	<b>0.8</b>
Upward Departure From Guideline Range <sup>2</sup>	279	0.6	0.6
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	109	0.2	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>847</b>	<b>1.7</b>	<b>1.6</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	797	1.6	1.5
All Remaining Cases Above Guideline Range <sup>5</sup>	50	0.1	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>11,830</b>	<b>23.6</b>	<b>24.2</b>
§5K1.1 Substantial Assistance Departure	3,786	7.5	6.9
§5K3.1 Early Disposition Program Departure	5,047	10.1	12.7
Other Government Sponsored Below Range	2,997	6.0	4.7
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>10,371</b>	<b>20.7</b>	<b>18.5</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>1,867</b>	<b>3.7</b>	<b>3.7</b>
Downward Departure From Guideline Range <sup>2</sup>	1,409	2.8	2.8
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	458	0.9	0.8
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>8,504</b>	<b>17.0</b>	<b>14.9</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	8,104	16.2	14.2
All Remaining Cases Below Guideline Range <sup>5</sup>	400	0.8	0.7

<sup>1</sup> This table reflects the 74,370 cases sentenced on or after October 1, 2013, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by December 8, 2014. Of these, 1,395 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Of the remaining cases, 50,160 were cases where the primary offense type was not drug trafficking, use of a communication facility, or simple possession. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup> All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup> All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup> All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup> Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE  
TO THE GUIDELINE RANGE FOR DRUG TRAFFICKING OFFENSES<sup>1</sup>**  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)

	N	%	FY 2013 %
<b>TOTAL CASES</b>	<b>21,097</b>	<b>100.0</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>5,794</b>	<b>27.5</b>	<b>38.8</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>172</b>	<b>0.8</b>	<b>1.1</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>77</b>	<b>0.4</b>	<b>0.4</b>
Upward Departure From Guideline Range <sup>2</sup>	56	0.3	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	21	0.1	0.1
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>95</b>	<b>0.5</b>	<b>0.7</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	86	0.4	0.6
All Remaining Cases Above Guideline Range <sup>5</sup>	9	0.0	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>9,912</b>	<b>47.0</b>	<b>39.4</b>
§5K1.1 Substantial Assistance Departure	5,532	26.2	25.9
§5K3.1 Early Disposition Program Departure	1,426	6.8	6.7
Other Government Sponsored Below Range	2,954	14.0	6.8
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>5,219</b>	<b>24.7</b>	<b>20.8</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>651</b>	<b>3.1</b>	<b>3.3</b>
Downward Departure From Guideline Range <sup>2</sup>	336	1.6	2.2
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	315	1.5	1.1
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>4,568</b>	<b>21.7</b>	<b>17.5</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	4,492	21.3	17.0
All Remaining Cases Below Guideline Range <sup>5</sup>	76	0.4	0.5

<sup>1</sup> This table reflects the 74,370 cases sentenced on or after October 1, 2013, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by December 8, 2014. Of these, 1,395 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Of the remaining cases, 21,097 were cases where drug trafficking was the primary offense type. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup> All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup> All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup> All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup> Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>72,975</b>	<b>33,796</b>	<b>46.3</b>	<b>341</b>	<b>0.5</b>	<b>131</b>	<b>0.2</b>	<b>1,082</b>	<b>1.5</b>	<b>66</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>335</b>	<b>105</b>	<b>31.3</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>1.2</b>	<b>0</b>	<b>0.0</b>
District of Columbia	335	105	31.3	0	0.0	0	0.0	4	1.2	0	0.0
<b>FIRST CIRCUIT</b>	<b>2,413</b>	<b>1,288</b>	<b>53.4</b>	<b>7</b>	<b>0.3</b>	<b>6</b>	<b>0.2</b>	<b>78</b>	<b>3.2</b>	<b>17</b>	<b>0.7</b>
Maine	196	69	35.2	0	0.0	0	0.0	4	2.0	0	0.0
Massachusetts	434	101	23.3	0	0.0	1	0.2	6	1.4	0	0.0
New Hampshire	149	62	41.6	0	0.0	1	0.7	4	2.7	0	0.0
Puerto Rico	1,462	998	68.3	7	0.5	4	0.3	63	4.3	17	1.2
Rhode Island	172	58	33.7	0	0.0	0	0.0	1	0.6	0	0.0
<b>SECOND CIRCUIT</b>	<b>4,126</b>	<b>1,254</b>	<b>30.4</b>	<b>12</b>	<b>0.3</b>	<b>14</b>	<b>0.3</b>	<b>35</b>	<b>0.8</b>	<b>1</b>	<b>0.0</b>
Connecticut	353	94	26.6	1	0.3	1	0.3	3	0.8	0	0.0
New York											
Eastern	943	240	25.5	4	0.4	6	0.6	9	1.0	0	0.0
Northern	405	198	48.9	0	0.0	2	0.5	2	0.5	0	0.0
Southern	1,670	449	26.9	2	0.1	4	0.2	20	1.2	0	0.0
Western	550	225	40.9	3	0.5	1	0.2	1	0.2	1	0.2
Vermont	205	48	23.4	2	1.0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,468</b>	<b>881</b>	<b>35.7</b>	<b>6</b>	<b>0.2</b>	<b>5</b>	<b>0.2</b>	<b>26</b>	<b>1.1</b>	<b>2</b>	<b>0.1</b>
Delaware	94	33	35.1	0	0.0	0	0.0	3	3.2	0	0.0
New Jersey	660	249	37.7	1	0.2	0	0.0	3	0.5	0	0.0
Pennsylvania											
Eastern	756	211	27.9	0	0.0	3	0.4	7	0.9	2	0.3
Middle	415	180	43.4	3	0.7	1	0.2	0	0.0	0	0.0
Western	485	181	37.3	2	0.4	1	0.2	11	2.3	0	0.0
Virgin Islands	58	27	46.6	0	0.0	0	0.0	2	3.4	0	0.0
<b>FOURTH CIRCUIT</b>	<b>5,916</b>	<b>3,149</b>	<b>53.2</b>	<b>33</b>	<b>0.6</b>	<b>23</b>	<b>0.4</b>	<b>79</b>	<b>1.3</b>	<b>8</b>	<b>0.1</b>
Maryland	790	241	30.5	6	0.8	3	0.4	20	2.5	3	0.4
North Carolina											
Eastern	632	323	51.1	4	0.6	11	1.7	5	0.8	0	0.0
Middle	493	328	66.5	3	0.6	3	0.6	6	1.2	1	0.2
Western	627	322	51.4	1	0.2	1	0.2	5	0.8	0	0.0
South Carolina	748	417	55.7	9	1.2	1	0.1	6	0.8	1	0.1
Virginia											
Eastern	1,600	1,030	64.4	9	0.6	3	0.2	20	1.3	2	0.1
Western	392	145	37.0	0	0.0	0	0.0	8	2.0	0	0.0
West Virginia											
Northern	340	186	54.7	1	0.3	1	0.3	4	1.2	0	0.0
Southern	294	157	53.4	0	0.0	0	0.0	5	1.7	1	0.3

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>9,370</b>	<b>12.8</b>	<b>6,477</b>	<b>8.9</b>	<b>5,997</b>	<b>8.2</b>	<b>1,751</b>	<b>2.4</b>	<b>777</b>	<b>1.1</b>	<b>12,708</b>	<b>17.4</b>	<b>479</b>	<b>0.7</b>
<b>D.C. CIRCUIT</b>	<b>82</b>	<b>24.5</b>	<b>5</b>	<b>1.5</b>	<b>50</b>	<b>14.9</b>	<b>17</b>	<b>5.1</b>	<b>18</b>	<b>5.4</b>	<b>50</b>	<b>14.9</b>	<b>4</b>	<b>1.2</b>
District of Columbia	82	24.5	5	1.5	50	14.9	17	5.1	18	5.4	50	14.9	4	1.2
<b>FIRST CIRCUIT</b>	<b>257</b>	<b>10.7</b>	<b>36</b>	<b>1.5</b>	<b>273</b>	<b>11.3</b>	<b>35</b>	<b>1.5</b>	<b>22</b>	<b>0.9</b>	<b>368</b>	<b>15.3</b>	<b>26</b>	<b>1.1</b>
Maine	49	25.0	0	0.0	5	2.6	2	1.0	4	2.0	61	31.1	2	1.0
Massachusetts	60	13.8	5	1.2	126	29.0	8	1.8	6	1.4	118	27.2	3	0.7
New Hampshire	13	8.7	1	0.7	25	16.8	6	4.0	1	0.7	36	24.2	0	0.0
Puerto Rico	120	8.2	30	2.1	79	5.4	19	1.3	11	0.8	93	6.4	21	1.4
Rhode Island	15	8.7	0	0.0	38	22.1	0	0.0	0	0.0	60	34.9	0	0.0
<b>SECOND CIRCUIT</b>	<b>829</b>	<b>20.1</b>	<b>118</b>	<b>2.9</b>	<b>218</b>	<b>5.3</b>	<b>118</b>	<b>2.9</b>	<b>85</b>	<b>2.1</b>	<b>1,418</b>	<b>34.4</b>	<b>24</b>	<b>0.6</b>
Connecticut	61	17.3	0	0.0	37	10.5	26	7.4	3	0.8	126	35.7	1	0.3
New York														
Eastern	204	21.6	93	9.9	78	8.3	22	2.3	39	4.1	243	25.8	5	0.5
Northern	97	24.0	4	1.0	6	1.5	4	1.0	3	0.7	88	21.7	1	0.2
Southern	284	17.0	21	1.3	43	2.6	48	2.9	31	1.9	753	45.1	15	0.9
Western	143	26.0	0	0.0	28	5.1	4	0.7	2	0.4	140	25.5	2	0.4
Vermont	40	19.5	0	0.0	26	12.7	14	6.8	7	3.4	68	33.2	0	0.0
<b>THIRD CIRCUIT</b>	<b>726</b>	<b>29.4</b>	<b>17</b>	<b>0.7</b>	<b>175</b>	<b>7.1</b>	<b>34</b>	<b>1.4</b>	<b>32</b>	<b>1.3</b>	<b>549</b>	<b>22.2</b>	<b>15</b>	<b>0.6</b>
Delaware	9	9.6	0	0.0	12	12.8	1	1.1	0	0.0	35	37.2	1	1.1
New Jersey	203	30.8	7	1.1	39	5.9	6	0.9	13	2.0	138	20.9	1	0.2
Pennsylvania														
Eastern	315	41.7	5	0.7	36	4.8	5	0.7	5	0.7	159	21.0	8	1.1
Middle	93	22.4	5	1.2	31	7.5	5	1.2	6	1.4	89	21.4	2	0.5
Western	93	19.2	0	0.0	50	10.3	17	3.5	8	1.6	120	24.7	2	0.4
Virgin Islands	13	22.4	0	0.0	7	12.1	0	0.0	0	0.0	8	13.8	1	1.7
<b>FOURTH CIRCUIT</b>	<b>984</b>	<b>16.6</b>	<b>12</b>	<b>0.2</b>	<b>427</b>	<b>7.2</b>	<b>78</b>	<b>1.3</b>	<b>63</b>	<b>1.1</b>	<b>1,027</b>	<b>17.4</b>	<b>33</b>	<b>0.6</b>
Maryland	226	28.6	2	0.3	132	16.7	7	0.9	15	1.9	133	16.8	2	0.3
North Carolina														
Eastern	187	29.6	0	0.0	9	1.4	5	0.8	7	1.1	75	11.9	6	0.9
Middle	59	12.0	0	0.0	1	0.2	3	0.6	0	0.0	88	17.8	1	0.2
Western	148	23.6	0	0.0	64	10.2	6	1.0	6	1.0	73	11.6	1	0.2
South Carolina	134	17.9	3	0.4	58	7.8	5	0.7	4	0.5	107	14.3	3	0.4
Virginia														
Eastern	64	4.0	3	0.2	43	2.7	50	3.1	24	1.5	335	20.9	17	1.1
Western	114	29.1	0	0.0	54	13.8	2	0.5	3	0.8	63	16.1	3	0.8
West Virginia														
Northern	25	7.4	3	0.9	47	13.8	0	0.0	1	0.3	72	21.2	0	0.0
Southern	27	9.2	1	0.3	19	6.5	0	0.0	3	1.0	81	27.6	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,178</b>	<b>9,886</b>	<b>61.1</b>	<b>86</b>	<b>0.5</b>	<b>35</b>	<b>0.2</b>	<b>225</b>	<b>1.4</b>	<b>7</b>	<b>0.0</b>
Louisiana											
Eastern	307	173	56.4	1	0.3	0	0.0	4	1.3	0	0.0
Middle	180	97	53.9	1	0.6	0	0.0	0	0.0	0	0.0
Western	265	165	62.3	4	1.5	1	0.4	5	1.9	0	0.0
Mississippi											
Northern	216	129	59.7	0	0.0	0	0.0	4	1.9	0	0.0
Southern	263	176	66.9	1	0.4	0	0.0	0	0.0	1	0.4
Texas											
Eastern	894	523	58.5	12	1.3	2	0.2	7	0.8	0	0.0
Northern	1,366	717	52.5	6	0.4	18	1.3	42	3.1	1	0.1
Southern	6,268	3,524	56.2	51	0.8	14	0.2	58	0.9	1	0.0
Western	6,419	4,382	68.3	10	0.2	0	0.0	105	1.6	4	0.1
<b>SIXTH CIRCUIT</b>	<b>5,155</b>	<b>2,147</b>	<b>41.6</b>	<b>21</b>	<b>0.4</b>	<b>11</b>	<b>0.2</b>	<b>52</b>	<b>1.0</b>	<b>2</b>	<b>0.0</b>
Kentucky											
Eastern	591	286	48.4	3	0.5	4	0.7	12	2.0	0	0.0
Western	289	130	45.0	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	933	390	41.8	2	0.2	0	0.0	8	0.9	0	0.0
Western	382	213	55.8	3	0.8	3	0.8	5	1.3	0	0.0
Ohio											
Northern	757	296	39.1	2	0.3	1	0.1	4	0.5	1	0.1
Southern	637	173	27.2	2	0.3	2	0.3	10	1.6	0	0.0
Tennessee											
Eastern	811	380	46.9	4	0.5	1	0.1	7	0.9	0	0.0
Middle	264	80	30.3	4	1.5	0	0.0	3	1.1	0	0.0
Western	491	199	40.5	1	0.2	0	0.0	3	0.6	1	0.2
<b>SEVENTH CIRCUIT</b>	<b>2,904</b>	<b>1,072</b>	<b>36.9</b>	<b>7</b>	<b>0.2</b>	<b>10</b>	<b>0.3</b>	<b>43</b>	<b>1.5</b>	<b>3</b>	<b>0.1</b>
Illinois											
Central	415	152	36.6	1	0.2	1	0.2	9	2.2	0	0.0
Northern	866	232	26.8	2	0.2	0	0.0	3	0.3	1	0.1
Southern	372	229	61.6	1	0.3	8	2.2	8	2.2	1	0.3
Indiana											
Northern	368	178	48.4	1	0.3	0	0.0	4	1.1	0	0.0
Southern	386	159	41.2	1	0.3	1	0.3	9	2.3	1	0.3
Wisconsin											
Eastern	347	72	20.7	0	0.0	0	0.0	9	2.6	0	0.0
Western	150	50	33.3	1	0.7	0	0.0	1	0.7	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,594</b>	<b>2,087</b>	<b>45.4</b>	<b>31</b>	<b>0.7</b>	<b>11</b>	<b>0.2</b>	<b>85</b>	<b>1.9</b>	<b>1</b>	<b>0.0</b>
Arkansas											
Eastern	354	165	46.6	3	0.8	1	0.3	8	2.3	1	0.3
Western	319	167	52.4	2	0.6	0	0.0	5	1.6	0	0.0
Iowa											
Northern	368	212	57.6	10	2.7	1	0.3	6	1.6	0	0.0
Southern	297	81	27.3	0	0.0	2	0.7	10	3.4	0	0.0
Minnesota	290	106	36.6	2	0.7	0	0.0	4	1.4	0	0.0
Missouri											
Eastern	697	298	42.8	0	0.0	3	0.4	15	2.2	0	0.0
Western	824	344	41.7	2	0.2	0	0.0	24	2.9	0	0.0
Nebraska	591	252	42.6	1	0.2	0	0.0	5	0.8	0	0.0
North Dakota	322	141	43.8	3	0.9	1	0.3	0	0.0	0	0.0
South Dakota	532	321	60.3	8	1.5	3	0.6	8	1.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>1,489</b>	<b>9.2</b>	<b>633</b>	<b>3.9</b>	<b>730</b>	<b>4.5</b>	<b>844</b>	<b>5.2</b>	<b>91</b>	<b>0.6</b>	<b>1,997</b>	<b>12.3</b>	<b>155</b>	<b>1.0</b>
Louisiana														
Eastern	43	14.0	0	0.0	6	2.0	8	2.6	4	1.3	67	21.8	1	0.3
Middle	35	19.4	8	4.4	1	0.6	0	0.0	0	0.0	37	20.6	1	0.6
Western	33	12.5	0	0.0	2	0.8	4	1.5	5	1.9	45	17.0	1	0.4
Mississippi														
Northern	41	19.0	0	0.0	6	2.8	1	0.5	0	0.0	34	15.7	1	0.5
Southern	35	13.3	0	0.0	4	1.5	2	0.8	2	0.8	37	14.1	5	1.9
Texas														
Eastern	100	11.2	6	0.7	162	18.1	4	0.4	5	0.6	70	7.8	3	0.3
Northern	254	18.6	6	0.4	66	4.8	18	1.3	5	0.4	230	16.8	3	0.2
Southern	472	7.5	476	7.6	288	4.6	631	10.1	26	0.4	719	11.5	8	0.1
Western	476	7.4	137	2.1	195	3.0	176	2.7	44	0.7	758	11.8	132	2.1
<b>SIXTH CIRCUIT</b>	<b>1,158</b>	<b>22.5</b>	<b>24</b>	<b>0.5</b>	<b>499</b>	<b>9.7</b>	<b>76</b>	<b>1.5</b>	<b>47</b>	<b>0.9</b>	<b>1,089</b>	<b>21.1</b>	<b>29</b>	<b>0.6</b>
Kentucky														
Eastern	80	13.5	0	0.0	46	7.8	3	0.5	1	0.2	154	26.1	2	0.3
Western	58	20.1	8	2.8	50	17.3	10	3.5	2	0.7	29	10.0	2	0.7
Michigan														
Eastern	184	19.7	2	0.2	59	6.3	12	1.3	8	0.9	267	28.6	1	0.1
Western	59	15.4	1	0.3	7	1.8	10	2.6	7	1.8	72	18.8	2	0.5
Ohio														
Northern	212	28.0	0	0.0	56	7.4	9	1.2	3	0.4	163	21.5	10	1.3
Southern	169	26.5	9	1.4	136	21.4	9	1.4	12	1.9	110	17.3	5	0.8
Tennessee														
Eastern	233	28.7	0	0.0	47	5.8	5	0.6	1	0.1	130	16.0	3	0.4
Middle	61	23.1	0	0.0	60	22.7	12	4.5	5	1.9	39	14.8	0	0.0
Western	102	20.8	4	0.8	38	7.7	6	1.2	8	1.6	125	25.5	4	0.8
<b>SEVENTH CIRCUIT</b>	<b>417</b>	<b>14.4</b>	<b>8</b>	<b>0.3</b>	<b>242</b>	<b>8.3</b>	<b>73</b>	<b>2.5</b>	<b>150</b>	<b>5.2</b>	<b>843</b>	<b>29.0</b>	<b>36</b>	<b>1.2</b>
Illinois														
Central	97	23.4	0	0.0	44	10.6	8	1.9	8	1.9	95	22.9	0	0.0
Northern	101	11.7	5	0.6	24	2.8	37	4.3	92	10.6	352	40.6	17	2.0
Southern	27	7.3	0	0.0	17	4.6	5	1.3	33	8.9	37	9.9	6	1.6
Indiana														
Northern	67	18.2	1	0.3	20	5.4	4	1.1	2	0.5	83	22.6	8	2.2
Southern	58	15.0	0	0.0	63	16.3	1	0.3	3	0.8	90	23.3	0	0.0
Wisconsin														
Eastern	62	17.9	0	0.0	62	17.9	3	0.9	3	0.9	131	37.8	5	1.4
Western	5	3.3	2	1.3	12	8.0	15	10.0	9	6.0	55	36.7	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>645</b>	<b>14.0</b>	<b>83</b>	<b>1.8</b>	<b>415</b>	<b>9.0</b>	<b>63</b>	<b>1.4</b>	<b>45</b>	<b>1.0</b>	<b>1,100</b>	<b>23.9</b>	<b>28</b>	<b>0.6</b>
Arkansas														
Eastern	42	11.9	0	0.0	19	5.4	7	2.0	6	1.7	96	27.1	6	1.7
Western	62	19.4	5	1.6	9	2.8	4	1.3	1	0.3	61	19.1	3	0.9
Iowa														
Northern	85	23.1	0	0.0	9	2.4	2	0.5	2	0.5	41	11.1	0	0.0
Southern	41	13.8	5	1.7	69	23.2	0	0.0	3	1.0	84	28.3	2	0.7
Minnesota	41	14.1	6	2.1	12	4.1	6	2.1	3	1.0	109	37.6	1	0.3
Missouri														
Eastern	57	8.2	0	0.0	115	16.5	1	0.1	5	0.7	200	28.7	3	0.4
Western	175	21.2	0	0.0	68	8.3	3	0.4	0	0.0	202	24.5	6	0.7
Nebraska	28	4.7	53	9.0	63	10.7	14	2.4	9	1.5	163	27.6	3	0.5
North Dakota	99	30.7	8	2.5	23	7.1	6	1.9	6	1.9	34	10.6	1	0.3
South Dakota	15	2.8	6	1.1	28	5.3	20	3.8	10	1.9	110	20.7	3	0.6

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>15,271</b>	<b>4,852</b>	<b>31.8</b>	<b>113</b>	<b>0.7</b>	<b>12</b>	<b>0.1</b>	<b>323</b>	<b>2.1</b>	<b>16</b>	<b>0.1</b>
Alaska	156	48	30.8	0	0.0	1	0.6	1	0.6	0	0.0
Arizona	5,382	2,054	38.2	89	1.7	4	0.1	222	4.1	10	0.2
California											
Central	1,221	288	23.6	4	0.3	2	0.2	9	0.7	1	0.1
Eastern	895	309	34.5	2	0.2	0	0.0	9	1.0	1	0.1
Northern	692	249	36.0	1	0.1	0	0.0	14	2.0	1	0.1
Southern	3,799	653	17.2	7	0.2	2	0.1	18	0.5	2	0.1
Guam	91	41	45.1	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	286	99	34.6	0	0.0	0	0.0	4	1.4	0	0.0
Idaho	307	118	38.4	0	0.0	0	0.0	2	0.7	0	0.0
Montana	309	167	54.0	3	1.0	0	0.0	6	1.9	0	0.0
Nevada	501	254	50.7	3	0.6	1	0.2	7	1.4	0	0.0
Northern Mariana Islands	14	9	64.3	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	568	195	34.3	0	0.0	0	0.0	9	1.6	1	0.2
Washington											
Eastern	388	174	44.8	2	0.5	1	0.3	20	5.2	0	0.0
Western	662	194	29.3	2	0.3	1	0.2	2	0.3	0	0.0
<b>TENTH CIRCUIT</b>	<b>6,981</b>	<b>3,605</b>	<b>51.6</b>	<b>19</b>	<b>0.3</b>	<b>1</b>	<b>0.0</b>	<b>45</b>	<b>0.6</b>	<b>1</b>	<b>0.0</b>
Colorado	526	159	30.2	0	0.0	0	0.0	9	1.7	0	0.0
Kansas	658	247	37.5	2	0.3	0	0.0	19	2.9	0	0.0
New Mexico	4,210	2,539	60.3	7	0.2	1	0.0	6	0.1	0	0.0
Oklahoma											
Eastern	89	51	57.3	0	0.0	0	0.0	1	1.1	0	0.0
Northern	250	94	37.6	0	0.0	0	0.0	1	0.4	0	0.0
Western	371	193	52.0	0	0.0	0	0.0	4	1.1	0	0.0
Utah	602	201	33.4	8	1.3	0	0.0	3	0.5	1	0.2
Wyoming	275	121	44.0	2	0.7	0	0.0	2	0.7	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>6,634</b>	<b>3,470</b>	<b>52.3</b>	<b>6</b>	<b>0.1</b>	<b>3</b>	<b>0.0</b>	<b>87</b>	<b>1.3</b>	<b>8</b>	<b>0.1</b>
Alabama											
Middle	223	97	43.5	0	0.0	0	0.0	3	1.3	1	0.4
Northern	428	252	58.9	1	0.2	0	0.0	9	2.1	1	0.2
Southern	393	209	53.2	0	0.0	0	0.0	2	0.5	0	0.0
Florida											
Middle	1,420	579	40.8	1	0.1	1	0.1	8	0.6	3	0.2
Northern	314	141	44.9	0	0.0	2	0.6	5	1.6	0	0.0
Southern	2,145	1,159	54.0	2	0.1	0	0.0	24	1.1	3	0.1
Georgia											
Middle	482	338	70.1	1	0.2	0	0.0	5	1.0	0	0.0
Northern	593	210	35.4	0	0.0	0	0.0	13	2.2	0	0.0
Southern	636	485	76.3	1	0.2	0	0.0	18	2.8	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>1,405</b>	<b>9.2</b>	<b>4,302</b>	<b>28.2</b>	<b>1,883</b>	<b>12.3</b>	<b>268</b>	<b>1.8</b>	<b>115</b>	<b>0.8</b>	<b>1,903</b>	<b>12.5</b>	<b>79</b>	<b>0.5</b>
Alaska	21	13.5	0	0.0	33	21.2	1	0.6	2	1.3	49	31.4	0	0.0
Arizona	214	4.0	1,778	33.0	451	8.4	35	0.7	11	0.2	506	9.4	8	0.1
California														
Central	198	16.2	163	13.3	207	17.0	35	2.9	44	3.6	241	19.7	29	2.4
Eastern	151	16.9	120	13.4	119	13.3	8	0.9	8	0.9	164	18.3	4	0.4
Northern	66	9.5	40	5.8	155	22.4	6	0.9	5	0.7	153	22.1	2	0.3
Southern	311	8.2	2,069	54.5	299	7.9	150	3.9	19	0.5	238	6.3	31	0.8
Guam	33	36.3	0	0.0	2	2.2	1	1.1	0	0.0	13	14.3	1	1.1
Hawaii	85	29.7	0	0.0	5	1.7	1	0.3	2	0.7	90	31.5	0	0.0
Idaho	87	28.3	11	3.6	19	6.2	10	3.3	5	1.6	55	17.9	0	0.0
Montana	48	15.5	0	0.0	30	9.7	2	0.6	2	0.6	51	16.5	0	0.0
Nevada	54	10.8	26	5.2	72	14.4	12	2.4	1	0.2	68	13.6	3	0.6
Northern Mariana Islands	3	21.4	0	0.0	1	7.1	1	7.1	0	0.0	0	0.0	0	0.0
Oregon	74	13.0	16	2.8	164	28.9	1	0.2	2	0.4	106	18.7	0	0.0
Washington														
Eastern	26	6.7	24	6.2	85	21.9	4	1.0	7	1.8	44	11.3	1	0.3
Western	34	5.1	55	8.3	241	36.4	1	0.2	7	1.1	125	18.9	0	0.0
<b>TENTH CIRCUIT</b>	<b>467</b>	<b>6.7</b>	<b>1,197</b>	<b>17.1</b>	<b>627</b>	<b>9.0</b>	<b>66</b>	<b>0.9</b>	<b>62</b>	<b>0.9</b>	<b>874</b>	<b>12.5</b>	<b>17</b>	<b>0.2</b>
Colorado	133	25.3	73	13.9	43	8.2	6	1.1	6	1.1	96	18.3	1	0.2
Kansas	129	19.6	9	1.4	163	24.8	8	1.2	3	0.5	77	11.7	1	0.2
New Mexico	71	1.7	966	22.9	249	5.9	33	0.8	43	1.0	288	6.8	7	0.2
Oklahoma														
Eastern	15	16.9	0	0.0	8	9.0	2	2.2	0	0.0	12	13.5	0	0.0
Northern	41	16.4	2	0.8	5	2.0	4	1.6	3	1.2	100	40.0	0	0.0
Western	30	8.1	0	0.0	2	0.5	0	0.0	0	0.0	140	37.7	2	0.5
Utah	25	4.2	134	22.3	110	18.3	8	1.3	3	0.5	104	17.3	5	0.8
Wyoming	23	8.4	13	4.7	47	17.1	5	1.8	4	1.5	57	20.7	1	0.4
<b>ELEVENTH CIRCUIT</b>	<b>911</b>	<b>13.7</b>	<b>42</b>	<b>0.6</b>	<b>458</b>	<b>6.9</b>	<b>79</b>	<b>1.2</b>	<b>47</b>	<b>0.7</b>	<b>1,490</b>	<b>22.5</b>	<b>33</b>	<b>0.5</b>
Alabama														
Middle	65	29.1	3	1.3	15	6.7	0	0.0	3	1.3	36	16.1	0	0.0
Northern	73	17.1	0	0.0	20	4.7	3	0.7	3	0.7	65	15.2	1	0.2
Southern	71	18.1	0	0.0	3	0.8	2	0.5	0	0.0	106	27.0	0	0.0
Florida														
Middle	271	19.1	20	1.4	46	3.2	22	1.5	17	1.2	441	31.1	11	0.8
Northern	69	22.0	1	0.3	5	1.6	17	5.4	4	1.3	69	22.0	1	0.3
Southern	186	8.7	11	0.5	146	6.8	21	1.0	18	0.8	561	26.2	14	0.7
Georgia														
Middle	52	10.8	6	1.2	13	2.7	2	0.4	0	0.0	64	13.3	1	0.2
Northern	60	10.1	0	0.0	181	30.5	10	1.7	1	0.2	115	19.4	3	0.5
Southern	64	10.1	1	0.2	29	4.6	2	0.3	1	0.2	33	5.2	2	0.3

<sup>1</sup> Of the 74,370 cases, 1,395 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Arizona (13.6%), Eastern North Carolina (8.4%), Middle Tennessee (8.0%), and Western Louisiana (6.7%). Descriptions of variables used in this table are provided in Appendix A.



Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>72,975</b>	<b>33,796</b>	<b>46.3</b>	<b>341</b>	<b>0.5</b>	<b>131</b>	<b>0.2</b>	<b>1,082</b>	<b>1.5</b>	<b>66</b>	<b>0.1</b>
Murder	73	42	57.5	3	4.1	0	0.0	2	2.7	0	0.0
Manslaughter	49	27	55.1	6	12.2	1	2.0	3	6.1	0	0.0
Kidnapping/Hostage Taking	48	15	31.3	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	536	291	54.3	10	1.9	2	0.4	12	2.2	2	0.4
Assault	732	402	54.9	10	1.4	3	0.4	36	4.9	0	0.0
Robbery	773	402	52.0	7	0.9	7	0.9	21	2.7	1	0.1
Arson	51	22	43.1	1	2.0	3	5.9	2	3.9	0	0.0
Drugs - Trafficking	21,097	5,794	27.5	56	0.3	21	0.1	86	0.4	9	0.0
Drugs - Communication Facility	342	130	38.0	0	0.0	0	0.0	5	1.5	0	0.0
Drugs - Simple Possession	1,376	1,148	83.4	6	0.4	1	0.1	194	14.1	7	0.5
Firearms	7,854	4,229	53.8	60	0.8	37	0.5	230	2.9	20	0.3
Burglary/B&E	37	22	59.5	1	2.7	0	0.0	1	2.7	0	0.0
Auto Theft	86	50	58.1	2	2.3	0	0.0	3	3.5	1	1.2
Larceny	1,326	815	61.5	2	0.2	3	0.2	9	0.7	1	0.1
Fraud	7,282	3,160	43.4	23	0.3	9	0.1	88	1.2	7	0.1
Embezzlement	323	190	58.8	0	0.0	0	0.0	2	0.6	0	0.0
Forgery/Counterfeiting	704	415	58.9	5	0.7	0	0.0	22	3.1	3	0.4
Bribery	227	71	31.3	0	0.0	0	0.0	1	0.4	0	0.0
Tax	646	199	30.8	0	0.0	0	0.0	4	0.6	1	0.2
Money Laundering	876	248	28.3	5	0.6	2	0.2	6	0.7	1	0.1
Racketeering/Extortion	854	364	42.6	6	0.7	2	0.2	21	2.5	0	0.0
Gambling/Lottery	116	53	45.7	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	55	18	32.7	2	3.6	0	0.0	1	1.8	0	0.0
Immigration	21,492	12,431	57.8	100	0.5	23	0.1	216	1.0	8	0.0
Child Pornography	1,902	594	31.2	14	0.7	4	0.2	32	1.7	0	0.0
Prison Offenses	430	302	70.2	1	0.2	2	0.5	12	2.8	1	0.2
Administration of Justice Offenses	1,221	687	56.3	12	1.0	8	0.7	26	2.1	3	0.2
Environmental/Wildlife	174	100	57.5	0	0.0	0	0.0	1	0.6	0	0.0
National Defense	104	37	35.6	1	1.0	0	0.0	1	1.0	0	0.0
Antitrust	19	3	15.8	0	0.0	0	0.0	2	10.5	0	0.0
Food & Drug	103	72	69.9	0	0.0	0	0.0	2	1.9	0	0.0
Other Miscellaneous Offenses	2,067	1,463	70.8	8	0.4	3	0.1	41	2.0	1	0.0

Table 3 (cont.)

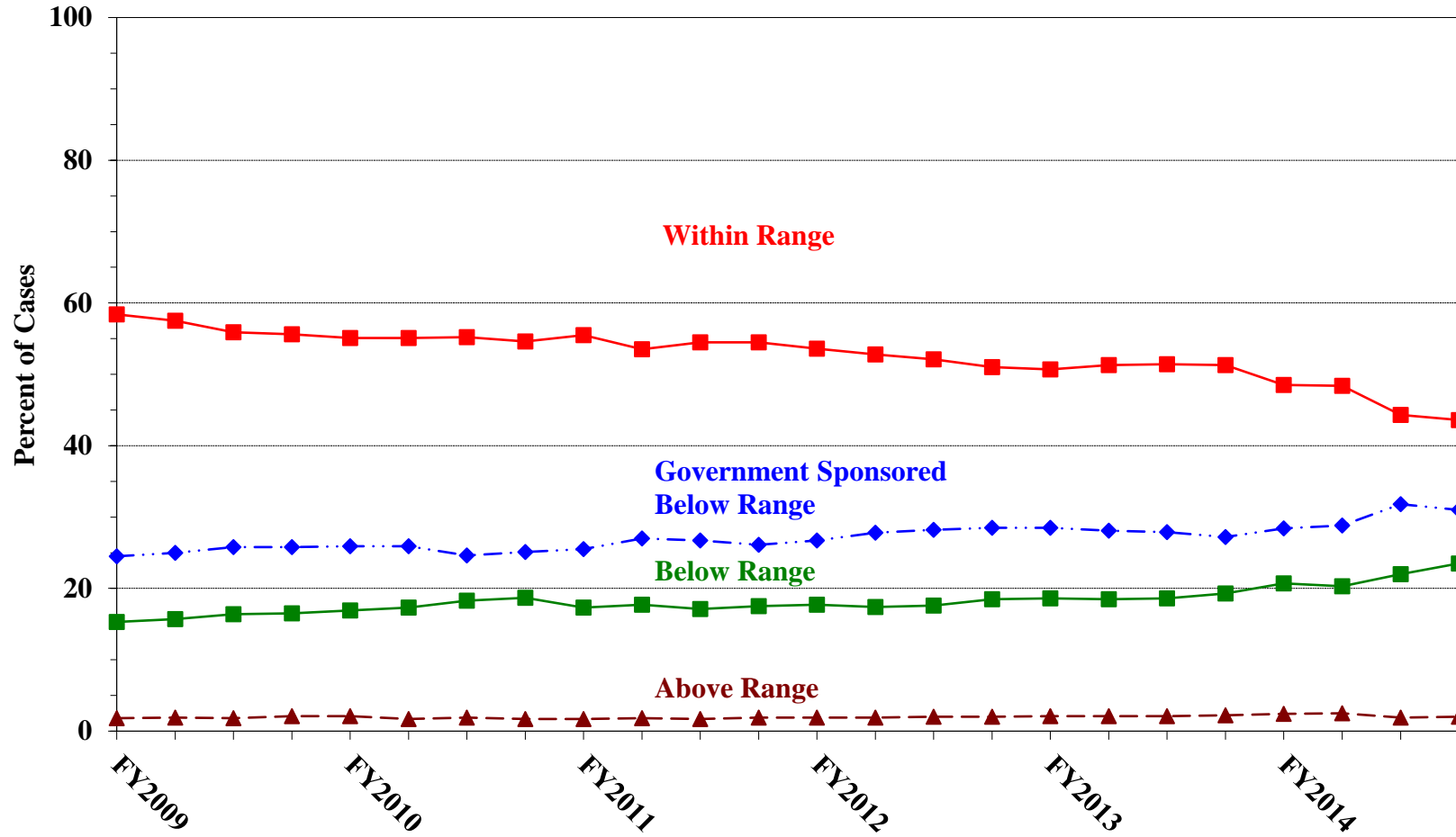
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
	<hr/>													
<b>TOTAL</b>	<b>9,370</b>	<b>12.8</b>	<b>6,477</b>	<b>8.9</b>	<b>5,997</b>	<b>8.2</b>	<b>1,751</b>	<b>2.4</b>	<b>777</b>	<b>1.1</b>	<b>12,708</b>	<b>17.4</b>	<b>479</b>	<b>0.7</b>
Murder	10	13.7	0	0.0	8	11.0	0	0.0	1	1.4	7	9.6	0	0.0
Manslaughter	0	0.0	0	0.0	5	10.2	2	4.1	1	2.0	4	8.2	0	0.0
Kidnapping/Hostage Taking	20	41.7	0	0.0	3	6.3	6	12.5	0	0.0	4	8.3	0	0.0
Sexual Abuse	30	5.6	0	0.0	98	18.3	4	0.7	7	1.3	77	14.4	3	0.6
Assault	8	1.1	7	1.0	123	16.8	23	3.1	8	1.1	106	14.5	6	0.8
Robbery	94	12.2	0	0.0	70	9.1	16	2.1	12	1.6	136	17.6	7	0.9
Arson	6	11.8	0	0.0	8	15.7	0	0.0	0	0.0	9	17.6	0	0.0
Drugs - Trafficking	5,532	26.2	1,426	6.8	2,954	14.0	336	1.6	315	1.5	4,492	21.3	76	0.4
Drugs - Communication Facility	50	14.6	2	0.6	42	12.3	4	1.2	3	0.9	104	30.4	2	0.6
Drugs - Simple Possession	2	0.1	2	0.1	4	0.3	2	0.1	1	0.1	8	0.6	1	0.1
Firearms	850	10.8	14	0.2	657	8.4	151	1.9	85	1.1	1,482	18.9	39	0.5
Burglary/B&E	5	13.5	0	0.0	0	0.0	1	2.7	0	0.0	6	16.2	1	2.7
Auto Theft	17	19.8	0	0.0	3	3.5	0	0.0	0	0.0	10	11.6	0	0.0
Larceny	82	6.2	4	0.3	87	6.6	25	1.9	15	1.1	260	19.6	23	1.7
Fraud	1,389	19.1	5	0.1	533	7.3	145	2.0	110	1.5	1,746	24.0	67	0.9
Embezzlement	16	5.0	0	0.0	19	5.9	6	1.9	2	0.6	86	26.6	2	0.6
Forgery/Counterfeiting	66	9.4	0	0.0	27	3.8	8	1.1	10	1.4	138	19.6	10	1.4
Bribery	54	23.8	2	0.9	15	6.6	5	2.2	6	2.6	70	30.8	3	1.3
Tax	85	13.2	0	0.0	74	11.5	18	2.8	12	1.9	244	37.8	9	1.4
Money Laundering	216	24.7	4	0.5	126	14.4	25	2.9	9	1.0	227	25.9	7	0.8
Racketeering/Extortion	188	22.0	0	0.0	87	10.2	13	1.5	13	1.5	157	18.4	3	0.4
Gambling/Lottery	8	6.9	0	0.0	20	17.2	1	0.9	1	0.9	31	26.7	2	1.7
Civil Rights	11	20.0	0	0.0	7	12.7	1	1.8	3	5.5	11	20.0	1	1.8
Immigration	294	1.4	5,000	23.3	365	1.7	853	4.0	98	0.5	1,930	9.0	174	0.8
Child Pornography	67	3.5	1	0.1	360	18.9	46	2.4	39	2.1	733	38.5	12	0.6
Prison Offenses	6	1.4	1	0.2	24	5.6	10	2.3	3	0.7	65	15.1	3	0.7
Administration of Justice Offenses	85	7.0	4	0.3	111	9.1	18	1.5	8	0.7	254	20.8	5	0.4
Environmental/Wildlife	18	10.3	1	0.6	23	13.2	2	1.1	1	0.6	24	13.8	4	2.3
National Defense	32	30.8	1	1.0	10	9.6	1	1.0	1	1.0	19	18.3	1	1.0
Antitrust	11	57.9	0	0.0	0	0.0	0	0.0	1	5.3	2	10.5	0	0.0
Food & Drug	6	5.8	0	0.0	4	3.9	1	1.0	0	0.0	18	17.5	0	0.0
Other Miscellaneous Offenses	112	5.4	3	0.1	130	6.3	28	1.4	12	0.6	248	12.0	18	0.9

<sup>1</sup> Of the 74,370 cases, 1,395 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.

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>

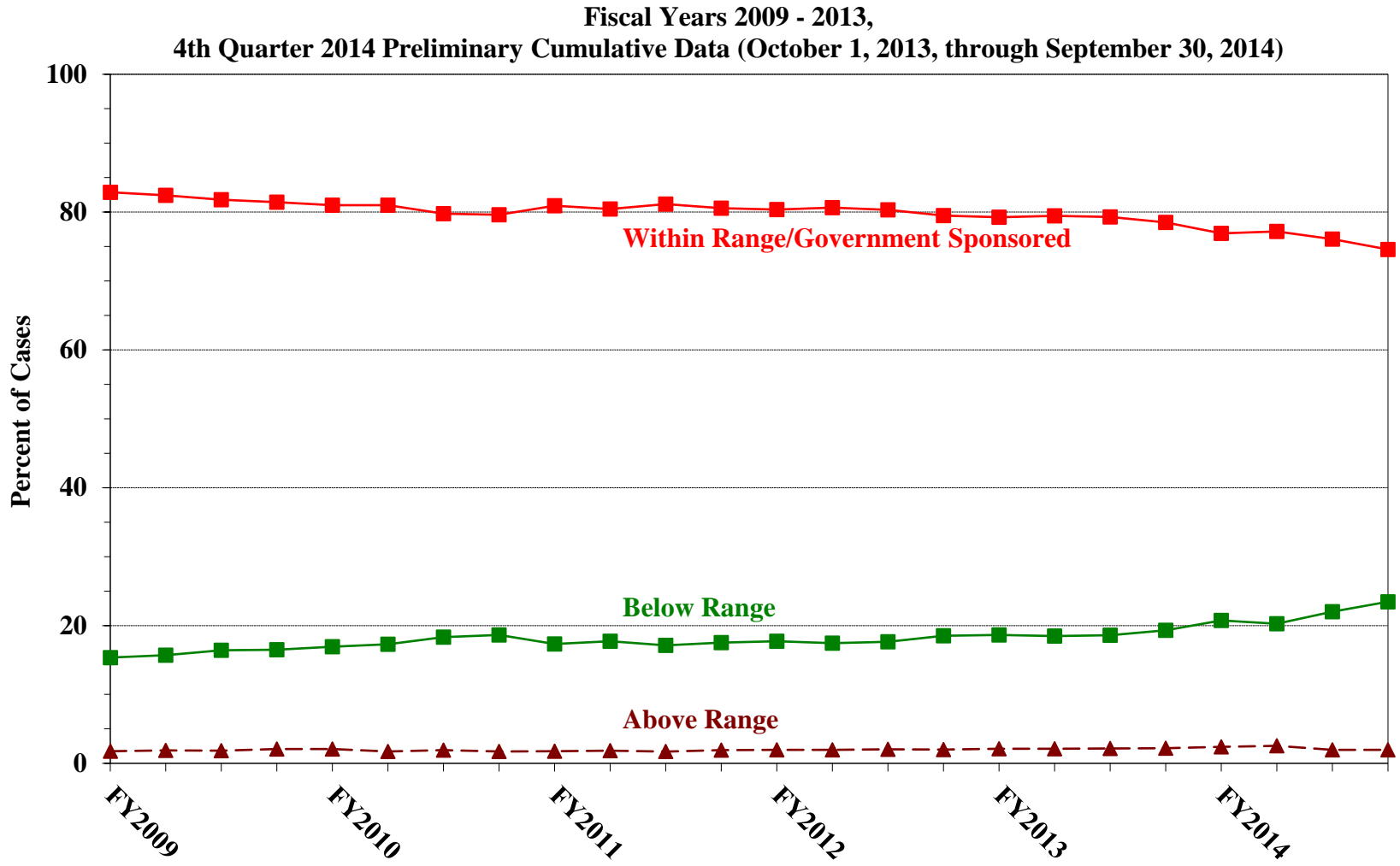
Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Figure B

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED  
AND OTHER OUT OF RANGE SENTENCES<sup>1</sup>**



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 4

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2009 - 2013,**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2009</b>				
1st Quarter	58.4	24.5	15.3	1.8
2nd Quarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
<b>FY2010</b>				
1st Quarter	55.1	25.9	16.9	2.1
2nd Quarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
<b>FY2011</b>				
1st Quarter	55.5	25.5	17.3	1.7
2nd Quarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
<b>FY2012</b>				
1st Quarter	53.6	26.7	17.7	1.9
2nd Quarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0
<b>FY2013</b>				
1st Quarter	50.7	28.5	18.6	2.1
2nd Quarter	51.3	28.1	18.5	2.1
3rd Quarter	51.4	27.9	18.6	2.1
4th Quarter	51.3	27.2	19.3	2.2
<b>FY2014</b>				
1st Quarter	48.5	28.4	20.7	2.4
2nd Quarter	48.4	28.8	20.3	2.5
3rd Quarter	44.3	31.8	22.0	1.9
4th Quarter	43.6	31.0	23.5	2.0

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.









Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	53	53	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	223	152	0	1	7	1	5	0	9	6	1	40	1
§2P1.2	135	99	1	0	3	0	0	0	12	1	0	18	1
§2P1.3	8	7	0	0	0	0	0	0	0	0	0	0	1
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	43	14	0	0	0	0	8	0	7	3	0	9	2
§2Q1.3	28	7	0	0	0	0	6	0	6	1	1	6	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	117	70	0	0	1	0	8	0	15	2	0	18	3
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	9	2	0	0	2	0	3	0	0	0	0	2	0
§2S1.1	1,196	274	4	3	14	1	360	5	194	29	16	291	5
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	275	120	3	0	4	0	30	1	40	9	3	61	4
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	556	167	1	0	4	1	76	0	59	14	12	217	5
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	168	57	1	0	0	0	30	0	18	5	5	51	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	41	8	0	0	0	0	3	0	3	1	1	24	1
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	6	6	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	32	7	0	0	0	0	19	0	0	1	0	4	1
§2T2.1	3	1	0	0	0	0	0	0	0	0	0	2	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	13	7	0	0	0	0	2	0	2	0	0	2	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	24	13	1	0	1	0	2	0	4	0	0	3	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	95	27	0	1	1	0	23	0	15	4	1	22	1
§2X4.1	392	206	8	0	9	0	45	1	45	7	2	68	1
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	221	208	2	0	2	0	0	0	2	1	0	4	2
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	1	0	0	0	0	0	0	1	0	0	0	0	0
§2X7.2	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>67,861</b>	<b>29,693</b>	<b>326</b>	<b>122</b>	<b>845</b>	<b>52</b>	<b>9,303</b>	<b>6,115</b>	<b>5,879</b>	<b>1,725</b>	<b>768</b>	<b>12,599</b>	<b>434</b>

<sup>1</sup> Of the 74,370 cases, 6,509 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (1,395) or missing guideline applied (6,491). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In 1,047 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 1,047 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 2,244 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,244 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Table 6

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>39,179</b>	<b>5,753</b>	<b>14.7</b>	<b>6,095</b>	<b>15.6</b>	<b>3,757</b>	<b>9.6</b>	<b>2,862</b>	<b>7.3</b>	<b>542</b>	<b>1.4</b>
<b>Above Range</b>	<b>1,620</b>	<b>10</b>	<b>0.6</b>	<b>10</b>	<b>0.6</b>	<b>289</b>	<b>17.8</b>	<b>139</b>	<b>8.6</b>	<b>2</b>	<b>0.1</b>
Upward Departure From Guideline Range	341	1	0.3	6	1.8	121	35.5	58	17.0	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	131	4	3.1	0	0.0	14	10.7	8	6.1	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,082	0	0.0	0	0.0	150	13.9	68	6.3	1	0.1
All Remaining Cases Above Guideline Range	66	5	7.6	4	6.1	4	6.1	5	7.6	0	0.0
<b>Government Sponsored Below Range</b>	<b>21,844</b>	<b>5,743</b>	<b>26.3</b>	<b>6,085</b>	<b>27.9</b>	<b>3,468</b>	<b>15.9</b>	<b>2,723</b>	<b>12.5</b>	<b>540</b>	<b>2.5</b>
§5K1.1 Substantial Assistance Departure	9,370	5,743	61.3	192	2.0	188	2.0	314	3.4	50	0.5
§5K3.1 Early Disposition Program Departure	6,477	0	0.0	5,893	91.0	1,267	19.6	677	10.5	70	1.1
Other Government Sponsored Below Range	5,997	0	0.0	0	0.0	2,013	33.6	1,732	28.9	420	7.0
<b>Non-Government Sponsored Below Range</b>	<b>15,715</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	1,751	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	777	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	12,708	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	479	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>3,429</b>	<b>8.8</b>	<b>146</b>	<b>0.4</b>	<b>3,232</b>	<b>8.2</b>	<b>6,733</b>	<b>17.2</b>	<b>4,991</b>	<b>12.7</b>	<b>6,352</b>	<b>16.2</b>	<b>4,057</b>	<b>10.4</b>
<b>Above Range</b>	<b>4</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>214</b>	<b>13.2</b>	<b>15</b>	<b>0.9</b>	<b>6</b>	<b>0.4</b>	<b>625</b>	<b>38.6</b>	<b>413</b>	<b>25.5</b>
Upward Departure From Guideline Range	1	0.3	0	0.0	48	14.1	4	1.2	0	0.0	106	31.1	34	10.0
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	41	31.3	2	1.5	3	2.3	80	61.1	9	6.9
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	123	11.4	9	0.8	3	0.3	432	39.9	322	29.8
All Remaining Cases Above Guideline Range	3	4.5	0	0.0	2	3.0	0	0.0	0	0.0	7	10.6	48	72.7
<b>Government Sponsored Below Range</b>	<b>3,425</b>	<b>15.7</b>	<b>146</b>	<b>0.7</b>	<b>3,018</b>	<b>13.8</b>	<b>1,975</b>	<b>9.0</b>	<b>1,049</b>	<b>4.8</b>	<b>1,260</b>	<b>5.8</b>	<b>490</b>	<b>2.2</b>
§5K1.1 Substantial Assistance Departure	3,425	36.6	10	0.1	776	8.3	958	10.2	386	4.1	733	7.8	146	1.6
§5K3.1 Early Disposition Program Departure	0	0.0	136	2.1	270	4.2	304	4.7	360	5.6	208	3.2	210	3.2
Other Government Sponsored Below Range	0	0.0	0	0.0	1,972	32.9	713	11.9	303	5.1	319	5.3	134	2.2
<b>Non-Government Sponsored Below Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>4,743</b>	<b>30.2</b>	<b>3,936</b>	<b>25.0</b>	<b>4,467</b>	<b>28.4</b>	<b>3,154</b>	<b>20.1</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	855	48.8	244	13.9	462	26.4	245	14.0
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	235	30.2	238	30.6	305	39.3	122	15.7
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	3,651	28.7	3,450	27.1	3,685	29.0	2,329	18.3
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	2	0.4	4	0.8	15	3.1	458	95.6

<sup>1</sup> Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 7,478 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>8,958</b>	<b>35</b>	<b>35</b>	<b>51.7</b>
<b>Murder</b>	7	156	204	56.7
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	16	84	93	61.5
<b>Sexual Abuse</b>	28	81	54	37.5
<b>Assault</b>	8	33	28	48.0
<b>Robbery</b>	92	42	23	40.9
<b>Arson</b>	6	33	29	51.2
<b>Drugs - Trafficking</b>	5,286	48	46	50.0
<b>Drugs - Communication Facility</b>	49	12	19	59.9
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	797	60	40	44.4
<b>Burglary/B&amp;E</b>	5	27	11	18.2
<b>Auto Theft</b>	17	15	18	58.8
<b>Larceny</b>	81	12	12	51.4
<b>Fraud</b>	1,344	8	21	75.0
<b>Embezzlement</b>	14	11	7	67.5
<b>Forgery/Counterfeiting</b>	64	5	8	60.4
<b>Bribery</b>	54	6	20	70.0
<b>Tax</b>	83	0	15	100.0
<b>Money Laundering</b>	213	12	25	73.8
<b>Racketeering/Extortion</b>	175	37	35	50.0
<b>Gambling/Lottery</b>	7	0	12	100.0
<b>Civil Rights</b>	10	30	36	62.5
<b>Immigration</b>	284	15	12	45.2
<b>Child Pornography</b>	66	97	74	42.2
<b>Prison Offenses</b>	6	11	6	30.6
<b>Administration of Justice Offenses</b>	84	0	12	100.0
<b>Environmental/Wildlife</b>	17	0	12	100.0
<b>National Defense</b>	31	24	22	47.8
<b>Antitrust</b>	3	12	15	55.4
<b>Food &amp; Drug</b>	6	0	15	100.0
<b>Other Miscellaneous Offenses</b>	104	12	18	68.5

<sup>1</sup> Of the 74,370 cases, 9,370 received a §5K1.1 substantial assistance departure. Of these, 9,054 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 91 cases were also excluded from this table. Of the remaining 8,963 cases, five were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but 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.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>5,956</b>	<b>13</b>	<b>8</b>	<b>40.0</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	7	17	3	25.0
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,315	24	22	50.0
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	14	34	11	34.2
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	0	10	100.0
Fraud	4	17	18	46.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	2	--	--	--
Tax	0	--	--	--
Money Laundering	4	27	19	41.7
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	4,595	12	7	38.1
Child Pornography	1	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	4	19	6	23.6
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	37	27	47.4

<sup>1</sup> Of the 74,370 cases, 6,477 received a §5K3.1 early disposition program departure. Of these, 5,957 cases had complete guideline application information. Of these, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but 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.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>5,733</b>	<b>40</b>	<b>21</b>	<b>36.8</b>
<b>Murder</b>	7	180	60	19.0
<b>Manslaughter</b>	5	24	18	35.1
<b>Kidnapping/Hostage Taking</b>	3	168	120	35.9
<b>Sexual Abuse</b>	88	120	43	33.3
<b>Assault</b>	108	18	13	48.3
<b>Robbery</b>	70	60	30	27.2
<b>Arson</b>	8	16	22	45.6
<b>Drugs - Trafficking</b>	2,859	60	24	33.3
<b>Drugs - Communication Facility</b>	39	24	24	50.0
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	634	60	18	29.4
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	3	72	4	5.1
<b>Larceny</b>	80	0	10	100.0
<b>Fraud</b>	504	12	13	56.4
<b>Embezzlement</b>	18	0	9	100.0
<b>Forgery/Counterfeiting</b>	26	13	6	34.8
<b>Bribery</b>	14	8	13	58.2
<b>Tax</b>	67	0	12	100.0
<b>Money Laundering</b>	121	17	23	61.1
<b>Racketeering/Extortion</b>	83	48	24	40.4
<b>Gambling/Lottery</b>	20	0	6	100.0
<b>Civil Rights</b>	6	6	16	81.8
<b>Immigration</b>	342	16	12	38.0
<b>Child Pornography</b>	349	72	55	41.7
<b>Prison Offenses</b>	21	6	6	50.0
<b>Administration of Justice Offenses</b>	109	3	15	84.1
<b>Environmental/Wildlife</b>	18	0	10	100.0
<b>National Defense</b>	10	16	20	59.6
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	4	4	10	59.5
<b>Other Miscellaneous Offenses</b>	116	3	12	83.3

<sup>1</sup> Of the 74,370 cases, 5,997 received an other government sponsored downward departure. Of these, 5,770 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 34 cases were also excluded from this table. Of the remaining 5,736 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but 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.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>1,690</b>	<b>24</b>	<b>13</b>	<b>35.1</b>
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	48	66	68.2
Assault	21	21	10	41.5
Robbery	16	32	13	21.8
Arson	0	--	--	--
Drugs - Trafficking	322	46	18	29.7
Drugs - Communication Facility	4	17	45	75.0
Drugs - Simple Possession	1	--	--	--
Firearms	146	39	12	22.1
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	25	0	10	100.0
Fraud	140	12	12	54.1
Embezzlement	6	6	12	81.7
Forgery/Counterfeiting	8	17	8	33.3
Bribery	5	0	10	100.0
Tax	18	8	11	50.0
Money Laundering	23	18	11	33.3
Racketeering/Extortion	13	40	16	35.1
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	836	21	12	35.2
Child Pornography	46	72	39	37.3
Prison Offenses	7	12	5	33.3
Administration of Justice Offenses	18	12	6	42.2
Environmental/Wildlife	2	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	23	0	10	100.0

<sup>1</sup> Of the 74,370 cases, 1,751 received a downward departure from the guideline range. Of these, 1,702 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 11 cases were also excluded from this table. Of the remaining 1,691 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but 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.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>738</b>	<b>30</b>	<b>21</b>	<b>42.9</b>
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	62	17	31.4
Assault	7	24	9	27.3
Robbery	12	40	29	36.4
Arson	0	--	--	--
Drugs - Trafficking	298	48	28	37.6
Drugs - Communication Facility	3	11	18	77.1
Drugs - Simple Possession	1	--	--	--
Firearms	78	39	18	34.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	14	0	6	100.0
Fraud	109	13	15	49.9
Embezzlement	1	--	--	--
Forgery/Counterfeiting	10	10	11	63.0
Bribery	6	0	11	100.0
Tax	12	0	18	100.0
Money Laundering	8	14	31	74.9
Racketeering/Extortion	13	36	31	36.8
Gambling/Lottery	1	--	--	--
Civil Rights	3	0	16	100.0
Immigration	93	18	16	47.8
Child Pornography	38	78	55	42.6
Prison Offenses	2	--	--	--
Administration of Justice Offenses	8	12	12	41.5
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	11	6	18	75.0

<sup>1</sup> Of the 74,370 cases, 777 received a downward departure from the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 740 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but 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.



**BELOW GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>12,287</b>	<b>27</b>	<b>15</b>	<b>35.7</b>
<b>Murder</b>	7	84	24	25.0
<b>Manslaughter</b>	4	9	29	76.9
<b>Kidnapping/Hostage Taking</b>	3	72	39	40.5
<b>Sexual Abuse</b>	70	48	30	40.0
<b>Assault</b>	97	12	11	45.5
<b>Robbery</b>	135	48	15	21.5
<b>Arson</b>	8	30	9	21.2
<b>Drugs - Trafficking</b>	4,336	46	19	29.8
<b>Drugs - Communication Facility</b>	101	15	18	59.9
<b>Drugs - Simple Possession</b>	5	0	2	100.0
<b>Firearms</b>	1,446	39	13	24.3
<b>Burglary/B&amp;E</b>	6	12	13	44.3
<b>Auto Theft</b>	10	27	20	52.5
<b>Larceny</b>	255	0	10	100.0
<b>Fraud</b>	1,698	12	12	51.4
<b>Embezzlement</b>	83	0	10	99.6
<b>Forgery/Counterfeiting</b>	133	4	10	75.0
<b>Bribery</b>	68	11	12	61.2
<b>Tax</b>	241	0	12	100.0
<b>Money Laundering</b>	217	12	19	60.0
<b>Racketeering/Extortion</b>	153	35	15	29.8
<b>Gambling/Lottery</b>	31	0	6	100.0
<b>Civil Rights</b>	10	14	15	60.5
<b>Immigration</b>	1,851	18	10	35.1
<b>Child Pornography</b>	724	73	51	40.1
<b>Prison Offenses</b>	59	7	6	41.7
<b>Administration of Justice Offenses</b>	245	8	10	55.4
<b>Environmental/Wildlife</b>	24	2	9	86.3
<b>National Defense</b>	18	34	16	34.1
<b>Antitrust</b>	2	--	--	--
<b>Food &amp; Drug</b>	17	0	18	100.0
<b>Other Miscellaneous Offenses</b>	230	3	12	78.0

<sup>1</sup> Of the 74,370 cases, 12,708 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 12,348 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 49 cases were also excluded from this table. Of the remaining 12,299 cases, 12 were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but 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.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>405</b>	<b>3</b>	<b>6</b>	<b>69.1</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	130	13	6.9
Assault	5	0	6	100.0
Robbery	6	54	7	10.1
Arson	0	--	--	--
Drugs - Trafficking	56	48	14	22.8
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	34	49	13	27.1
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	19	0	6	100.0
Fraud	61	5	8	60.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	10	8	6	42.5
Bribery	3	0	8	100.0
Tax	8	3	12	75.0
Money Laundering	7	0	6	100.0
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	2	--	--	--
Civil Rights	1	--	--	--
Immigration	143	0	2	100.0
Child Pornography	12	108	76	45.0
Prison Offenses	3	0	12	100.0
Administration of Justice Offenses	5	10	6	44.4
Environmental/Wildlife	4	0	6	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	15	0	6	100.0

<sup>1</sup> Of the 74,370 cases, 479 were otherwise sentenced below the guideline range. Of these, 407 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but 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.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>315</b>	<b>48</b>	<b>12</b>	<b>33.3</b>
Murder	3	384	122	46.6
Manslaughter	6	84	38	82.4
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	10	126	22	31.5
Assault	10	82	23	50.1
Robbery	7	96	25	34.3
Arson	1	--	--	--
Drugs - Trafficking	51	48	13	24.3
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	4	42	36	400.0
Firearms	48	116	20	24.2
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	2	--	--	--
Fraud	21	48	13	47.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	5	60	16	46.3
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	5	33	10	33.3
Racketeering/Extortion	6	128	20	12.2
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	96	25	6	31.3
Child Pornography	13	132	31	19.2
Prison Offenses	1	--	--	--
Administration of Justice Offenses	12	36	7	31.0
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	38	5	42.5

<sup>1</sup> Of the 74,370 cases, 341 received an upward departure from the guideline range. Of these, 318 cases had complete guideline application information. 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through September 30, 2014).

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>116</b>	<b>60</b>	<b>18</b>	<b>49.4</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	3	36	14	30.4
Robbery	7	180	59	48.8
Arson	2	--	--	--
Drugs - Trafficking	20	80	15	50.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	30	78	22	38.5
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	48	14	71.4
Fraud	9	46	9	41.9
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	21	30	10	71.4
Child Pornography	3	144	24	19.2
Prison Offenses	2	--	--	--
Administration of Justice Offenses	8	44	17	66.7
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

<sup>1</sup> Of the 74,370 cases, 131 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 119 cases had complete guideline application information. 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.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>819</b>	<b>60</b>	<b>14</b>	<b>42.9</b>
Murder	2	--	--	--
Manslaughter	3	96	42	53.8
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	12	214	32	27.2
Assault	32	69	21	51.4
Robbery	21	115	19	19.8
Arson	2	--	--	--
Drugs - Trafficking	81	90	21	37.9
Drugs - Communication Facility	4	48	11	32.6
Drugs - Simple Possession	1	--	--	--
Firearms	189	86	19	30.4
Burglary/B&E	1	--	--	--
Auto Theft	3	108	30	59.6
Larceny	8	24	8	38.8
Fraud	84	60	14	46.3
Embezzlement	2	--	--	--
Forgery/Counterfeiting	19	36	12	50.4
Bribery	1	--	--	--
Tax	4	37	7	30.0
Money Laundering	6	53	15	50.0
Racketeering/Extortion	19	120	14	27.7
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	208	24	8	50.0
Child Pornography	31	180	43	27.7
Prison Offenses	12	42	15	55.4
Administration of Justice Offenses	26	36	15	50.0
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	2	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	41	60	19	50.0

<sup>1</sup> Of the 74,370 cases, 1,082 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 829 cases had complete guideline application information. Furthermore, ten 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.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>34</b>	<b>69</b>	<b>15</b>	<b>35.2</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	0	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	8	54	12	33.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	11	84	18	27.3
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	0	--	--	--
Fraud	3	82	18	60.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	4	23	4	33.9
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

<sup>1</sup> Of the 74,370 cases, 66 were otherwise sentenced above the guideline range. Of these, 46 cases had complete guideline application information. Furthermore, 12 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, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through September 30, 2014).

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>73,735</b>	<b>66,369</b>	<b>90.0</b>	<b>64,175</b>	<b>87.0</b>	<b>2,194</b>	<b>3.0</b>	<b>7,366</b>	<b>10.0</b>	<b>2,072</b>	<b>2.8</b>	<b>5,294</b>	<b>7.2</b>
Murder	73	73	100.0	72	98.6	1	1.4	0	0.0	0	0.0	0	0.0
Manslaughter	49	48	98.0	44	89.8	4	8.2	1	2.0	0	0.0	1	2.0
Kidnapping/Hostage Taking	47	47	100.0	44	93.6	3	6.4	0	0.0	0	0.0	0	0.0
Sexual Abuse	536	530	98.9	508	94.8	22	4.1	6	1.1	3	0.6	3	0.6
Assault	757	655	86.5	611	80.7	44	5.8	102	13.5	26	3.4	76	10.0
Robbery	777	762	98.1	741	95.4	21	2.7	15	1.9	8	1.0	7	0.9
Arson	52	49	94.2	48	92.3	1	1.9	3	5.8	1	1.9	2	3.8
Drugs - Trafficking	21,101	20,201	95.7	19,533	92.6	668	3.2	900	4.3	319	1.5	581	2.8
Drugs - Communication Facility	343	282	82.2	273	79.6	9	2.6	61	17.8	22	6.4	39	11.4
Drugs - Simple Possession	2,091	1,887	90.2	1,880	89.9	7	0.3	204	9.8	8	0.4	196	9.4
Firearms	7,856	7,464	95.0	7,263	92.5	201	2.6	392	5.0	151	1.9	241	3.1
Burglary/B&E	37	36	97.3	34	91.9	2	5.4	1	2.7	0	0.0	1	2.7
Auto Theft	86	81	94.2	80	93.0	1	1.2	5	5.8	4	4.7	1	1.2
Larceny	1,309	605	46.2	511	39.0	94	7.2	704	53.8	168	12.8	536	40.9
Fraud	7,456	5,786	77.6	5,336	71.6	450	6.0	1,670	22.4	621	8.3	1,049	14.1
Embezzlement	322	169	52.5	135	41.9	34	10.6	153	47.5	39	12.1	114	35.4
Forgery/Counterfeiting	704	563	80.0	502	71.3	61	8.7	141	20.0	56	8.0	85	12.1
Bribery	229	163	71.2	146	63.8	17	7.4	66	28.8	30	13.1	36	15.7
Tax	637	367	57.6	316	49.6	51	8.0	270	42.4	110	17.3	160	25.1
Money Laundering	876	662	75.6	608	69.4	54	6.2	214	24.4	62	7.1	152	17.4
Racketeering/Extortion	855	813	95.1	788	92.2	25	2.9	42	4.9	12	1.4	30	3.5
Gambling/Lottery	115	38	33.0	27	23.5	11	9.6	77	67.0	29	25.2	48	41.7
Civil Rights	56	41	73.2	40	71.4	1	1.8	15	26.8	8	14.3	7	12.5
Immigration	21,631	20,719	95.8	20,537	94.9	182	0.8	912	4.2	139	0.6	773	3.6
Child Pornography	1,904	1,893	99.4	1,850	97.2	43	2.3	11	0.6	4	0.2	7	0.4
Prison Offenses	440	418	95.0	393	89.3	25	5.7	22	5.0	2	0.5	20	4.5
Administration of Justice Offenses	1,224	934	76.3	865	70.7	69	5.6	290	23.7	76	6.2	214	17.5
Environmental/Wildlife	181	51	28.2	37	20.4	14	7.7	130	71.8	10	5.5	120	66.3
National Defense	104	94	90.4	94	90.4	0	0.0	10	9.6	2	1.9	8	7.7
Antitrust	19	17	89.5	17	89.5	0	0.0	2	10.5	2	10.5	0	0.0
Food & Drug	104	23	22.1	20	19.2	3	2.9	81	77.9	16	15.4	65	62.5
Other Miscellaneous Offenses	1,764	898	50.9	822	46.6	76	4.3	866	49.1	144	8.2	722	40.9

<sup>1</sup> Of the 74,370 cases, 635 were excluded due to one or both of the following reasons: the offender received neither imprisonment nor probation (634), or missing sentencing information (1). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

**SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	Mean Months	Median Months	N
<b>TOTAL</b>	<b>45</b>	<b>24</b>	<b>74,370</b>
Murder	268	240	73
Manslaughter	54	37	49
Kidnapping/Hostage Taking	197	167	48
Sexual Abuse	129	120	536
Assault	32	18	763
Robbery	78	60	777
Arson	61	49	52
Drugs - Trafficking	68	51	21,106
Drugs - Communication Facility	31	24	343
Drugs - Simple Possession	5	6	2,111
Firearms	82	57	7,863
Burglary/B&E	30	21	37
Auto Theft	61	42	86
Larceny	10	2	1,383
Fraud	26	14	7,482
Embezzlement	10	6	327
Forgery/Counterfeiting	18	12	707
Bribery	21	12	230
Tax	13	9	647
Money Laundering	30	18	876
Racketeering/Extortion	88	57	856
Gambling/Lottery	5	3	116
Civil Rights	37	18	56
Immigration	15	10	21,643
Child Pornography	135	97	1,904
Prison Offenses	15	12	441
Administration of Justice Offenses	18	12	1,231
Environmental/Wildlife	4	0	194
National Defense	45	35	104
Antitrust	22	16	19
Food & Drug	8	0	109
Other Miscellaneous Offenses	18	0	2,201

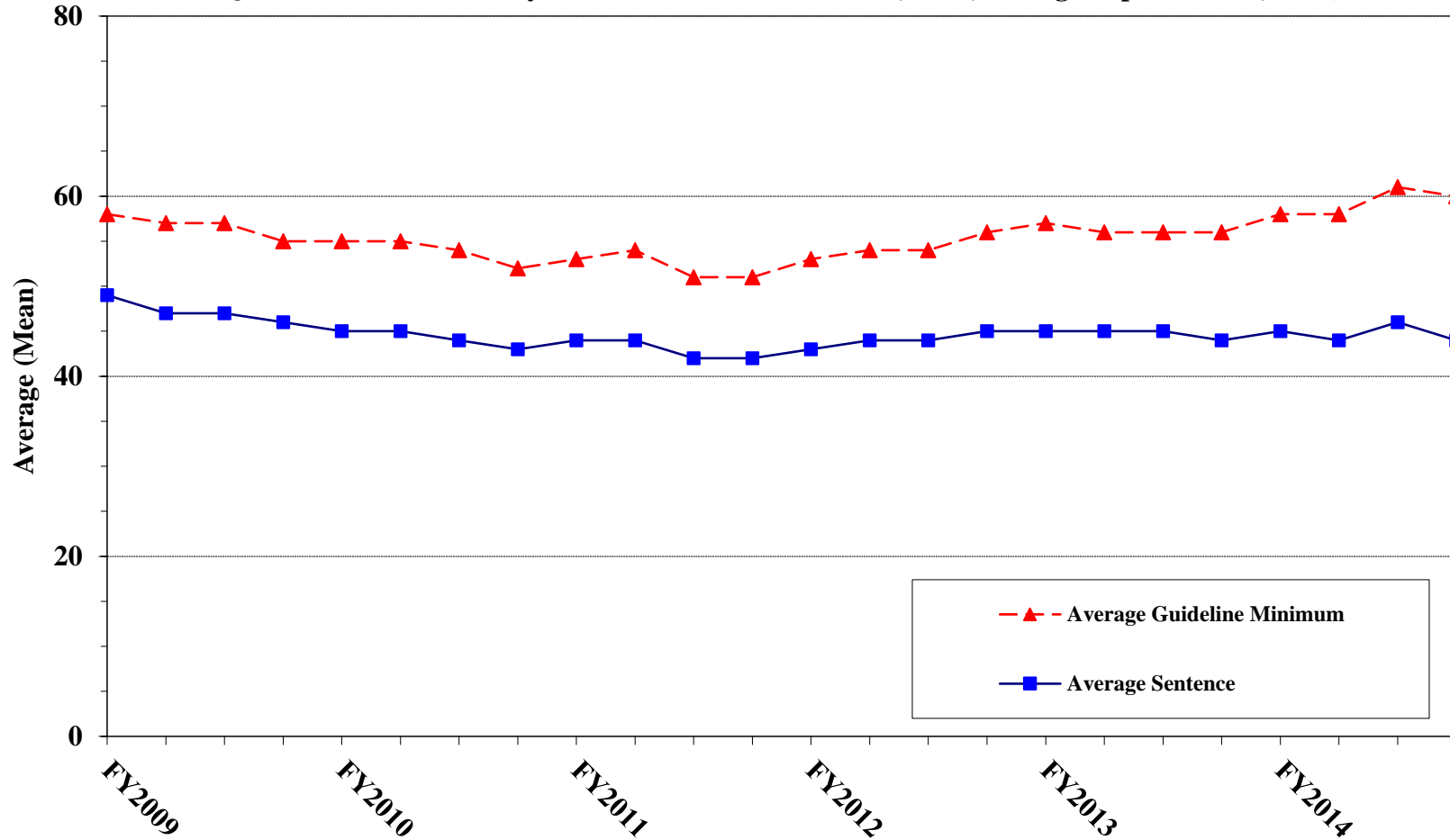
<sup>1</sup> Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.



Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR ALL CASES<sup>1</sup>**

**Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

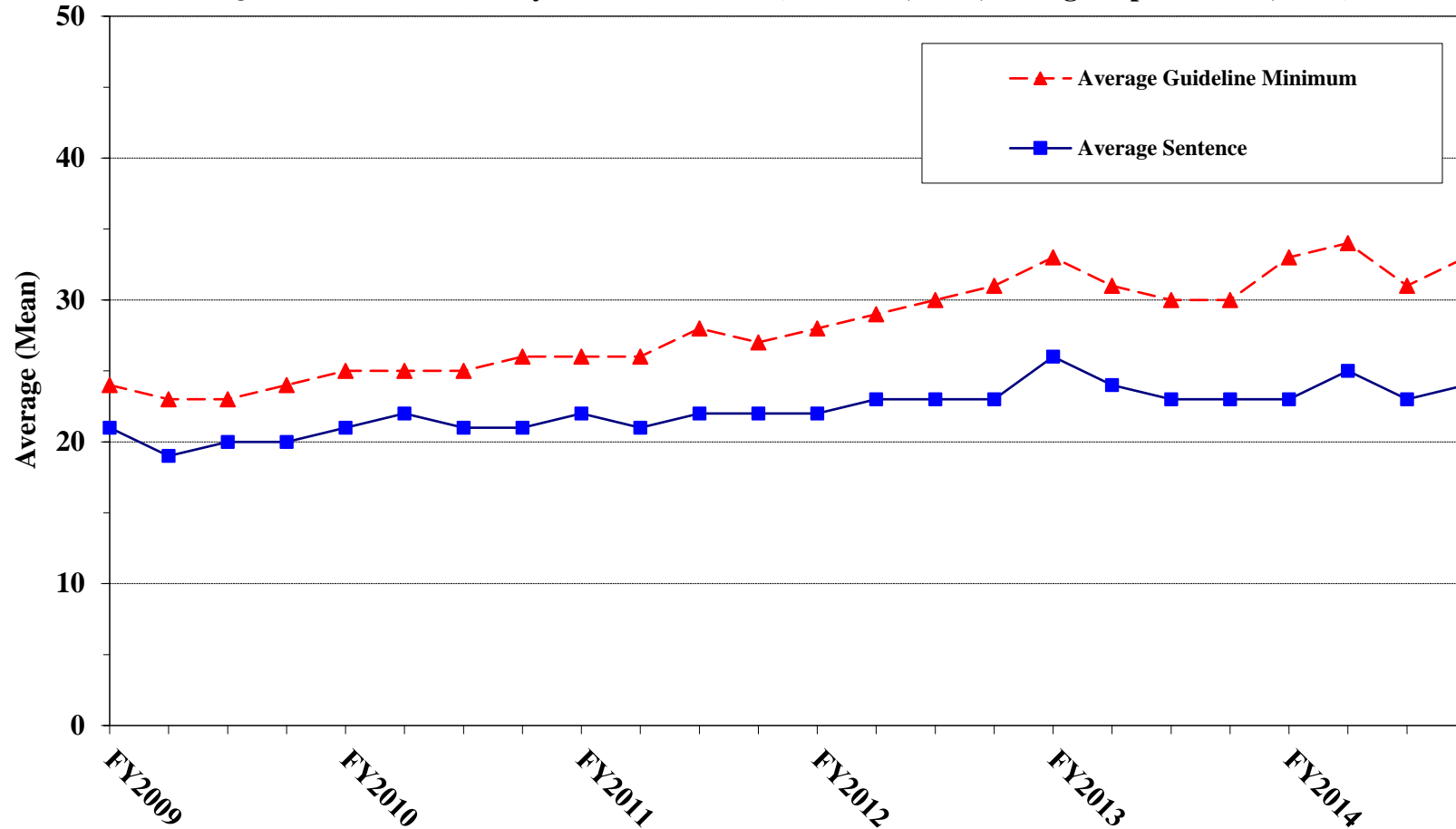


<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure D

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY  
DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>**

**Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

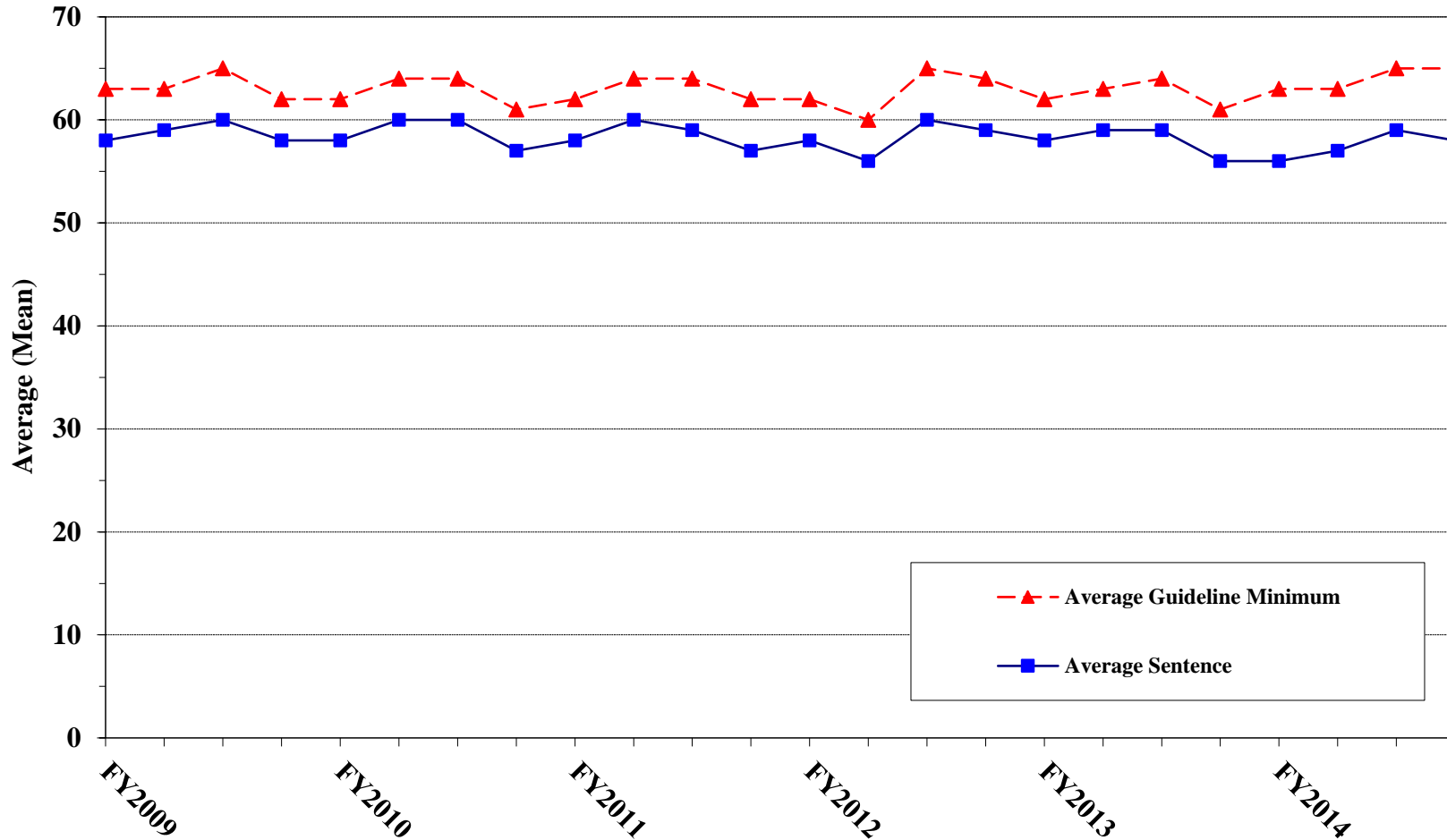


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

**Figure E**

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>**

**Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

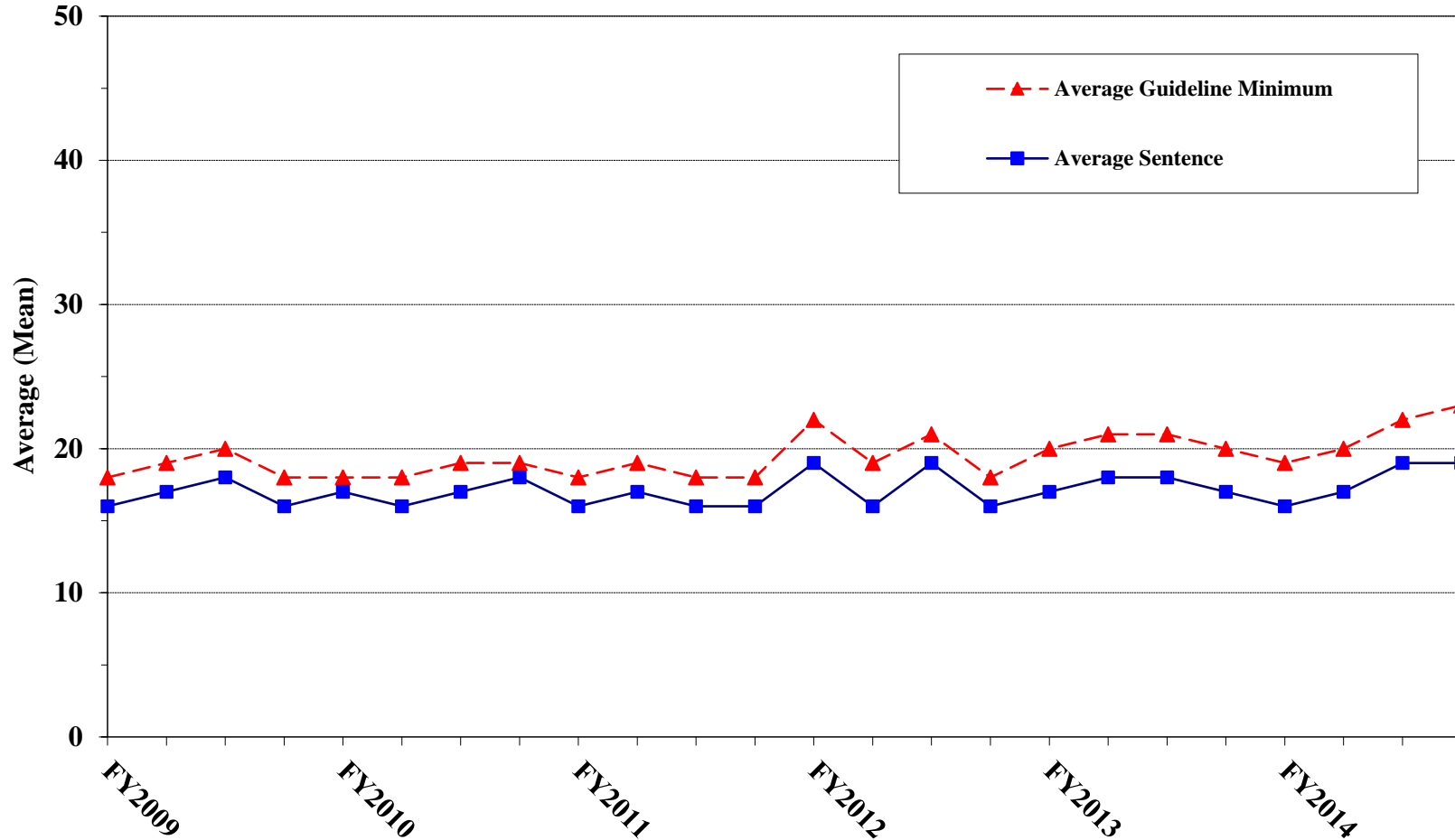


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>**

**Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

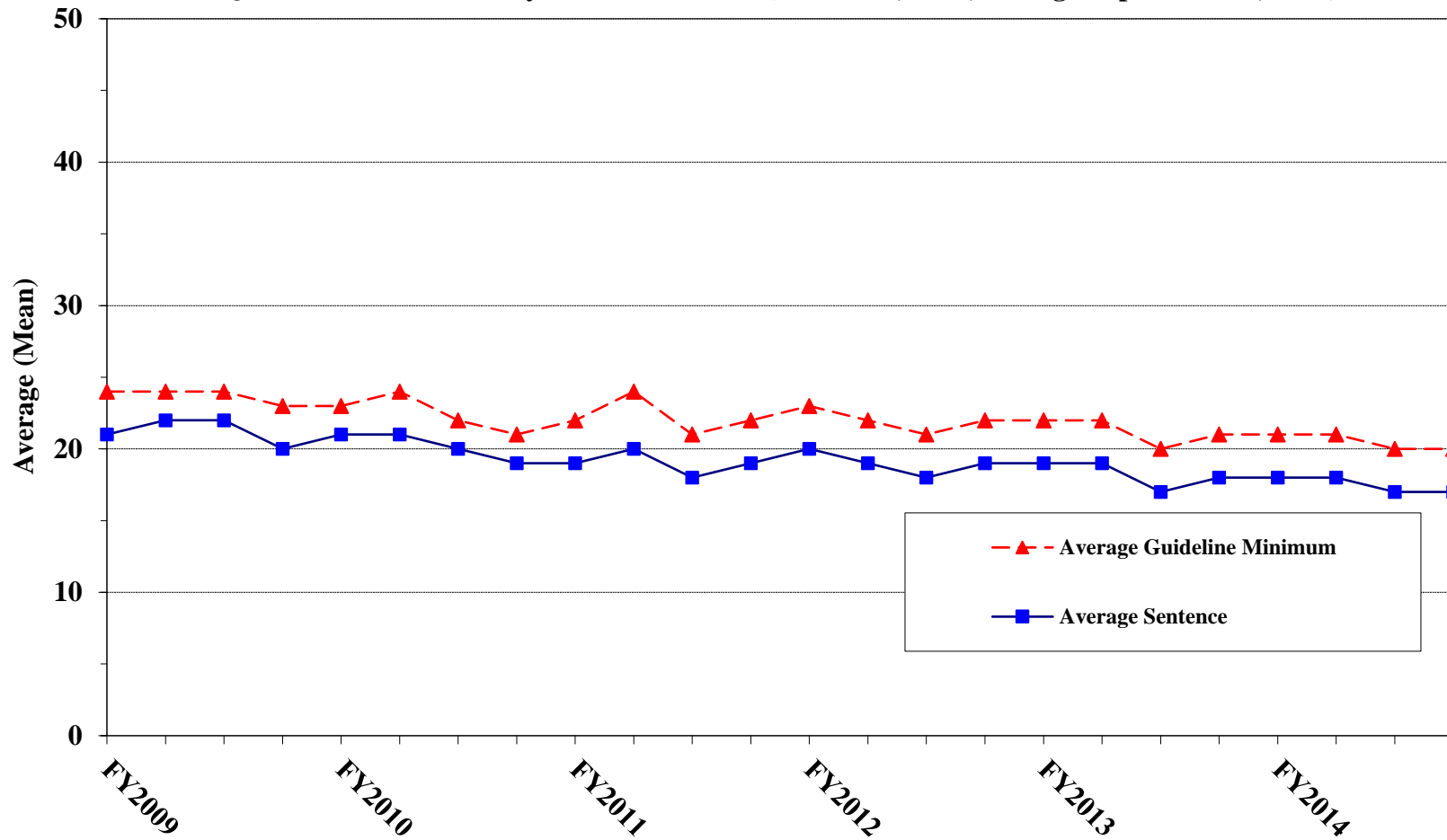


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

**Figure G**

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>**

**Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

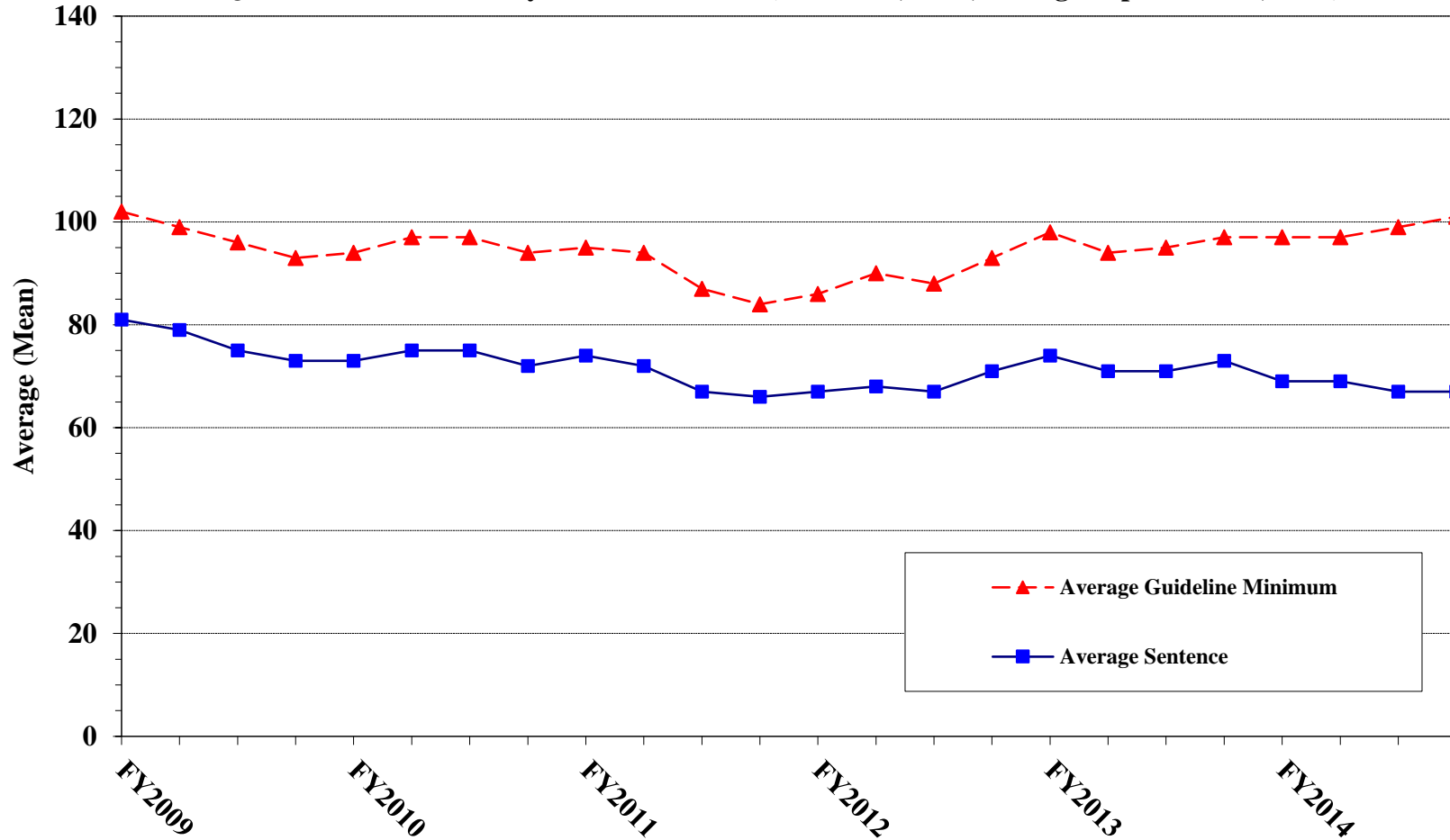


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

**Figure H**

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>**

**Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

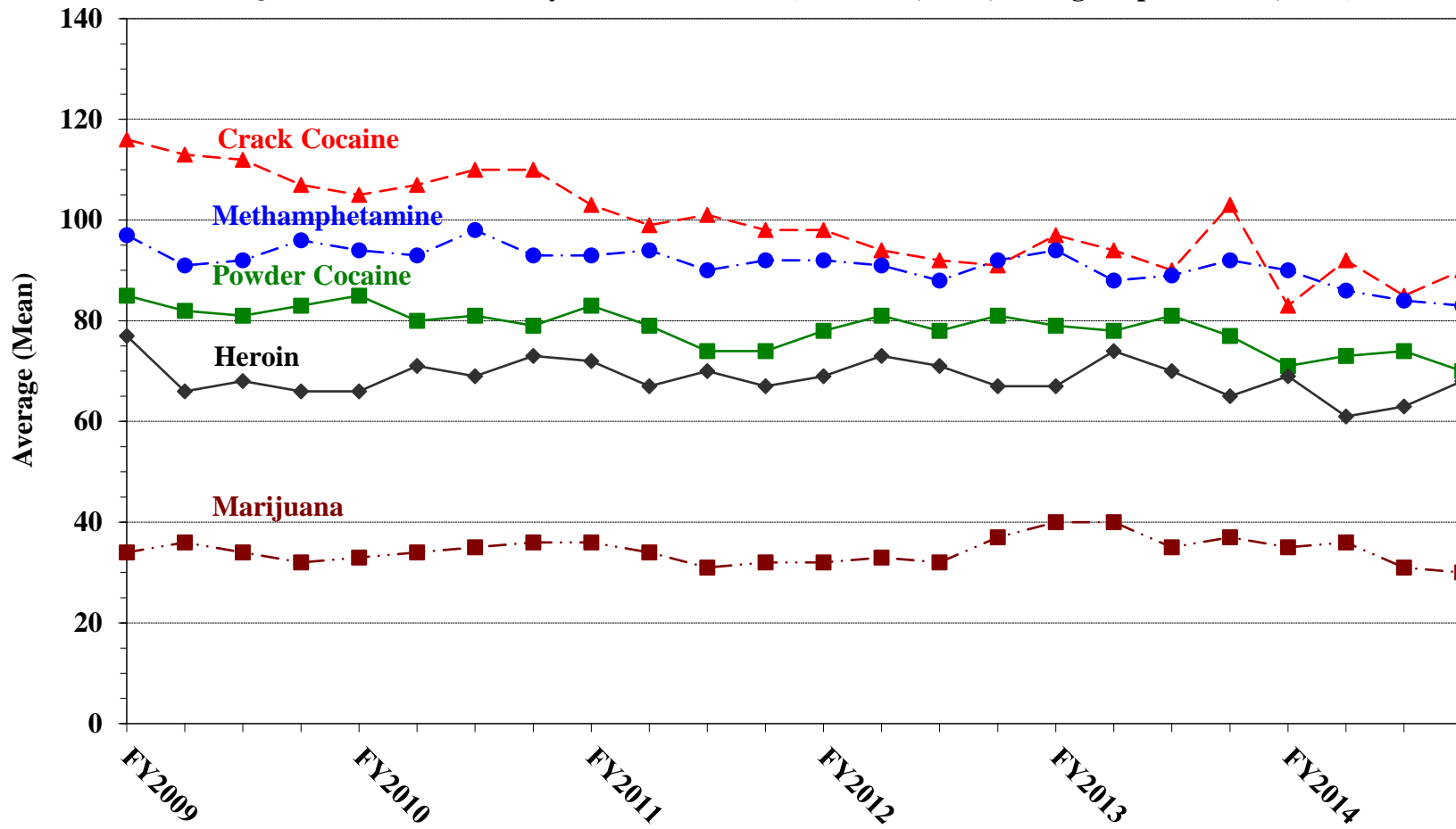


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE<sup>1</sup>

Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)



<sup>1</sup> Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Table 20

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>27,608</b>	<b>13,761</b>	<b>49.8</b>	<b>6,119</b>	<b>22.2</b>	<b>2,402</b>	<b>8.7</b>	<b>2,187</b>	<b>7.9</b>	<b>3,139</b>	<b>11.4</b>
Murder	23	5	21.7	7	30.4	1	4.3	2	8.7	8	34.8
Manslaughter	27	12	44.4	2	7.4	6	22.2	2	7.4	5	18.5
Kidnapping/Hostage Taking	10	6	60.0	3	30.0	0	0.0	1	10.0	0	0.0
Sexual Abuse	208	90	43.3	40	19.2	26	12.5	17	8.2	35	16.8
Assault	323	143	44.3	50	15.5	30	9.3	36	11.1	64	19.8
Robbery	374	177	47.3	59	15.8	27	7.2	46	12.3	65	17.4
Arson	13	8	61.5	2	15.4	1	7.7	0	0.0	2	15.4
Drugs - Trafficking	5,202	3,588	69.0	705	13.6	295	5.7	260	5.0	354	6.8
Drugs - Communication Facility	55	30	54.5	4	7.3	3	5.5	6	10.9	12	21.8
Drugs - Simple Possession	132	89	67.4	15	11.4	10	7.6	7	5.3	11	8.3
Firearms	3,668	1,960	53.4	521	14.2	375	10.2	258	7.0	554	15.1
Burglary/B&E	22	9	40.9	2	9.1	3	13.6	2	9.1	6	27.3
Auto Theft	46	14	30.4	10	21.7	4	8.7	5	10.9	13	28.3
Larceny	653	442	67.7	74	11.3	33	5.1	33	5.1	71	10.9
Fraud	2,742	1,542	56.2	415	15.1	218	8.0	222	8.1	345	12.6
Embezzlement	174	132	75.9	20	11.5	7	4.0	7	4.0	8	4.6
Forgery/Counterfeiting	398	198	49.7	56	14.1	40	10.1	33	8.3	71	17.8
Bribery	66	42	63.6	12	18.2	2	3.0	2	3.0	8	12.1
Tax	182	130	71.4	19	10.4	14	7.7	3	1.6	16	8.8
Money Laundering	222	147	66.2	32	14.4	15	6.8	12	5.4	16	7.2
Racketeering/Extortion	267	124	46.4	47	17.6	26	9.7	33	12.4	37	13.9
Gambling/Lottery	50	35	70.0	2	4.0	5	10.0	2	4.0	6	12.0
Civil Rights	14	7	50.0	4	28.6	0	0.0	2	14.3	1	7.1
Immigration	10,597	3,551	33.5	3,699	34.9	1,123	10.6	1,057	10.0	1,167	11.0
Child Pornography	446	267	59.9	76	17.0	20	4.5	34	7.6	49	11.0
Prison Offenses	257	117	45.5	54	21.0	23	8.9	23	8.9	40	15.6
Administration of Justice Offenses	615	341	55.4	76	12.4	56	9.1	36	5.9	106	17.2
Environmental/Wildlife	77	69	89.6	5	6.5	2	2.6	0	0.0	1	1.3
National Defense	34	20	58.8	5	14.7	0	0.0	4	11.8	5	14.7
Antitrust	2	1	50.0	0	0.0	0	0.0	0	0.0	1	50.0
Food & Drug	57	48	84.2	5	8.8	2	3.5	0	0.0	2	3.5
Other Miscellaneous Offenses	652	417	64.0	98	15.0	35	5.4	42	6.4	60	9.2

<sup>1</sup> Of the 74,370 cases, 33,796 were sentenced within the applicable guideline range. Of those, 29,252 cases had complete guideline application information. An additional 1,644 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

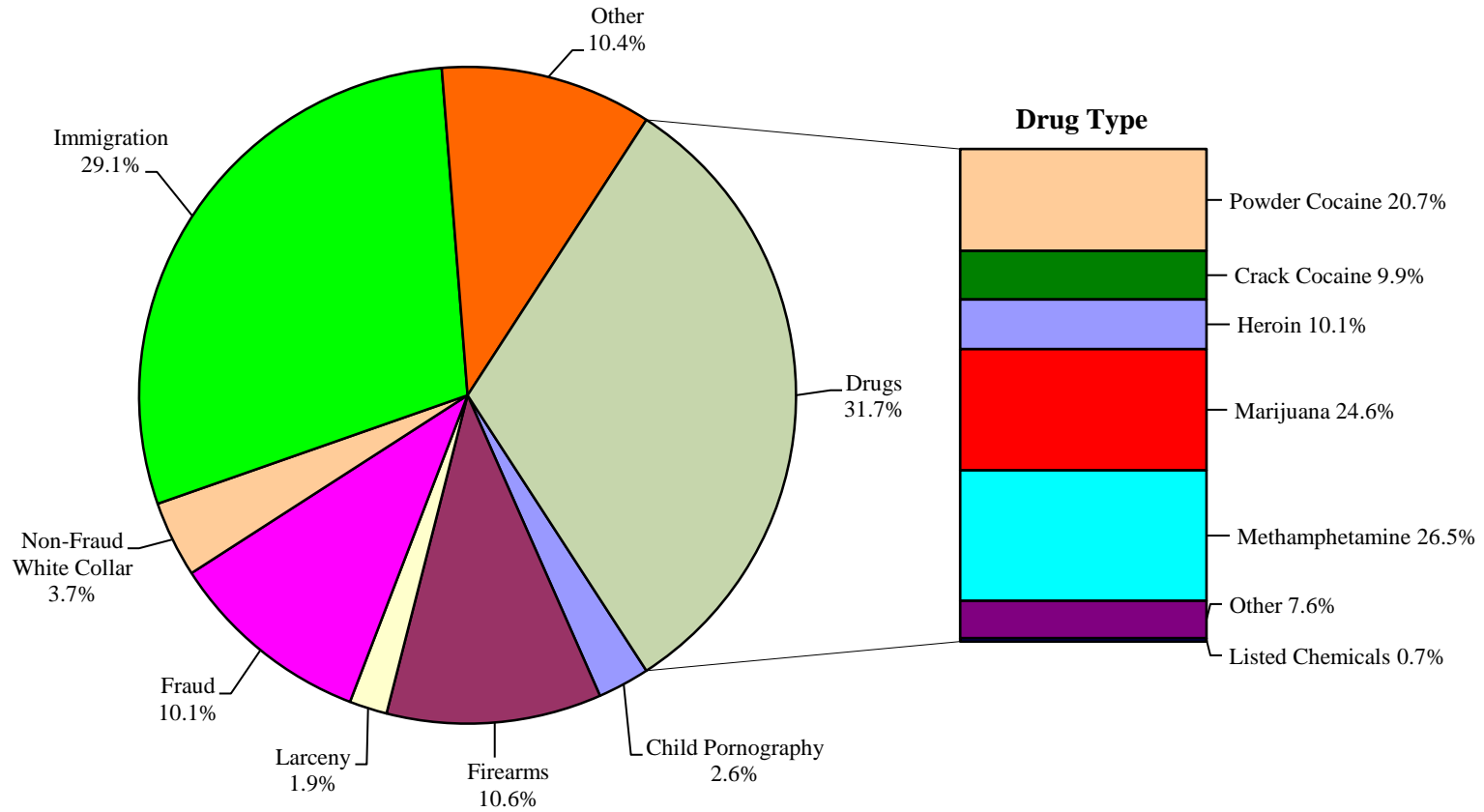
SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through September 30, 2014).



**Figure J**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**

**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**



<sup>1</sup> Of the 74,370 guideline cases, eight drug cases were excluded from this figure due to cases missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through September 30, 2014).

Table 21

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>74,370</b>	<b>100.0</b>
Murder	73	0.1
Manslaughter	49	0.1
Kidnapping/Hostage Taking	48	0.1
Sexual Abuse	536	0.7
Assault	763	1.0
Robbery	777	1.0
Arson	52	0.1
Drugs - Trafficking	21,106	28.4
Drugs - Communication Facility	343	0.5
Drugs - Simple Possession	2,111	2.8
Firearms	7,863	10.6
Burglary/B&E	37	0.0
Auto Theft	86	0.1
Larceny	1,383	1.9
Fraud	7,482	10.1
Embezzlement	327	0.4
Forgery/Counterfeiting	707	1.0
Bribery	230	0.3
Tax	647	0.9
Money Laundering	876	1.2
Racketeering/Extortion	856	1.2
Gambling/Lottery	116	0.2
Civil Rights	56	0.1
Immigration	21,643	29.1
Child Pornography	1,904	2.6
Prison Offenses	441	0.6
Administration of Justice Offenses	1,231	1.7
Environmental/Wildlife	194	0.3
National Defense	104	0.1
Antitrust	19	0.0
Food & Drug	109	0.1
Other Miscellaneous Offenses	2,201	3.0

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Table 22

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

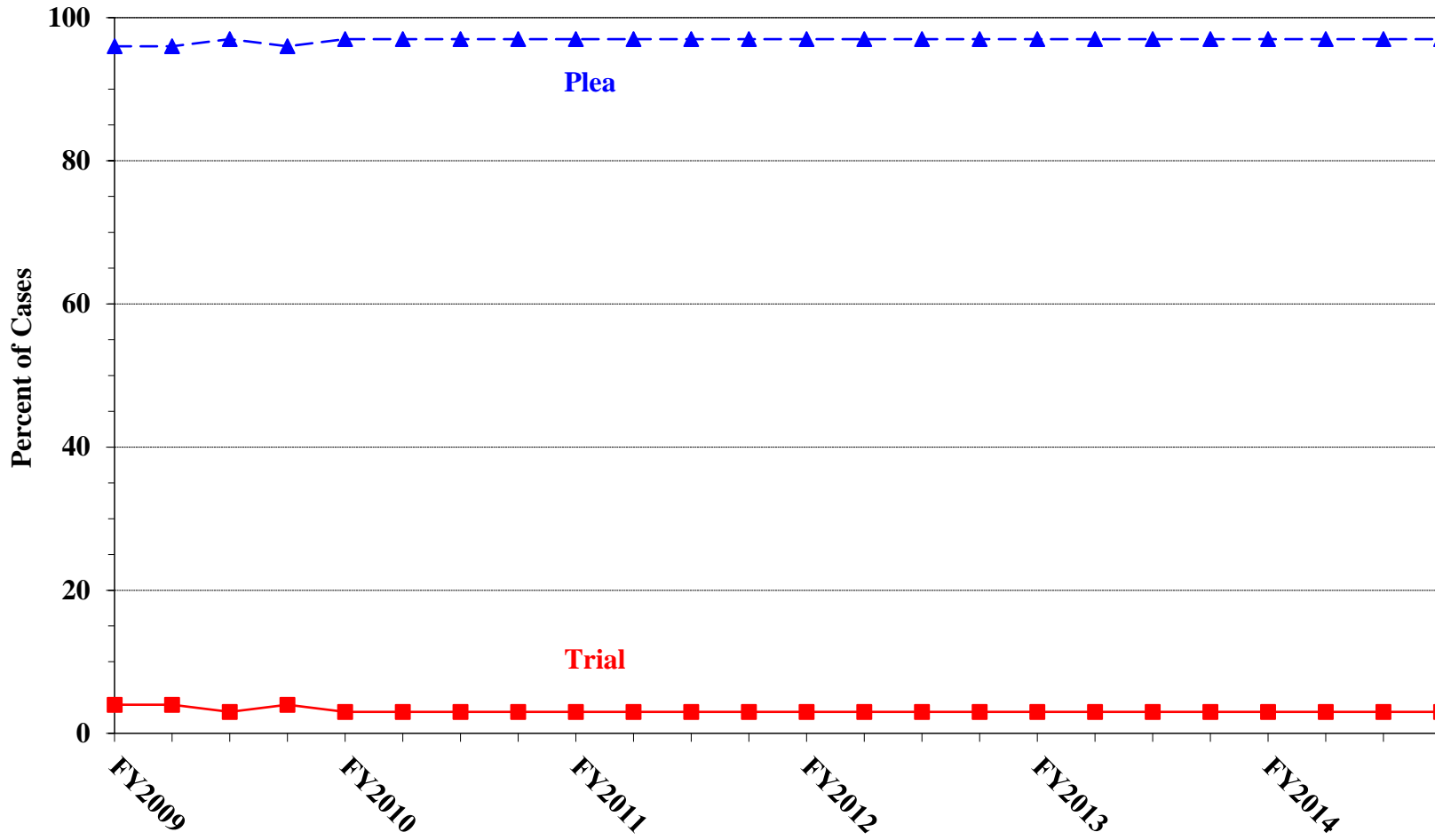
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>74,370</b>	<b>72,205</b>	<b>97.1</b>	<b>2,165</b>	<b>2.9</b>
Murder	73	61	83.6	12	16.4
Manslaughter	49	47	95.9	2	4.1
Kidnapping/Hostage Taking	48	41	85.4	7	14.6
Sexual Abuse	536	468	87.3	68	12.7
Assault	763	712	93.3	51	6.7
Robbery	777	748	96.3	29	3.7
Arson	52	45	86.5	7	13.5
Drugs - Trafficking	21,106	20,561	97.4	545	2.6
Drugs - Communication Facility	343	342	99.7	1	0.3
Drugs - Simple Possession	2,111	2,109	99.9	2	0.1
Firearms	7,863	7,411	94.3	452	5.7
Burglary/B&E	37	36	97.3	1	2.7
Auto Theft	86	81	94.2	5	5.8
Larceny	1,383	1,364	98.6	19	1.4
Fraud	7,482	7,049	94.2	433	5.8
Embezzlement	327	322	98.5	5	1.5
Forgery/Counterfeiting	707	698	98.7	9	1.3
Bribery	230	223	97.0	7	3.0
Tax	647	604	93.4	43	6.6
Money Laundering	876	837	95.5	39	4.5
Racketeering/Extortion	856	792	92.5	64	7.5
Gambling/Lottery	116	111	95.7	5	4.3
Civil Rights	56	48	85.7	8	14.3
Immigration	21,643	21,488	99.3	155	0.7
Child Pornography	1,904	1,839	96.6	65	3.4
Prison Offenses	441	434	98.4	7	1.6
Administration of Justice Offenses	1,231	1,188	96.5	43	3.5
Environmental/Wildlife	194	191	98.5	3	1.5
National Defense	104	92	88.5	12	11.5
Antitrust	19	17	89.5	2	10.5
Food & Drug	109	104	95.4	5	4.6
Other Miscellaneous Offenses	2,201	2,142	97.3	59	2.7

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS<sup>1</sup>

Fiscal Years 2009 - 2013,  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 23

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>72,001</b>	<b>17,095</b>	<b>23.7</b>	<b>14,738</b>	<b>20.5</b>	<b>37,148</b>	<b>51.6</b>	<b>3,020</b>	<b>4.2</b>
Murder	73	22	30.1	4	5.5	18	24.7	29	39.7
Manslaughter	49	0	0.0	1	2.0	3	6.1	45	91.8
Kidnapping/Hostage Taking	47	10	21.3	19	40.4	14	29.8	4	8.5
Sexual Abuse	536	187	34.9	116	21.6	63	11.8	170	31.7
Assault	740	181	24.5	99	13.4	119	16.1	341	46.1
Robbery	777	323	41.6	348	44.8	80	10.3	26	3.3
Arson	52	23	44.2	13	25.0	5	9.6	11	21.2
Drugs - Trafficking	21,071	5,184	24.6	5,233	24.8	9,994	47.4	660	3.1
Drugs - Communication Facility	340	101	29.7	98	28.8	126	37.1	15	4.4
Drugs - Simple Possession	1,711	157	9.2	77	4.5	1,436	83.9	41	2.4
Firearms	7,839	2,117	27.0	3,817	48.7	1,683	21.5	222	2.8
Burglary/B&E	37	6	16.2	4	10.8	6	16.2	21	56.8
Auto Theft	86	28	32.6	24	27.9	33	38.4	1	1.2
Larceny	1,265	565	44.7	390	30.8	199	15.7	111	8.8
Fraud	7,356	3,059	41.6	2,264	30.8	1,537	20.9	496	6.7
Embezzlement	321	196	61.1	54	16.8	36	11.2	35	10.9
Forgery/Counterfeiting	702	285	40.6	282	40.2	109	15.5	26	3.7
Bribery	230	89	38.7	53	23.0	66	28.7	22	9.6
Tax	644	397	61.6	122	18.9	67	10.4	58	9.0
Money Laundering	869	285	32.8	134	15.4	360	41.4	90	10.4
Racketeering/Extortion	854	230	26.9	307	35.9	288	33.7	29	3.4
Gambling/Lottery	115	81	70.4	2	1.7	11	9.6	21	18.3
Civil Rights	54	37	68.5	13	24.1	3	5.6	1	1.9
Immigration	20,776	414	2.0	360	1.7	19,887	95.7	115	0.6
Child Pornography	1,902	1,545	81.2	78	4.1	227	11.9	52	2.7
Prison Offenses	427	87	20.4	185	43.3	125	29.3	30	7.0
Administration of Justice Offenses	1,215	520	42.8	266	21.9	311	25.6	118	9.7
Environmental/Wildlife	173	116	67.1	9	5.2	17	9.8	31	17.9
National Defense	102	32	31.4	2	2.0	43	42.2	25	24.5
Antitrust	16	11	68.8	0	0.0	0	0.0	5	31.3
Food & Drug	99	59	59.6	2	2.0	19	19.2	19	19.2
Other Miscellaneous Offenses	1,523	748	49.1	362	23.8	263	17.3	150	9.8

<sup>1</sup> Of the 74,370 cases, 2,369 were excluded due to one missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 24

**GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>73,742</b>	<b>63,420</b>	<b>86.0</b>	<b>10,322</b>	<b>14.0</b>
Murder	73	63	86.3	10	13.7
Manslaughter	49	37	75.5	12	24.5
Kidnapping/Hostage Taking	48	37	77.1	11	22.9
Sexual Abuse	536	499	93.1	37	6.9
Assault	759	658	86.7	101	13.3
Robbery	777	695	89.4	82	10.6
Arson	52	46	88.5	6	11.5
Drugs - Trafficking	21,105	17,804	84.4	3,301	15.6
Drugs - Communication Facility	343	269	78.4	74	21.6
Drugs - Simple Possession	1,957	1,789	91.4	168	8.6
Firearms	7,855	7,548	96.1	307	3.9
Burglary/B&E	37	33	89.2	4	10.8
Auto Theft	86	80	93.0	6	7.0
Larceny	1,349	818	60.6	531	39.4
Fraud	7,471	5,205	69.7	2,266	30.3
Embezzlement	327	144	44.0	183	56.0
Forgery/Counterfeiting	705	494	70.1	211	29.9
Bribery	230	187	81.3	43	18.7
Tax	647	516	79.8	131	20.2
Money Laundering	876	619	70.7	257	29.3
Racketeering/Extortion	855	765	89.5	90	10.5
Gambling/Lottery	116	105	90.5	11	9.5
Civil Rights	56	51	91.1	5	8.9
Immigration	21,399	19,857	92.8	1,542	7.2
Child Pornography	1,904	1,881	98.8	23	1.2
Prison Offenses	436	387	88.8	49	11.2
Administration of Justice Offenses	1,229	937	76.2	292	23.8
Environmental/Wildlife	191	176	92.1	15	7.9
National Defense	104	95	91.3	9	8.7
Antitrust	19	19	100.0	0	0.0
Food & Drug	102	77	75.5	25	24.5
Other Miscellaneous Offenses	2,049	1,529	74.6	520	25.4

<sup>1</sup> Of the 74,370 cases, 628 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

**AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
<b>Males</b>	<b>13,654</b>	<b>100.0</b>	<b>12,583</b>	<b>100.0</b>	<b>33,392</b>	<b>100.0</b>	<b>2,358</b>	<b>100.0</b>
<b>Under 21</b>	158	1.2	302	2.4	1,398	4.2	67	2.8
<b>21 - 25</b>	1,091	8.0	1,928	15.3	4,886	14.6	305	12.9
<b>26 - 30</b>	1,859	13.6	2,485	19.7	6,371	19.1	381	16.2
<b>31 - 35</b>	2,059	15.1	2,617	20.8	6,496	19.5	410	17.4
<b>36 - 40</b>	1,737	12.7	1,889	15.0	5,522	16.5	304	12.9
<b>41 - 50</b>	3,299	24.2	2,253	17.9	6,372	19.1	498	21.1
<b>Over 50</b>	3,451	25.3	1,109	8.8	2,347	7.0	393	16.7
<b>Females</b>	<b>3,432</b>	<b>100.0</b>	<b>2,152</b>	<b>100.0</b>	<b>3,729</b>	<b>100.0</b>	<b>659</b>	<b>100.0</b>
<b>Under 21</b>	39	1.1	27	1.3	210	5.6	16	2.4
<b>21 - 25</b>	365	10.6	289	13.4	630	16.9	66	10.0
<b>26 - 30</b>	515	15.0	398	18.5	615	16.5	94	14.3
<b>31 - 35</b>	523	15.2	392	18.2	643	17.2	108	16.4
<b>36 - 40</b>	463	13.5	278	12.9	567	15.2	80	12.1
<b>41 - 50</b>	817	23.8	461	21.4	709	19.0	162	24.6
<b>Over 50</b>	710	20.7	307	14.3	355	9.5	133	20.2

<sup>1</sup> Of the 74,370 cases, 2,411 were excluded due to one or more of the following reasons: missing information on offender's race (2,369), missing information on offender's gender (628), or missing information on offender's age (140). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2014 Datafile, USSCFY14 (October 1, 2013, through September 30, 2014).

Table 26

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>73,480</b>	<b>42,942</b>	<b>58.4</b>	<b>30,538</b>	<b>41.6</b>
Murder	73	62	84.9	11	15.1
Manslaughter	49	49	100.0	0	0.0
Kidnapping/Hostage Taking	48	28	58.3	20	41.7
Sexual Abuse	536	496	92.5	40	7.5
Assault	744	678	91.1	66	8.9
Robbery	777	754	97.0	23	3.0
Arson	52	48	92.3	4	7.7
Drugs - Trafficking	21,087	15,699	74.4	5,388	25.6
Drugs - Communication Facility	341	281	82.4	60	17.6
Drugs - Simple Possession	2,043	411	20.1	1,632	79.9
Firearms	7,851	7,325	93.3	526	6.7
Burglary/B&E	37	37	100.0	0	0.0
Auto Theft	86	72	83.7	14	16.3
Larceny	1,298	1,223	94.2	75	5.8
Fraud	7,428	6,079	81.8	1,349	18.2
Embezzlement	320	316	98.8	4	1.3
Forgery/Counterfeiting	704	658	93.5	46	6.5
Bribery	228	209	91.7	19	8.3
Tax	644	612	95.0	32	5.0
Money Laundering	873	621	71.1	252	28.9
Racketeering/Extortion	853	738	86.5	115	13.5
Gambling/Lottery	116	108	93.1	8	6.9
Civil Rights	56	55	98.2	1	1.8
Immigration	21,610	1,337	6.2	20,273	93.8
Child Pornography	1,904	1,829	96.1	75	3.9
Prison Offenses	430	389	90.5	41	9.5
Administration of Justice Offenses	1,218	1,049	86.1	169	13.9
Environmental/Wildlife	175	159	90.9	16	9.1
National Defense	104	54	51.9	50	48.1
Antitrust	18	10	55.6	8	44.4
Food & Drug	97	83	85.6	14	14.4
Other Miscellaneous Offenses	1,680	1,473	87.7	207	12.3

<sup>1</sup> Of the 74,370 cases, 890 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.



Table 27

**DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
<b>TOTAL</b>	<b>74,370</b>	<b>346,334</b>	<b>74,370</b>	<b>73,601</b>	<b>55,289</b>	<b>19,019</b>	<b>74,366</b>	<b>68,708</b>	<b>5,662</b>
<b>D.C. CIRCUIT</b>	<b>335</b>	<b>1,646</b>	<b>335</b>	<b>335</b>	<b>312</b>	<b>23</b>	<b>335</b>	<b>329</b>	<b>6</b>
District of Columbia	335	1,646	335	335	312	23	335	329	6
<b>FIRST CIRCUIT</b>	<b>2,415</b>	<b>11,559</b>	<b>2,415</b>	<b>2,414</b>	<b>1,958</b>	<b>456</b>	<b>2,414</b>	<b>2,358</b>	<b>57</b>
Maine	196	883	196	196	99	97	196	196	0
Massachusetts	435	1,971	435	435	237	198	435	429	6
New Hampshire	149	733	149	149	138	11	149	148	1
Puerto Rico	1,462	7,159	1,462	1,461	1,360	101	1,461	1,415	47
Rhode Island	173	813	173	173	124	49	173	170	3
<b>SECOND CIRCUIT</b>	<b>4,138</b>	<b>19,710</b>	<b>4,138</b>	<b>4,125</b>	<b>3,292</b>	<b>844</b>	<b>4,137</b>	<b>4,018</b>	<b>120</b>
Connecticut	353	1,746	353	353	334	19	353	353	0
New York									
Eastern	945	4,596	945	942	823	122	945	941	4
Northern	414	1,845	414	405	262	152	413	351	63
Southern	1,671	7,844	1,671	1,670	1,179	491	1,671	1,653	18
Western	550	2,674	550	550	504	45	550	520	30
Vermont	205	1,005	205	205	190	15	205	200	5
<b>THIRD CIRCUIT</b>	<b>2,481</b>	<b>11,911</b>	<b>2,481</b>	<b>2,468</b>	<b>2,047</b>	<b>432</b>	<b>2,481</b>	<b>2,434</b>	<b>47</b>
Delaware	94	467	94	94	91	3	94	94	0
New Jersey	667	3,265	667	660	615	52	667	656	11
Pennsylvania									
Eastern	759	3,610	759	756	581	177	759	755	4
Middle	416	2,016	416	415	354	62	416	415	1
Western	485	2,274	485	485	363	122	485	456	29
Virgin Islands	60	279	60	58	43	16	60	58	2
<b>FOURTH CIRCUIT</b>	<b>6,004</b>	<b>27,586</b>	<b>6,004</b>	<b>5,927</b>	<b>4,418</b>	<b>1,583</b>	<b>6,004</b>	<b>5,233</b>	<b>771</b>
Maryland	804	3,904	804	794	732	71	804	770	34
North Carolina									
Eastern	690	3,116	690	632	491	199	690	613	77
Middle	493	2,440	493	493	469	24	493	492	1
Western	627	2,962	627	627	455	172	627	626	1
South Carolina	750	3,477	750	749	480	270	750	748	2
Virginia									
Eastern	1,608	6,640	1,608	1,600	855	751	1,608	969	639
Western	392	1,918	392	392	350	42	392	392	0
West Virginia									
Northern	343	1,688	343	343	329	14	343	330	13
Southern	297	1,441	297	297	257	40	297	293	4

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>FIFTH CIRCUIT</b>	<b>16,405</b>	<b>72,612</b>	<b>16,405</b>	<b>16,181</b>	<b>8,429</b>	<b>7,963</b>	<b>16,404</b>	<b>15,193</b>	<b>1,212</b>
Louisiana									
Eastern	308	1,434	308	306	207	101	308	305	3
Middle	180	857	180	180	137	43	180	180	0
Western	284	1,340	284	263	245	39	284	264	20
Mississippi									
Northern	220	1,090	220	219	215	5	220	216	4
Southern	265	1,293	265	263	238	27	265	262	3
Texas									
Eastern	896	4,429	896	894	849	47	896	894	2
Northern	1,369	6,359	1,369	1,368	894	475	1,369	1,359	10
Southern	6,272	28,173	6,272	6,270	3,273	2,996	6,271	6,087	185
Western	6,611	27,637	6,611	6,418	2,371	4,230	6,611	5,626	985
<b>SIXTH CIRCUIT</b>	<b>5,202</b>	<b>24,893</b>	<b>5,202</b>	<b>5,164</b>	<b>4,257</b>	<b>910</b>	<b>5,202</b>	<b>5,068</b>	<b>134</b>
Kentucky									
Eastern	593	2,901	593	593	543	50	593	579	14
Western	289	1,372	289	289	253	36	289	252	37
Michigan									
Eastern	938	4,526	938	935	797	141	938	918	20
Western	383	1,755	383	383	236	146	383	370	13
Ohio									
Northern	767	3,605	767	759	557	210	767	755	12
Southern	641	3,170	641	637	618	23	641	633	8
Tennessee									
Eastern	812	3,923	812	811	680	132	812	808	4
Middle	287	1,296	287	265	192	61	287	265	22
Western	492	2,345	492	492	381	111	492	488	4
<b>SEVENTH CIRCUIT</b>	<b>2,914</b>	<b>14,096</b>	<b>2,914</b>	<b>2,908</b>	<b>2,465</b>	<b>449</b>	<b>2,913</b>	<b>2,896</b>	<b>18</b>
Illinois									
Central	418	1,968	418	415	303	115	418	414	4
Northern	866	4,206	866	865	744	122	866	865	1
Southern	372	1,739	372	372	251	121	372	372	0
Indiana									
Northern	370	1,815	370	368	339	31	370	368	2
Southern	391	1,904	391	391	348	43	391	383	8
Wisconsin									
Eastern	347	1,722	347	347	337	10	347	344	3
Western	150	742	150	150	143	7	149	150	0
<b>EIGHTH CIRCUIT</b>	<b>4,598</b>	<b>22,102</b>	<b>4,598</b>	<b>4,594</b>	<b>3,729</b>	<b>869</b>	<b>4,598</b>	<b>4,583</b>	<b>15</b>
Arkansas									
Eastern	354	1,700	354	353	285	69	354	354	0
Western	319	1,569	319	319	295	24	319	317	2
Iowa									
Northern	368	1,673	368	368	201	167	368	368	0
Southern	297	1,408	297	297	220	77	297	297	0
Minnesota	290	1,420	290	290	262	28	290	288	2
Missouri									
Eastern	697	3,464	697	697	677	20	697	696	1
Western	827	3,924	827	825	621	206	827	824	3
Nebraska	592	2,805	592	591	439	153	592	591	1
North Dakota	322	1,506	322	322	218	104	322	322	0
South Dakota	532	2,633	532	532	511	21	532	526	6

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>NINTH CIRCUIT</b>	<b>16,155</b>	<b>76,530</b>	<b>16,155</b>	<b>15,879</b>	<b>15,065</b>	<b>1,086</b>	<b>16,155</b>	<b>13,276</b>	<b>2,879</b>
Alaska	156	746	156	156	131	25	156	147	9
Arizona	6,229	28,658	6,229	5,977	5,987	242	6,229	4,236	1,993
California									
Central	1,227	5,971	1,227	1,226	1,091	136	1,227	1,200	27
Eastern	898	4,419	898	895	837	61	898	891	7
Northern	696	3,361	696	692	604	92	696	673	23
Southern	3,800	18,233	3,800	3,799	3,635	163	3,800	3,199	601
Guam	91	447	91	91	83	8	91	91	0
Hawaii	286	1,328	286	286	188	98	286	282	4
Idaho	307	1,497	307	307	269	38	307	307	0
Montana	310	1,483	310	309	248	62	310	306	4
Nevada	503	2,425	503	500	418	85	503	501	2
Northern Mariana Islands	14	67	14	14	11	3	14	14	0
Oregon	581	2,771	581	571	560	20	581	478	103
Washington									
Eastern	389	1,912	389	388	367	21	389	379	10
Western	668	3,212	668	668	636	32	668	572	96
<b>TENTH CIRCUIT</b>	<b>7,007</b>	<b>32,228</b>	<b>7,007</b>	<b>6,974</b>	<b>4,423</b>	<b>2,583</b>	<b>7,007</b>	<b>6,817</b>	<b>190</b>
Colorado	530	2,584	530	525	516	14	530	483	47
Kansas	670	3,261	670	664	611	59	670	646	24
New Mexico	4,214	18,893	4,214	4,203	2,053	2,160	4,214	4,209	5
Oklahoma									
Eastern	89	402	89	89	46	43	89	89	0
Northern	251	1,178	251	251	175	76	251	250	1
Western	372	1,652	372	371	204	168	372	333	39
Utah	604	2,922	604	604	571	33	604	539	65
Wyoming	277	1,336	277	267	247	30	277	268	9
<b>ELEVENTH CIRCUIT</b>	<b>6,716</b>	<b>31,461</b>	<b>6,716</b>	<b>6,632</b>	<b>4,894</b>	<b>1,821</b>	<b>6,716</b>	<b>6,503</b>	<b>213</b>
Alabama									
Middle	223	1,089	223	223	197	26	223	223	0
Northern	431	2,059	431	428	360	71	431	409	22
Southern	393	1,902	393	393	330	63	393	393	0
Florida									
Middle	1,423	6,628	1,423	1,420	944	479	1,423	1,418	5
Northern	317	1,507	317	316	250	67	317	307	10
Southern	2,189	10,186	2,189	2,142	1,523	665	2,189	2,143	46
Georgia									
Middle	501	2,293	501	483	343	158	501	465	36
Northern	603	2,925	603	592	536	67	603	591	12
Southern	636	2,872	636	635	411	225	636	554	82

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 12 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM  
BY EACH CIRCUIT AND DISTRICT  
4th Quarter 2014 Preliminary Cumulative Data (October 1, 2013, through September 30, 2014)**

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>TOTAL</b>	<b>74,370</b>	<b>71,114</b>	<b>95.6</b>	<b>2,497</b>	<b>3.4</b>	<b>759</b>	<b>1.0</b>
<b>D.C. CIRCUIT</b>	<b>335</b>	<b>335</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	335	335	100.0	0	0.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>2,415</b>	<b>2,413</b>	<b>99.9</b>	<b>1</b>	<b>0.0</b>	<b>1</b>	<b>0.0</b>
Maine	196	196	100.0	0	0.0	0	0.0
Massachusetts	435	435	100.0	0	0.0	0	0.0
New Hampshire	149	149	100.0	0	0.0	0	0.0
Puerto Rico	1,462	1,460	99.9	1	0.1	1	0.1
Rhode Island	173	173	100.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>4,138</b>	<b>4,088</b>	<b>98.8</b>	<b>37</b>	<b>0.9</b>	<b>13</b>	<b>0.3</b>
Connecticut	353	353	100.0	0	0.0	0	0.0
New York							
Eastern	945	909	96.2	33	3.5	3	0.3
Northern	414	405	97.8	0	0.0	9	2.2
Southern	1,671	1,670	99.9	0	0.0	1	0.1
Western	550	550	100.0	0	0.0	0	0.0
Vermont	205	201	98.0	4	2.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,481</b>	<b>2,468</b>	<b>99.5</b>	<b>0</b>	<b>0.0</b>	<b>13</b>	<b>0.5</b>
Delaware	94	94	100.0	0	0.0	0	0.0
New Jersey	667	660	99.0	0	0.0	7	1.0
Pennsylvania							
Eastern	759	756	99.6	0	0.0	3	0.4
Middle	416	415	99.8	0	0.0	1	0.2
Western	485	485	100.0	0	0.0	0	0.0
Virgin Islands	60	58	96.7	0	0.0	2	3.3
<b>FOURTH CIRCUIT</b>	<b>6,004</b>	<b>5,838</b>	<b>97.2</b>	<b>93</b>	<b>1.5</b>	<b>73</b>	<b>1.2</b>
Maryland	804	797	99.1	1	0.1	6	0.7
North Carolina							
Eastern	690	632	91.6	0	0.0	58	8.4
Middle	493	493	100.0	0	0.0	0	0.0
Western	627	627	100.0	0	0.0	0	0.0
South Carolina	750	749	99.9	0	0.0	1	0.1
Virginia							
Eastern	1,608	1,508	93.8	92	5.7	8	0.5
Western	392	392	100.0	0	0.0	0	0.0
West Virginia							
Northern	343	343	100.0	0	0.0	0	0.0
Southern	297	297	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,405</b>	<b>14,656</b>	<b>89.3</b>	<b>1,525</b>	<b>9.3</b>	<b>224</b>	<b>1.4</b>
Louisiana							
Eastern	308	306	99.4	0	0.0	2	0.6
Middle	180	180	100.0	0	0.0	0	0.0
Western	284	224	78.9	39	13.7	21	7.4
Mississippi							
Northern	220	219	99.5	0	0.0	1	0.5
Southern	265	263	99.2	0	0.0	2	0.8
Texas							
Eastern	896	892	99.6	2	0.2	2	0.2
Northern	1,369	1,368	99.9	0	0.0	1	0.1
Southern	6,272	6,269	100.0	1	0.0	2	0.0
Western	6,611	4,935	74.6	1,483	22.4	193	2.9
<b>SIXTH CIRCUIT</b>	<b>5,202</b>	<b>5,064</b>	<b>97.3</b>	<b>102</b>	<b>2.0</b>	<b>36</b>	<b>0.7</b>
Kentucky							
Eastern	593	593	100.0	0	0.0	0	0.0
Western	289	289	100.0	0	0.0	0	0.0
Michigan							
Eastern	938	935	99.7	1	0.1	2	0.2
Western	383	383	100.0	0	0.0	0	0.0
Ohio							
Northern	767	760	99.1	0	0.0	7	0.9
Southern	641	596	93.0	41	6.4	4	0.6
Tennessee							
Eastern	812	811	99.9	0	0.0	1	0.1
Middle	287	205	71.4	60	20.9	22	7.7
Western	492	492	100.0	0	0.0	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>2,914</b>	<b>2,829</b>	<b>97.1</b>	<b>79</b>	<b>2.7</b>	<b>6</b>	<b>0.2</b>
Illinois							
Central	418	415	99.3	0	0.0	3	0.7
Northern	866	865	99.9	0	0.0	1	0.1
Southern	372	372	100.0	0	0.0	0	0.0
Indiana							
Northern	370	365	98.6	3	0.8	2	0.5
Southern	391	391	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	347	271	78.1	76	21.9	0	0.0
Western	150	150	100.0	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,598</b>	<b>4,568</b>	<b>99.3</b>	<b>26</b>	<b>0.6</b>	<b>4</b>	<b>0.1</b>
Arkansas							
Eastern	354	345	97.5	8	2.3	1	0.3
Western	319	319	100.0	0	0.0	0	0.0
Iowa							
Northern	368	368	100.0	0	0.0	0	0.0
Southern	297	297	100.0	0	0.0	0	0.0
Minnesota	290	273	94.1	17	5.9	0	0.0
Missouri							
Eastern	697	697	100.0	0	0.0	0	0.0
Western	827	825	99.8	0	0.0	2	0.2
Nebraska	592	591	99.8	0	0.0	1	0.2
North Dakota	322	321	99.7	1	0.3	0	0.0
South Dakota	532	532	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>16,155</b>	<b>15,307</b>	<b>94.8</b>	<b>573</b>	<b>3.5</b>	<b>275</b>	<b>1.7</b>
Alaska	156	156	100.0	0	0.0	0	0.0
Arizona	6,229	5,977	96.0	1	0.0	251	4.0
California							
Central	1,227	1,226	99.9	0	0.0	1	0.1
Eastern	898	895	99.7	0	0.0	3	0.3
Northern	696	692	99.4	0	0.0	4	0.6
Southern	3,800	3,799	100.0	0	0.0	1	0.0
Guam	91	91	100.0	0	0.0	0	0.0
Hawaii	286	283	99.0	3	1.0	0	0.0
Idaho	307	307	100.0	0	0.0	0	0.0
Montana	310	309	99.7	0	0.0	1	0.3
Nevada	503	500	99.4	0	0.0	3	0.6
Northern Mariana Islands	14	14	100.0	0	0.0	0	0.0
Oregon	581	2	0.3	569	97.9	10	1.7
Washington							
Eastern	389	388	99.7	0	0.0	1	0.3
Western	668	668	100.0	0	0.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>7,007</b>	<b>6,935</b>	<b>99.0</b>	<b>41</b>	<b>0.6</b>	<b>31</b>	<b>0.4</b>
Colorado	530	525	99.1	0	0.0	5	0.9
Kansas	670	663	99.0	3	0.4	4	0.6
New Mexico	4,214	4,198	99.6	5	0.1	11	0.3
Oklahoma							
Eastern	89	89	100.0	0	0.0	0	0.0
Northern	251	251	100.0	0	0.0	0	0.0
Western	372	371	99.7	0	0.0	1	0.3
Utah	604	571	94.5	33	5.5	0	0.0
Wyoming	277	267	96.4	0	0.0	10	3.6
<b>ELEVENTH CIRCUIT</b>	<b>6,716</b>	<b>6,613</b>	<b>98.5</b>	<b>20</b>	<b>0.3</b>	<b>83</b>	<b>1.2</b>
Alabama							
Middle	223	223	100.0	0	0.0	0	0.0
Northern	431	428	99.3	0	0.0	3	0.7
Southern	393	393	100.0	0	0.0	0	0.0
Florida							
Middle	1,423	1,420	99.8	0	0.0	3	0.2
Northern	317	316	99.7	0	0.0	1	0.3
Southern	2,189	2,143	97.9	0	0.0	46	2.1
Georgia							
Middle	501	483	96.4	0	0.0	18	3.6
Northern	603	572	94.9	20	3.3	11	1.8
Southern	636	635	99.8	0	0.0	1	0.2

<sup>1</sup> Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05, 09/08, or 09/11) to the Commission. Only cases in which all required pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

<sup>2</sup> Cases are included in this category for one or more of the following reasons: one or more of the required pages of Form AO 245B were missing; deletions or substantive changes were made in Form AO 245B that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. §3553(c); an outdated version of Form AO 245B was submitted; or a unique, district created, or modified form was submitted.

## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

#### Variables

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The following section describes the variables used in this report.

##### **Above Guideline Range with *Booker*/18 U.S.C. § 3553**

*Above Guideline Range with Booker/18 U.S.C. § 3553* consists of cases with a sentence above the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

##### **Age**

The *Age* of the offender on the day of sentencing is calculated using the date of sentencing as reported in the Judgment and Commitment Order and the offender's date of birth as reported either in the Presentence Report or in the case submission information provided by the court when submitting the case to the Commission.

##### **All Remaining Cases Above Guideline Range**

*All Remaining Cases Above Guideline Range* consists of cases sentenced above the guideline range that cannot be classified into any of the other three above the range categories. This category includes, for example, cases in which no reason is provided for a sentence above the guideline range.

##### **All Remaining Cases Below Guideline Range**

*All Remaining Cases Below Guideline Range* consists of cases sentenced below the guideline range that cannot be classified into any of the other three below the range categories. This category includes, for example, cases in which no reason is provided for a sentence below the guideline range.

##### **Below Guideline Range with *Booker*/18 U.S.C. § 3553**

*Below Guideline Range with Booker/18 U.S.C. § 3553* consists of cases with a sentence below the guideline range with no departure indicated and that cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

### **Circuit**

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

### **Citizenship Status**

Information on the *Citizenship Status* of offenders is obtained from the presentence report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” “extradited alien,” and “non-U.S. citizen, alien status unknown.” The latter four categories are collapsed into the category of “non-U.S. citizen.”

Starting in Fiscal Year 2014, for cases in which the Commission does not receive the PSR (most commonly when the court waives the preparation of the PSR), values for several demographic variables are taken from the Probation and Pretrial Services Automated Case Tracking System (PACTS) datafile created by the Probation and Pretrial Services Office at the Administrative Office of the U.S. Courts. Cases are matched using unique case identifiers and the demographic information which would otherwise be missing in these cases due to the lack of a PSR is imported from the PACTS datafile.

### **Degree of Decrease**

*Degree of Decrease* is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum for the following categories of below range cases: downward departure from guideline range, downward departure with *Booker*/18 U.S.C. § 3553, below guideline range with *Booker*/18 U.S.C. § 3553, all remaining cases below guideline range, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

### **Degree of Increase**

*Degree of Increase* is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) for the following categories of above range cases: upward departure from guideline range, upward departure with *Booker*/18 U.S.C. § 3553, above guideline range with *Booker*/18 U.S.C. § 3553, all remaining cases above guideline range. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

### **District**

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

### **Document Submission Rates**

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender’s guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals. The total requested documents received column is derived from adding the total number of received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). The total requested documents not received column is derived from adding the total number of not received documents from the Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea Agreements (Plea). Cases where the PSR is waived, there is no written plea agreement/trial, and where the Commission was unable to



definitively determine whether the offender's guilty plea was entered pursuant to a written plea agreement are all excluded from the calculations for the total received documents column.

### **Downward Departure From Guideline Range**

*Downward Departure From Guideline Range* consists of cases with departures below the guideline range that do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

### **Downward Departures with Booker/18 U.S.C. § 3553**

*Downward Departures with Booker/18 U.S.C. § 3553* consists of cases with a sentence below the guideline range that include both a departure (see Downward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing below the guideline range.

### **Drug Offense Guideline**

*Drug Offense Guideline* information is obtained from the Presentence Report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (USSG §2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

### **Drug Type**

Information on *Drug Type* is obtained from the Presentence Report, Judgment and Commitment Order or Plea Agreement. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or an offense under another title when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE," methamphetamine mixture, and methamphetamine precursors sentenced under any drug guideline other than USSG §2D1.11 (for example ephedrine and pseudoephedrine). The category *Listed Chemicals* includes any chemicals listed under USSG §2D1.11. All drug types not listed separately in this report are collapsed into the "other" drug category.

### **Education**

Information on education of the offender is obtained from the Presentence Report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges is included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

### **Gender**

*Gender* of the defendant is obtained from the Presentence Report.

Starting in Fiscal Year 2014, for cases in which the Commission does not receive the PSR (most commonly when the court waives the preparation of the PSR), values for several demographic variables are taken from the Probation and Pretrial Services Automated Case Tracking System (PACTS) datafile created by the Probation and Pretrial Services Office at the Administrative Office of the U.S. Courts. Cases are matched using unique case identifiers and the demographic information which would otherwise be missing in these cases due to the lack of a PSR is imported from the PACTS datafile.

### **Government Sponsored Below Range**

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes to indicate the origins of the departure, but cases that do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government

motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with USSG §5K3.1 Early Disposition Program (EDP) departures and USSG §5K1.1 substantial assistance departures.

### **Guideline Offenders Sentenced**

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

### **Guideline Sentencing Range**

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

### **Mode of Conviction**

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Trial* category.

### **Outside of the Range Attribution Categories**

All categories replicate the list of checkboxes available on the SOR Form. Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a USSG §5K1.1, USSG §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally, other types of SOR forms may indicate sponsorship in writing, and these attributions are also included in the appropriate category.

### **Position of Sentence**

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline USSG §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the minimum of the range are removed according to 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

### **Primary Offense Category**

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense for the case is determined to be the offense applicable to the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This is generated by grouping similar primary offenses into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

*Murder* includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

*Manslaughter* includes both involuntary and voluntary manslaughter.

*Kidnapping/Hostage Taking* includes ransom taking and hostage/kidnapping.

*Sexual Abuse* includes sexual abuse of a minor, transportation of minor for sex, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

*Assault* includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

*Robbery* includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

*Arson* also includes damage by explosives.

*Drugs - Trafficking* includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

*Drugs - Communication Facility* includes use of a communication facility in a drug trafficking offense.

*Drugs - Simple Possession* includes distribution of a small amount of marijuana and simple possession.

*Firearms* includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

*Burglary/Breaking & Entering* includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

*Auto Theft* includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

*Larceny* includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

*Fraud* includes odometer laws and regulations, insider trading, and fraud and deceit.

*Embezzlement* includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

*Forgery/Counterfeiting* includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

*Bribery* includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

*Tax* includes receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggling); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

*Money Laundering* includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

*Racketeering/Extortion* includes extortionate extension of credit, blackmail, extortion by force or threat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

*Gambling/Lottery* includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

*Civil Rights* includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

*Immigration* includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering the U.S.

*Pornography/Prostitution* includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

*Child Pornography* includes the sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

*Prison Offenses* includes contraband in prisons, riots in federal facilities, and escape.

*Administration of Justice Offenses* includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

*Environmental/Wildlife* includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

*National Defense* includes evasion of export controls and exportation of arms, etc., without license.

*Antitrust* includes bid-rigging, price-fixing, and market allocation agreement.

*Food & Drug* includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

*Other Miscellaneous Offenses* includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices on federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; recordkeeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

## **Race**

Information on *Race* of the offender is obtained from the Presentence Report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other"*). Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, Asian or Pacific Islander, Multiracial, and "Other" origin.

Starting in Fiscal Year 2014, for cases in which the Commission does not receive the PSR (most commonly when the court waives the preparation of the PSR), values for several demographic variables are taken from the Probation and Pretrial Services Automated Case Tracking System (PACTS) datafile created by the Probation and Pretrial Services Office at the Administrative Office of the U.S. Courts. Cases are matched using unique case identifiers and the demographic information which would otherwise be missing in these cases due to the lack of a PSR is imported from the PACTS datafile.

### **Sentence Length**

*Sentence Length* reports the mean and median terms of the sentence imposed in months. This information is obtained from the Judgment and Commitment Order. Sentence lengths expressed in days are rounded to the nearest month.

Probation sentences are included as zero months. Any portion of a sentence which is an alternative confinement as described in USSG §5C1.1 is included. Cases in which a sentence is imposed, but where the length is indeterminable, are excluded. However, sentences in cases where the court imposed a sentence of time served but did not report the amount of time that was served are included as zero months.

In cases where the court imposes a sentence of life imprisonment, a numeric value is necessary to include these cases in any sentence length analysis. Accordingly, life sentences are reported as 470 months, a length consistent with the average life expectancy of federal criminal offenders given the average age of federal offenders. Also, sentences of greater than 470 months are also reported as 470 months for some analyses. The footnote in the relevant tables and figures indicates when this occurs.

### **Type of Guideline Sentence Imposed**

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

*Probation and Confinement* includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

### **Upward Departure From Guideline Range**

*Upward Departure From Guideline Range* consists of cases with departures above the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal guidelines manual.

**Upward Departure with *Booker*/18 U.S.C. § 3553**

*Upward Departure with Booker/18 U.S.C. § 3553* consists of cases with a sentence above the guideline range that includes both a departure (see Upward Departure From Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing above the guideline system.

**Year**

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the defendant was sentenced.

**Zone**

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to defendants within specific sentencing zones.

*Zone A:* a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

*Zone B:* a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

*Zone C:* a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

*Zone D:* a guideline range is in Zone D when the minimum term of imprisonment specified is 12 months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

**Appendix B:**  
**List of Quarterly Report Tables and Figures**  
**and Comparable FY13 *Sourcebook* Number/Letter**

<u>Quarterly Report Tables/Figures</u>	<u>Comparable <i>Sourcebook</i> Tables/Figures</u>
Table 1 .....	Table N
Table 2 .....	Table 26
Table 3 .....	Table 27
Figure A .....	N/A
Figure B .....	N/A
Table 4 .....	N/A
Table 5 .....	Table 28
Table 6 .....	Table 28A
Table 7 .....	Table 30
Table 8 .....	Table 30A
Table 9 .....	Table 31
Table 10 .....	Table 31A
Table 11 .....	Table 31B
Table 12 .....	Table 31C
Table 13 .....	Table 31D
Table 14 .....	Table 32
Table 15 .....	Table 32A
Table 16 .....	Table 32B
Table 17 .....	Table 32C
Table 18 .....	Table 12
Table 19 .....	Table 13
Figure C .....	N/A
Figure D .....	N/A
Figure E .....	N/A
Figure F .....	N/A
Figure G .....	N/A
Figure H .....	N/A
Figure I .....	N/A
Table 20 .....	Table 29
Figure J .....	Figure A
Table 21 .....	Table 3
Table 22 .....	Table 11
Figure K .....	N/A



Table 23 .....	Table 4
Table 24 .....	Table 5
Table 25 .....	Table 7
Table 26 .....	Table 9
Table 27 .....	Table 1
Table 28 .....	N/A