

U.S. Sentencing Commission Final Quarterly Data Report



Fiscal Year 2011

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.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² 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 Congress³ 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*,⁴ 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

¹ 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).

² Electronic copies of the 1995-2011 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, www.ussc.gov.

³ See 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.

⁴ See 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.⁵ In Appendix A are descriptions of datafile and variable definitions.

⁵ 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.

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 RANGE¹
Fiscal Year 2011**

	N	%
TOTAL CASES	84,744	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	46,160	54.5
CASES SENTENCED ABOVE GUIDELINE RANGE	1,527	1.8
DEPARTURE ABOVE GUIDELINE RANGE	488	0.6
Upward Departure From Guideline Range ²	379	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	109	0.1
OTHERWISE ABOVE GUIDELINE RANGE	1,039	1.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	947	1.1
All Remaining Cases Above Guideline Range ⁵	92	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	22,295	26.3
§5K1.1 Substantial Assistance Departure	9,522	11.2
§5K3.1 Early Disposition Program Departure	9,057	10.7
Other Government Sponsored Below Range	3,716	4.4
NON-GOVERNMENT SPONSORED BELOW RANGE	14,762	17.4
DEPARTURE BELOW GUIDELINE RANGE	2,893	3.4
Downward Departure From Guideline Range ²	1,976	2.3
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	917	1.1
OTHERWISE BELOW GUIDELINE RANGE	11,869	14.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,371	13.4
All Remaining Cases Below Guideline Range ⁵	498	0.6

¹ This table reflects the 86,201 cases sentenced in Fiscal Year 2011. Of these, 1,457 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.

² 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*.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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 DISTRICT¹
Fiscal Year 2011

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	84,744	46,160	54.5	379	0.4	109	0.1	947	1.1	92	0.1
D.C. CIRCUIT	359	138	38.4	3	0.8	1	0.3	4	1.1	0	0.0
District of Columbia	359	138	38.4	3	0.8	1	0.3	4	1.1	0	0.0
FIRST CIRCUIT	2,328	1,340	57.6	6	0.3	6	0.3	37	1.6	3	0.1
Maine	193	83	43.0	1	0.5	0	0.0	1	0.5	0	0.0
Massachusetts	566	207	36.6	3	0.5	3	0.5	12	2.1	1	0.2
New Hampshire	204	85	41.7	0	0.0	1	0.5	8	3.9	0	0.0
Puerto Rico	1,155	863	74.7	2	0.2	2	0.2	16	1.4	2	0.2
Rhode Island	210	102	48.6	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	4,604	1,797	39.0	13	0.3	3	0.1	22	0.5	6	0.1
Connecticut	341	144	42.2	2	0.6	0	0.0	2	0.6	0	0.0
New York											
Eastern	1,147	350	30.5	1	0.1	2	0.2	12	1.0	3	0.3
Northern	573	298	52.0	3	0.5	1	0.2	0	0.0	1	0.2
Southern	1,579	551	34.9	1	0.1	0	0.0	6	0.4	1	0.1
Western	803	403	50.2	5	0.6	0	0.0	1	0.1	1	0.1
Vermont	161	51	31.7	1	0.6	0	0.0	1	0.6	0	0.0
THIRD CIRCUIT	2,955	1,344	45.5	7	0.2	3	0.1	27	0.9	5	0.2
Delaware	121	47	38.8	0	0.0	0	0.0	1	0.8	0	0.0
New Jersey	803	384	47.8	1	0.1	1	0.1	3	0.4	0	0.0
Pennsylvania											
Eastern	979	384	39.2	3	0.3	1	0.1	18	1.8	3	0.3
Middle	500	234	46.8	2	0.4	0	0.0	2	0.4	0	0.0
Western	490	252	51.4	0	0.0	0	0.0	1	0.2	1	0.2
Virgin Islands	62	43	69.4	1	1.6	1	1.6	2	3.2	1	1.6
FOURTH CIRCUIT	6,794	4,119	60.6	43	0.6	17	0.3	83	1.2	4	0.1
Maryland	853	353	41.4	8	0.9	5	0.6	12	1.4	1	0.1
North Carolina											
Eastern	805	441	54.8	13	1.6	4	0.5	12	1.5	0	0.0
Middle	527	372	70.6	6	1.1	0	0.0	10	1.9	0	0.0
Western	550	312	56.7	1	0.2	1	0.2	6	1.1	0	0.0
South Carolina	1,044	613	58.7	6	0.6	1	0.1	7	0.7	2	0.2
Virginia											
Eastern	2,020	1,513	74.9	7	0.3	5	0.2	22	1.1	0	0.0
Western	374	181	48.4	1	0.3	1	0.3	6	1.6	0	0.0
West Virginia											
Northern	311	177	56.9	1	0.3	0	0.0	5	1.6	0	0.0
Southern	310	157	50.6	0	0.0	0	0.0	3	1.0	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	%
TOTAL	9,522	11.2	9,057	10.7	3,716	4.4	1,976	2.3	917	1.1	11,371	13.4	498	0.6
D.C. CIRCUIT	84	23.4	0	0.0	57	15.9	12	3.3	20	5.6	33	9.2	7	1.9
District of Columbia	84	23.4	0	0.0	57	15.9	12	3.3	20	5.6	33	9.2	7	1.9
FIRST CIRCUIT	247	10.6	17	0.7	205	8.8	59	2.5	26	1.1	362	15.5	20	0.9
Maine	62	32.1	0	0.0	2	1.0	9	4.7	3	1.6	32	16.6	0	0.0
Massachusetts	68	12.0	2	0.4	96	17.0	16	2.8	6	1.1	147	26.0	5	0.9
New Hampshire	34	16.7	0	0.0	26	12.7	4	2.0	6	2.9	40	19.6	0	0.0
Puerto Rico	71	6.1	15	1.3	75	6.5	29	2.5	11	1.0	54	4.7	15	1.3
Rhode Island	12	5.7	0	0.0	6	2.9	1	0.5	0	0.0	89	42.4	0	0.0
SECOND CIRCUIT	871	18.9	0	0.0	120	2.6	142	3.1	148	3.2	1,443	31.3	39	0.8
Connecticut	52	15.2	0	0.0	5	1.5	22	6.5	14	4.1	99	29.0	1	0.3
New York														
Eastern	232	20.2	0	0.0	38	3.3	41	3.6	60	5.2	395	34.4	13	1.1
Northern	119	20.8	0	0.0	7	1.2	18	3.1	11	1.9	111	19.4	4	0.7
Southern	228	14.4	0	0.0	18	1.1	34	2.2	37	2.3	687	43.5	16	1.0
Western	218	27.1	0	0.0	38	4.7	3	0.4	6	0.7	123	15.3	5	0.6
Vermont	22	13.7	0	0.0	14	8.7	24	14.9	20	12.4	28	17.4	0	0.0
THIRD CIRCUIT	729	24.7	0	0.0	147	5.0	39	1.3	55	1.9	574	19.4	25	0.8
Delaware	19	15.7	0	0.0	12	9.9	0	0.0	0	0.0	40	33.1	2	1.7
New Jersey	219	27.3	0	0.0	25	3.1	10	1.2	11	1.4	146	18.2	3	0.4
Pennsylvania														
Eastern	303	30.9	0	0.0	38	3.9	10	1.0	6	0.6	197	20.1	16	1.6
Middle	92	18.4	0	0.0	59	11.8	12	2.4	11	2.2	88	17.6	0	0.0
Western	88	18.0	0	0.0	12	2.4	6	1.2	27	5.5	101	20.6	2	0.4
Virgin Islands	8	12.9	0	0.0	1	1.6	1	1.6	0	0.0	2	3.2	2	3.2
FOURTH CIRCUIT	1,060	15.6	0	0.0	242	3.6	100	1.5	65	1.0	1,028	15.1	33	0.5
Maryland	213	25.0	0	0.0	78	9.1	17	2.0	23	2.7	137	16.1	6	0.7
North Carolina														
Eastern	263	32.7	0	0.0	2	0.2	6	0.7	3	0.4	59	7.3	2	0.2
Middle	59	11.2	0	0.0	1	0.2	6	1.1	1	0.2	72	13.7	0	0.0
Western	121	22.0	0	0.0	28	5.1	6	1.1	5	0.9	69	12.5	1	0.2
South Carolina	186	17.8	0	0.0	27	2.6	12	1.1	7	0.7	175	16.8	8	0.8
Virginia														
Eastern	72	3.6	0	0.0	42	2.1	42	2.1	20	1.0	284	14.1	13	0.6
Western	82	21.9	0	0.0	24	6.4	8	2.1	3	0.8	67	17.9	1	0.3
West Virginia														
Northern	28	9.0	0	0.0	36	11.6	0	0.0	1	0.3	62	19.9	1	0.3
Southern	36	11.6	0	0.0	4	1.3	3	1.0	2	0.6	103	33.2	1	0.3

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	%
FIFTH CIRCUIT	19,363	13,662	70.6	98	0.5	22	0.1	319	1.6	22	0.1
Louisiana											
Eastern	347	242	69.7	5	1.4	5	1.4	7	2.0	1	0.3
Middle	138	75	54.3	3	2.2	2	1.4	5	3.6	0	0.0
Western	285	205	71.9	4	1.4	1	0.4	15	5.3	2	0.7
Mississippi											
Northern	183	120	65.6	0	0.0	0	0.0	9	4.9	0	0.0
Southern	306	246	80.4	1	0.3	0	0.0	2	0.7	0	0.0
Texas											
Eastern	1,008	700	69.4	7	0.7	0	0.0	8	0.8	1	0.1
Northern	914	554	60.6	15	1.6	8	0.9	61	6.7	0	0.0
Southern	8,302	5,477	66.0	50	0.6	4	0.0	58	0.7	0	0.0
Western	7,880	6,043	76.7	13	0.2	2	0.0	154	2.0	18	0.2
SIXTH CIRCUIT	5,608	2,831	50.5	31	0.6	4	0.1	69	1.2	5	0.1
Kentucky											
Eastern	607	293	48.3	0	0.0	0	0.0	9	1.5	0	0.0
Western	431	219	50.8	3	0.7	0	0.0	1	0.2	1	0.2
Michigan											
Eastern	825	404	49.0	2	0.2	1	0.1	5	0.6	1	0.1
Western	499	325	65.1	5	1.0	1	0.2	10	2.0	2	0.4
Ohio											
Northern	628	300	47.8	1	0.2	0	0.0	8	1.3	0	0.0
Southern	741	255	34.4	3	0.4	2	0.3	8	1.1	1	0.1
Tennessee											
Eastern	912	559	61.3	6	0.7	0	0.0	8	0.9	0	0.0
Middle	335	140	41.8	3	0.9	0	0.0	6	1.8	0	0.0
Western	630	336	53.3	8	1.3	0	0.0	14	2.2	0	0.0
SEVENTH CIRCUIT	3,037	1,481	48.8	18	0.6	5	0.2	54	1.8	1	0.0
Illinois											
Central	358	196	54.7	2	0.6	0	0.0	3	0.8	0	0.0
Northern	921	417	45.3	4	0.4	0	0.0	7	0.8	0	0.0
Southern	332	253	76.2	4	1.2	1	0.3	4	1.2	0	0.0
Indiana											
Northern	451	269	59.6	2	0.4	2	0.4	7	1.6	1	0.2
Southern	288	146	50.7	2	0.7	0	0.0	25	8.7	0	0.0
Wisconsin											
Eastern	500	123	24.6	2	0.4	1	0.2	7	1.4	0	0.0
Western	187	77	41.2	2	1.1	1	0.5	1	0.5	0	0.0
EIGHTH CIRCUIT	4,760	2,613	54.9	37	0.8	16	0.3	69	1.4	6	0.1
Arkansas											
Eastern	325	204	62.8	2	0.6	1	0.3	8	2.5	0	0.0
Western	318	243	76.4	0	0.0	0	0.0	0	0.0	2	0.6
Iowa											
Northern	520	327	62.9	13	2.5	4	0.8	16	3.1	0	0.0
Southern	407	154	37.8	3	0.7	0	0.0	5	1.2	0	0.0
Minnesota	451	141	31.3	1	0.2	5	1.1	1	0.2	0	0.0
Missouri											
Eastern	817	400	49.0	3	0.4	3	0.4	11	1.3	3	0.4
Western	654	360	55.0	2	0.3	1	0.2	18	2.8	1	0.2
Nebraska	561	339	60.4	5	0.9	0	0.0	3	0.5	0	0.0
North Dakota	275	153	55.6	0	0.0	2	0.7	5	1.8	0	0.0
South Dakota	432	292	67.6	8	1.9	0	0.0	2	0.5	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	%
FIFTH CIRCUIT	1,371	7.1	851	4.4	365	1.9	741	3.8	56	0.3	1,728	8.9	128	0.7
Louisiana														
Eastern	37	10.7	0	0.0	7	2.0	5	1.4	5	1.4	30	8.6	3	0.9
Middle	30	21.7	0	0.0	2	1.4	1	0.7	1	0.7	19	13.8	0	0.0
Western	25	8.8	0	0.0	1	0.4	1	0.4	0	0.0	29	10.2	2	0.7
Mississippi														
Northern	32	17.5	0	0.0	4	2.2	0	0.0	0	0.0	18	9.8	0	0.0
Southern	26	8.5	0	0.0	0	0.0	3	1.0	0	0.0	20	6.5	8	2.6
Texas														
Eastern	94	9.3	0	0.0	104	10.3	30	3.0	10	1.0	51	5.1	3	0.3
Northern	118	12.9	0	0.0	18	2.0	4	0.4	1	0.1	134	14.7	1	0.1
Southern	436	5.3	842	10.1	123	1.5	517	6.2	18	0.2	765	9.2	12	0.1
Western	573	7.3	9	0.1	106	1.3	180	2.3	21	0.3	662	8.4	99	1.3
SIXTH CIRCUIT	1,296	23.1	1	0.0	236	4.2	125	2.2	106	1.9	862	15.4	42	0.7
Kentucky														
Eastern	228	37.6	0	0.0	12	2.0	0	0.0	3	0.5	61	10.0	1	0.2
Western	98	22.7	0	0.0	45	10.4	13	3.0	3	0.7	47	10.9	1	0.2
Michigan														
Eastern	147	17.8	1	0.1	27	3.3	16	1.9	12	1.5	205	24.8	4	0.5
Western	58	11.6	0	0.0	2	0.4	10	2.0	7	1.4	76	15.2	3	0.6
Ohio														
Northern	167	26.6	0	0.0	18	2.9	15	2.4	7	1.1	106	16.9	6	1.0
Southern	220	29.7	0	0.0	53	7.2	36	4.9	44	5.9	104	14.0	15	2.0
Tennessee														
Eastern	220	24.1	0	0.0	14	1.5	11	1.2	5	0.5	82	9.0	7	0.8
Middle	54	16.1	0	0.0	47	14.0	13	3.9	5	1.5	67	20.0	0	0.0
Western	104	16.5	0	0.0	18	2.9	11	1.7	20	3.2	114	18.1	5	0.8
SEVENTH CIRCUIT	501	16.5	1	0.0	147	4.8	73	2.4	104	3.4	619	20.4	33	1.1
Illinois														
Central	53	14.8	0	0.0	17	4.7	1	0.3	3	0.8	81	22.6	2	0.6
Northern	133	14.4	0	0.0	14	1.5	19	2.1	72	7.8	238	25.8	17	1.8
Southern	23	6.9	0	0.0	11	3.3	4	1.2	6	1.8	23	6.9	3	0.9
Indiana														
Northern	98	21.7	0	0.0	21	4.7	15	3.3	5	1.1	31	6.9	0	0.0
Southern	32	11.1	0	0.0	20	6.9	8	2.8	1	0.3	54	18.8	0	0.0
Wisconsin														
Eastern	146	29.2	0	0.0	64	12.8	3	0.6	0	0.0	143	28.6	11	2.2
Western	16	8.6	1	0.5	0	0.0	23	12.3	17	9.1	49	26.2	0	0.0
EIGHTH CIRCUIT	658	13.8	37	0.8	199	4.2	109	2.3	64	1.3	929	19.5	23	0.5
Arkansas														
Eastern	33	10.2	0	0.0	11	3.4	6	1.8	4	1.2	53	16.3	3	0.9
Western	36	11.3	0	0.0	1	0.3	1	0.3	3	0.9	31	9.7	1	0.3
Iowa														
Northern	100	19.2	0	0.0	5	1.0	3	0.6	0	0.0	52	10.0	0	0.0
Southern	84	20.6	0	0.0	42	10.3	2	0.5	5	1.2	110	27.0	2	0.5
Minnesota	94	20.8	1	0.2	7	1.6	15	3.3	10	2.2	176	39.0	0	0.0
Missouri														
Eastern	105	12.9	0	0.0	53	6.5	10	1.2	20	2.4	202	24.7	7	0.9
Western	124	19.0	0	0.0	22	3.4	12	1.8	6	0.9	106	16.2	2	0.3
Nebraska	15	2.7	36	6.4	36	6.4	10	1.8	5	0.9	106	18.9	6	1.1
North Dakota	57	20.7	0	0.0	13	4.7	13	4.7	2	0.7	29	10.5	1	0.4
South Dakota	10	2.3	0	0.0	9	2.1	37	8.6	9	2.1	64	14.8	1	0.2

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	%
NINTH CIRCUIT	21,265	8,668	40.8	79	0.4	22	0.1	97	0.5	21	0.1
Alaska	153	61	39.9	2	1.3	3	2.0	0	0.0	0	0.0
Arizona	9,185	4,273	46.5	48	0.5	5	0.1	15	0.2	5	0.1
California											
Central	1,886	613	32.5	5	0.3	8	0.4	11	0.6	3	0.2
Eastern	1,038	405	39.0	5	0.5	0	0.0	7	0.7	3	0.3
Northern	811	362	44.6	0	0.0	2	0.2	8	1.0	0	0.0
Southern	4,834	1,367	28.3	7	0.1	1	0.0	7	0.1	8	0.2
Guam	50	27	54.0	0	0.0	1	2.0	0	0.0	0	0.0
Hawaii	206	82	39.8	0	0.0	1	0.5	3	1.5	0	0.0
Idaho	347	146	42.1	1	0.3	0	0.0	4	1.2	0	0.0
Montana	311	209	67.2	1	0.3	0	0.0	4	1.3	0	0.0
Nevada	649	400	61.6	1	0.2	0	0.0	9	1.4	1	0.2
Northern Mariana Islands	10	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	631	232	36.8	2	0.3	0	0.0	14	2.2	0	0.0
Washington											
Eastern	369	129	35.0	6	1.6	1	0.3	7	1.9	1	0.3
Western	785	355	45.2	1	0.1	0	0.0	8	1.0	0	0.0
TENTH CIRCUIT	6,739	3,797	56.3	28	0.4	3	0.0	50	0.7	7	0.1
Colorado	657	360	54.8	2	0.3	2	0.3	3	0.5	1	0.2
Kansas	688	341	49.6	9	1.3	0	0.0	27	3.9	1	0.1
New Mexico	3,149	1,964	62.4	8	0.3	1	0.0	4	0.1	3	0.1
Oklahoma											
Eastern	104	79	76.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	197	123	62.4	2	1.0	0	0.0	0	0.0	0	0.0
Western	503	342	68.0	1	0.2	0	0.0	6	1.2	0	0.0
Utah	1,086	390	35.9	4	0.4	0	0.0	6	0.6	1	0.1
Wyoming	355	198	55.8	2	0.6	0	0.0	4	1.1	1	0.3
ELEVENTH CIRCUIT	6,932	4,370	63.0	16	0.2	7	0.1	116	1.7	12	0.2
Alabama											
Middle	230	135	58.7	0	0.0	1	0.4	12	5.2	0	0.0
Northern	456	307	67.3	0	0.0	0	0.0	5	1.1	0	0.0
Southern	439	273	62.2	2	0.5	0	0.0	3	0.7	0	0.0
Florida											
Middle	1,526	789	51.7	3	0.2	0	0.0	33	2.2	2	0.1
Northern	369	240	65.0	3	0.8	2	0.5	5	1.4	0	0.0
Southern	2,093	1,346	64.3	4	0.2	3	0.1	24	1.1	9	0.4
Georgia											
Middle	396	317	80.1	0	0.0	1	0.3	3	0.8	0	0.0
Northern	671	360	53.7	2	0.3	0	0.0	11	1.6	0	0.0
Southern	752	603	80.2	2	0.3	0	0.0	20	2.7	1	0.1

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	%
NINTH CIRCUIT	1,314	6.2	7,358	34.6	1,227	5.8	387	1.8	169	0.8	1,828	8.6	95	0.4
Alaska	22	14.4	0	0.0	16	10.5	6	3.9	10	6.5	32	20.9	1	0.7
Arizona	158	1.7	3,839	41.8	272	3.0	114	1.2	36	0.4	406	4.4	14	0.2
California														
Central	205	10.9	401	21.3	198	10.5	53	2.8	25	1.3	325	17.2	39	2.1
Eastern	139	13.4	332	32.0	28	2.7	12	1.2	5	0.5	99	9.5	3	0.3
Northern	79	9.7	103	12.7	126	15.5	14	1.7	27	3.3	88	10.9	2	0.2
Southern	265	5.5	2,514	52.0	148	3.1	142	2.9	32	0.7	322	6.7	21	0.4
Guam	7	14.0	0	0.0	0	0.0	1	2.0	0	0.0	12	24.0	2	4.0
Hawaii	55	26.7	0	0.0	2	1.0	3	1.5	2	1.0	58	28.2	0	0.0
Idaho	93	26.8	26	7.5	8	2.3	4	1.2	3	0.9	61	17.6	1	0.3
Montana	48	15.4	0	0.0	3	1.0	1	0.3	2	0.6	42	13.5	1	0.3
Nevada	55	8.5	0	0.0	65	10.0	15	2.3	4	0.6	93	14.3	6	0.9
Northern Mariana Islands	1	10.0	0	0.0	1	10.0	0	0.0	1	10.0	0	0.0	0	0.0
Oregon	107	17.0	53	8.4	102	16.2	9	1.4	9	1.4	101	16.0	2	0.3
Washington														
Eastern	33	8.9	48	13.0	62	16.8	8	2.2	6	1.6	68	18.4	0	0.0
Western	47	6.0	42	5.4	196	25.0	5	0.6	7	0.9	121	15.4	3	0.4
TENTH CIRCUIT	497	7.4	792	11.8	644	9.6	109	1.6	43	0.6	750	11.1	19	0.3
Colorado	140	21.3	0	0.0	33	5.0	13	2.0	8	1.2	95	14.5	0	0.0
Kansas	112	16.3	0	0.0	111	16.1	7	1.0	1	0.1	78	11.3	1	0.1
New Mexico	91	2.9	408	13.0	411	13.1	52	1.7	20	0.6	175	5.6	12	0.4
Oklahoma														
Eastern	14	13.5	0	0.0	4	3.8	0	0.0	0	0.0	7	6.7	0	0.0
Northern	34	17.3	0	0.0	0	0.0	1	0.5	1	0.5	36	18.3	0	0.0
Western	36	7.2	0	0.0	2	0.4	9	1.8	3	0.6	103	20.5	1	0.2
Utah	30	2.8	377	34.7	54	5.0	19	1.7	0	0.0	200	18.4	5	0.5
Wyoming	40	11.3	7	2.0	29	8.2	8	2.3	10	2.8	56	15.8	0	0.0
ELEVENTH CIRCUIT	894	12.9	0	0.0	127	1.8	80	1.2	61	0.9	1,215	17.5	34	0.5
Alabama														
Middle	47	20.4	0	0.0	5	2.2	3	1.3	0	0.0	27	11.7	0	0.0
Northern	82	18.0	0	0.0	7	1.5	2	0.4	1	0.2	52	11.4	0	0.0
Southern	81	18.5	0	0.0	6	1.4	4	0.9	4	0.9	66	15.0	0	0.0
Florida														
Middle	244	16.0	0	0.0	17	1.1	28	1.8	22	1.4	378	24.8	10	0.7
Northern	50	13.6	0	0.0	0	0.0	8	2.2	2	0.5	59	16.0	0	0.0
Southern	197	9.4	0	0.0	37	1.8	17	0.8	21	1.0	416	19.9	19	0.9
Georgia														
Middle	50	12.6	0	0.0	4	1.0	2	0.5	2	0.5	17	4.3	0	0.0
Northern	73	10.9	0	0.0	42	6.3	11	1.6	8	1.2	161	24.0	3	0.4
Southern	70	9.3	0	0.0	9	1.2	5	0.7	1	0.1	39	5.2	2	0.3

¹ Of the 86,201 cases, 1,457 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: Middle Georgia (11.0%), Western Texas (7.6%), Guam (7.4%), Western Louisiana (6.6%), Eastern North Carolina (5.6%), Northern Georgia (5.6%), Maryland (5.3%), and Oregon (5.1%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	84,744	46,160	54.5	379	0.4	109	0.1	947	1.1	92	0.1
Murder	74	39	52.7	4	5.4	1	1.4	4	5.4	0	0.0
Manslaughter	65	32	49.2	7	10.8	2	3.1	3	4.6	1	1.5
Kidnapping/Hostage Taking	69	33	47.8	0	0.0	0	0.0	1	1.4	0	0.0
Sexual Abuse	393	219	55.7	7	1.8	4	1.0	21	5.3	1	0.3
Assault	654	371	56.7	13	2.0	2	0.3	19	2.9	6	0.9
Robbery	957	576	60.2	9	0.9	5	0.5	24	2.5	1	0.1
Arson	54	28	51.9	1	1.9	0	0.0	1	1.9	0	0.0
Drugs - Trafficking	24,401	11,283	46.2	62	0.3	11	0.0	130	0.5	18	0.1
Drugs - Communication Facility	469	234	49.9	0	0.0	1	0.2	8	1.7	1	0.2
Drugs - Simple Possession	764	725	94.9	5	0.7	3	0.4	7	0.9	1	0.1
Firearms	7,837	4,640	59.2	85	1.1	13	0.2	183	2.3	12	0.2
Burglary/B&E	51	35	68.6	0	0.0	1	2.0	2	3.9	0	0.0
Auto Theft	85	37	43.5	2	2.4	0	0.0	3	3.5	0	0.0
Larceny	1,472	1,083	73.6	4	0.3	4	0.3	15	1.0	2	0.1
Fraud	7,887	4,304	54.6	33	0.4	24	0.3	106	1.3	11	0.1
Embezzlement	385	246	63.9	0	0.0	0	0.0	2	0.5	1	0.3
Forgery/Counterfeiting	937	601	64.1	3	0.3	2	0.2	16	1.7	1	0.1
Bribery	221	75	33.9	0	0.0	1	0.5	1	0.5	1	0.5
Tax	674	252	37.4	2	0.3	1	0.1	8	1.2	1	0.1
Money Laundering	836	281	33.6	5	0.6	0	0.0	2	0.2	1	0.1
Racketeering/Extortion	729	336	46.1	7	1.0	1	0.1	12	1.6	1	0.1
Gambling/Lottery	79	43	54.4	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	57	31	54.4	0	0.0	0	0.0	1	1.8	0	0.0
Immigration	29,327	16,913	57.7	97	0.3	24	0.1	291	1.0	21	0.1
Child Pornography	1,855	647	34.9	9	0.5	3	0.2	23	1.2	0	0.0
Prison Offenses	414	303	73.2	4	1.0	0	0.0	11	2.7	1	0.2
Administration of Justice Offenses	1,171	676	57.7	6	0.5	1	0.1	29	2.5	7	0.6
Environmental/Wildlife	178	99	55.6	0	0.0	0	0.0	1	0.6	0	0.0
National Defense	88	44	50.0	1	1.1	0	0.0	1	1.1	0	0.0
Antitrust	10	1	10.0	0	0.0	0	0.0	1	10.0	0	0.0
Food & Drug	54	39	72.2	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	2,497	1,934	77.5	13	0.5	5	0.2	21	0.8	3	0.1

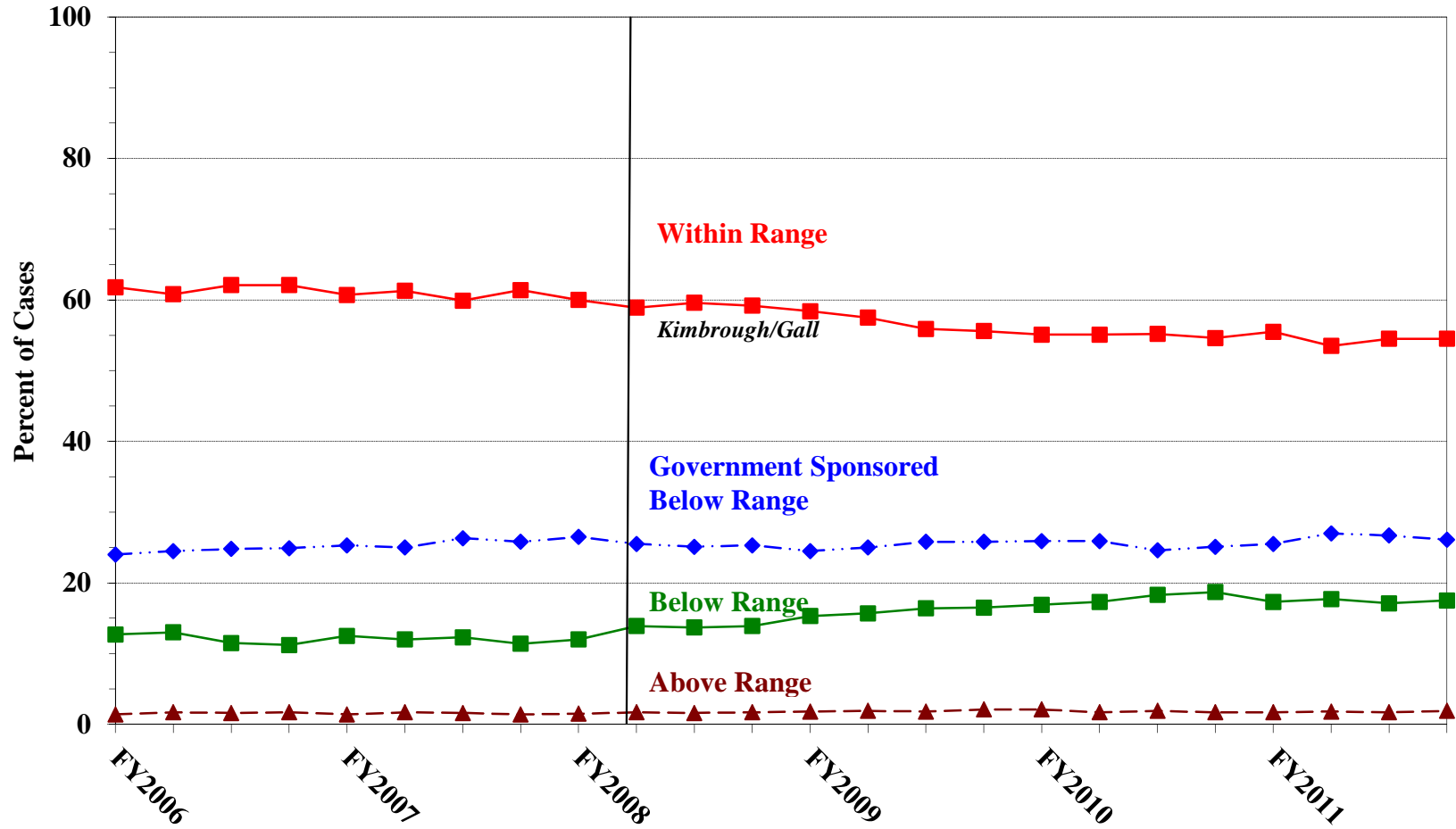
Table 3 (cont.)

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	%
TOTAL	9,522	11.2	9,057	10.7	3,716	4.4	1,976	2.3	917	1.1	11,371	13.4	498	0.6
Murder	12	16.2	0	0.0	5	6.8	1	1.4	0	0.0	7	9.5	1	1.4
Manslaughter	0	0.0	0	0.0	3	4.6	1	1.5	1	1.5	15	23.1	0	0.0
Kidnapping/Hostage Taking	17	24.6	0	0.0	7	10.1	3	4.3	3	4.3	5	7.2	0	0.0
Sexual Abuse	14	3.6	0	0.0	56	14.2	5	1.3	2	0.5	62	15.8	2	0.5
Assault	6	0.9	2	0.3	108	16.5	22	3.4	12	1.8	89	13.6	4	0.6
Robbery	104	10.9	3	0.3	40	4.2	25	2.6	12	1.3	155	16.2	3	0.3
Arson	12	22.2	0	0.0	3	5.6	3	5.6	1	1.9	5	9.3	0	0.0
Drugs - Trafficking	5,766	23.6	1,364	5.6	1,199	4.9	502	2.1	305	1.2	3,653	15.0	108	0.4
Drugs - Communication Facility	73	15.6	9	1.9	37	7.9	9	1.9	6	1.3	86	18.3	5	1.1
Drugs - Simple Possession	5	0.7	0	0.0	3	0.4	2	0.3	0	0.0	11	1.4	2	0.3
Firearms	894	11.4	12	0.2	418	5.3	167	2.1	103	1.3	1,272	16.2	38	0.5
Burglary/B&E	4	7.8	0	0.0	3	5.9	2	3.9	0	0.0	3	5.9	1	2.0
Auto Theft	19	22.4	0	0.0	1	1.2	3	3.5	0	0.0	20	23.5	0	0.0
Larceny	65	4.4	2	0.1	62	4.2	24	1.6	11	0.7	184	12.5	16	1.1
Fraud	1,281	16.2	10	0.1	333	4.2	141	1.8	145	1.8	1,418	18.0	81	1.0
Embezzlement	15	3.9	1	0.3	16	4.2	7	1.8	5	1.3	87	22.6	5	1.3
Forgery/Counterfeiting	112	12.0	1	0.1	27	2.9	15	1.6	8	0.9	143	15.3	8	0.9
Bribery	79	35.7	0	0.0	6	2.7	9	4.1	7	3.2	40	18.1	2	0.9
Tax	70	10.4	2	0.3	53	7.9	22	3.3	21	3.1	228	33.8	14	2.1
Money Laundering	195	23.3	12	1.4	87	10.4	26	3.1	16	1.9	200	23.9	11	1.3
Racketeering/Extortion	136	18.7	0	0.0	64	8.8	28	3.8	10	1.4	125	17.1	9	1.2
Gambling/Lottery	17	21.5	0	0.0	4	5.1	3	3.8	2	2.5	7	8.9	3	3.8
Civil Rights	7	12.3	0	0.0	4	7.0	0	0.0	2	3.5	12	21.1	0	0.0
Immigration	281	1.0	7,626	26.0	668	2.3	828	2.8	141	0.5	2,296	7.8	141	0.5
Child Pornography	69	3.7	0	0.0	272	14.7	43	2.3	56	3.0	726	39.1	7	0.4
Prison Offenses	10	2.4	4	1.0	32	7.7	8	1.9	3	0.7	36	8.7	2	0.5
Administration of Justice Offenses	98	8.4	8	0.7	93	7.9	26	2.2	13	1.1	204	17.4	10	0.9
Environmental/Wildlife	19	10.7	0	0.0	12	6.7	4	2.2	5	2.8	33	18.5	5	2.8
National Defense	16	18.2	0	0.0	5	5.7	4	4.5	1	1.1	16	18.2	0	0.0
Antitrust	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0	1	10.0	0	0.0
Food & Drug	5	9.3	0	0.0	1	1.9	0	0.0	0	0.0	9	16.7	0	0.0
Other Miscellaneous Offenses	114	4.6	1	0.0	94	3.8	43	1.7	26	1.0	223	8.9	20	0.8

¹ Of the 86,201 cases, 1,457 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.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, USSCFY11.

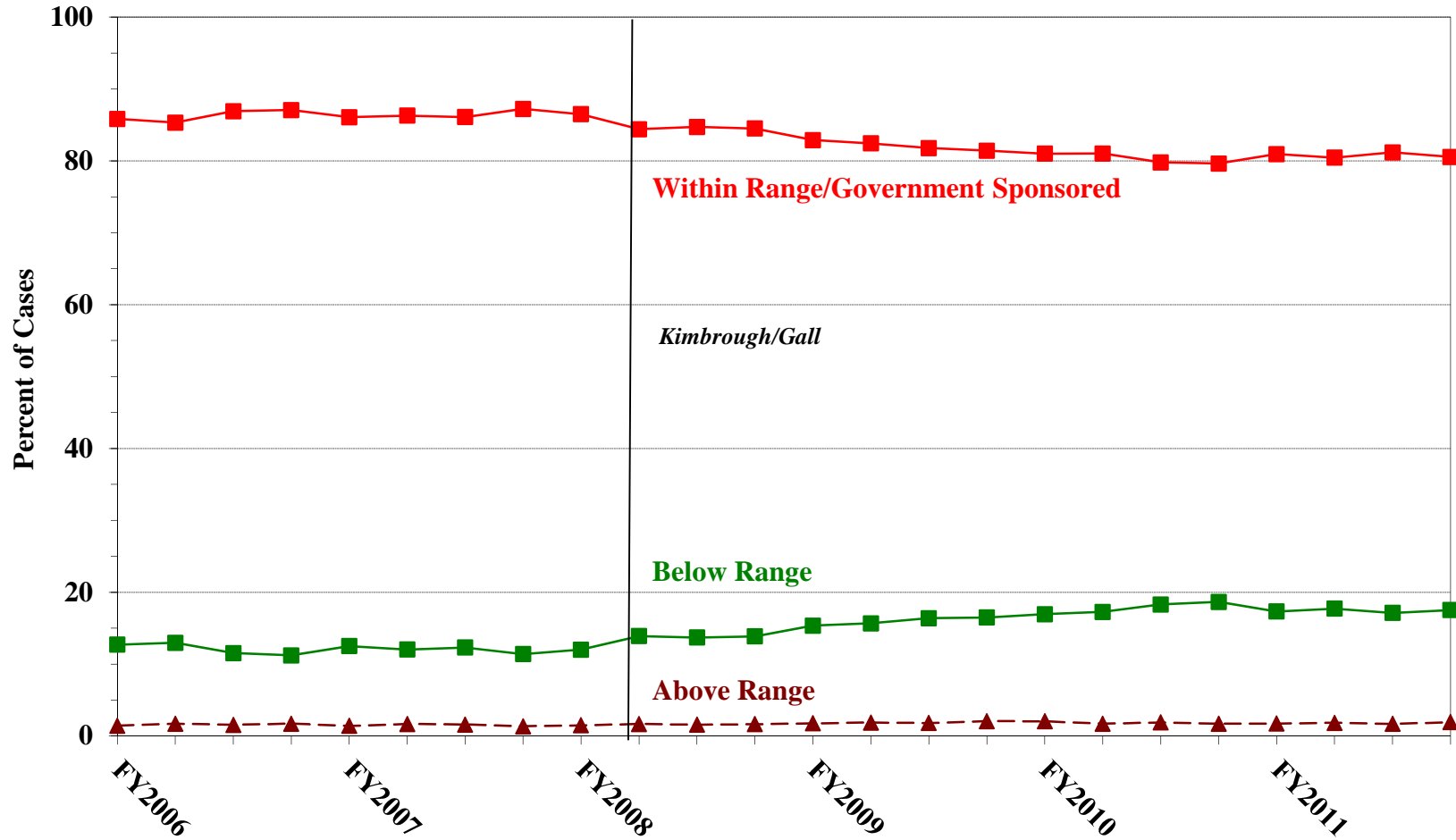
Figure A
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2006 - 2011



¹ 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 SENTENCES¹

Fiscal Years 2006 - 2011



¹ Descriptions of variables used in this figure are provided in Appendix A.

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2006 - 2011

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	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
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	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
FY2011				
1st Quarter	55.5	25.5	17.3	1.7
2ndQuarter	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

¹ Descriptions of variables used in this table are provided in Appendix A.

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		§5K1.1	§5K3.1	Other Gov't	Departure		Below Range	
		Gdline Only	with Booker	with Booker	All Others							Gdline Only	with Booker
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	33	32	0	0	0	0	1	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	238	177	4	0	4	1	5	1	9	6	2	27	2
§2P1.2	125	94	0	0	3	0	3	1	14	2	1	7	0
§2P1.3	10	10	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	40	10	1	0	1	0	6	0	3	1	4	12	2
§2Q1.3	45	17	0	0	0	0	5	0	3	6	2	11	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	101	53	0	0	0	0	15	0	8	3	1	19	2
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	7	1	0	0	1	0	3	0	0	0	0	2	0
§2S1.1	976	291	5	0	8	1	328	1	75	20	14	226	7
§2S1.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	322	140	0	0	1	0	23	12	48	17	8	68	5
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	578	220	3	1	8	1	67	0	36	20	22	188	12
§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	146	54	0	0	1	1	20	1	12	3	2	48	4
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	41	14	0	0	0	0	4	0	4	2	1	16	0
§2T1.7	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	7	1	0	0	0	0	0	0	2	1	2	1	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	27	10	0	0	0	0	6	0	3	1	1	4	2
§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	33	15	2	0	0	0	5	0	1	2	1	7	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	108	49	1	0	6	1	20	0	10	3	0	18	0
§2X4.1	369	198	4	0	4	3	44	4	26	5	5	73	3
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	236	229	1	0	2	0	0	0	0	1	0	3	0
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.2	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	77,406	40,203	372	105	916	86	9,449	8,298	3,554	1,931	904	11,127	461

¹ Of the 86,201 cases, 8,795 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 (1,457) or missing guideline applied (8,695). Descriptions of variables used in this table are provided in Appendix A.

² In 834 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 834 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,366 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 2,366 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2011

	Pursuant to a Plea Agreement										
	TOTAL CASES	§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	%
TOTAL	38,584	5,950	15.4	8,575	22.2	3,629	9.4	2,172	5.6	209	0.5
Above Range	1,527	4	0.3	15	1.0	291	19.1	93	6.1	1	0.1
Upward Departure From Guideline Range	379	2	0.5	6	1.6	127	33.5	32	8.4	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	109	0	0.0	0	0.0	16	14.7	9	8.3	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	947	0	0.0	0	0.0	145	15.3	50	5.3	1	0.1
All Remaining Cases Above Guideline Range	92	2	2.2	9	9.8	3	3.3	2	2.2	0	0.0
Government Sponsored Below Range	22,295	5,946	26.7	8,560	38.4	3,338	15.0	2,079	9.3	208	0.9
§5K1.1 Substantial Assistance Departure	9,522	5,946	62.4	138	1.4	185	1.9	178	1.9	21	0.2
§5K3.1 Early Disposition Program Departure	9,057	0	0.0	8,422	93.0	1,489	16.4	863	9.5	17	0.2
Other Government Sponsored Below Range	3,716	0	0.0	0	0.0	1,664	44.8	1,038	27.9	170	4.6
Below Range	14,762	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,976	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	917	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	11,371	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	498	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	%
TOTAL	3,266	8.5	270	0.7	1,194	3.1	4,422	11.5	4,955	12.8	6,115	15.8	4,090	10.6
Above Range	0	0.0	0	0.0	188	12.3	10	0.7	7	0.5	704	46.1	271	17.7
Upward Departure From Guideline Range	0	0.0	0	0.0	63	16.6	1	0.3	0	0.0	133	35.1	38	10.0
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	27	24.8	1	0.9	1	0.9	52	47.7	15	13.8
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	98	10.3	8	0.8	6	0.6	514	54.3	146	15.4
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	5	5.4	72	78.3
Government Sponsored Below Range	3,266	14.6	270	1.2	1,006	4.5	1,078	4.8	794	3.6	747	3.4	789	3.5
§5K1.1 Substantial Assistance Departure	3,266	34.3	6	0.1	242	2.5	476	5.0	307	3.2	453	4.8	215	2.3
§5K3.1 Early Disposition Program Departure	0	0.0	264	2.9	55	0.6	324	3.6	399	4.4	133	1.5	340	3.8
Other Government Sponsored Below Range	0	0.0	0	0.0	709	19.1	278	7.5	88	2.4	161	4.3	234	6.3
Below Range	0	0.0	0	0.0	0	0.0	3,334	22.6	4,154	28.1	4,664	31.6	3,030	20.5
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	722	36.5	383	19.4	602	30.5	317	16.0
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	192	20.9	309	33.7	360	39.3	153	16.7
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,419	21.3	3,457	30.4	3,690	32.5	2,079	18.3
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	0.2	5	1.0	12	2.4	481	96.6

¹ 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, 5,347 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 CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	9,171	34	30	50.0
Murder	11	90	40	28.0
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	13	120	112	48.6
Sexual Abuse	14	35	22	47.8
Assault	5	36	30	50.0
Robbery	102	46	26	34.3
Arson	12	44	21	35.0
Drugs - Trafficking	5,555	48	42	46.7
Drugs - Communication Facility	69	8	12	70.7
Drugs - Simple Possession	5	30	9	57.1
Firearms	848	60	35	44.4
Burglary/B&E	4	6	13	74.4
Auto Theft	19	12	17	56.5
Larceny	60	9	12	60.3
Fraud	1,247	6	18	73.3
Embezzlement	15	6	17	75.0
Forgery/Counterfeiting	110	9	9	50.0
Bribery	77	0	15	100.0
Tax	69	0	12	100.0
Money Laundering	191	12	24	71.4
Racketeering/Extortion	131	27	30	51.4
Gambling/Lottery	17	0	6	100.0
Civil Rights	7	0	10	100.0
Immigration	266	13	12	47.6
Child Pornography	64	84	61	46.7
Prison Offenses	10	8	9	58.3
Administration of Justice Offenses	95	0	13	100.0
Environmental/Wildlife	17	0	13	100.0
National Defense	16	12	36	71.1
Antitrust	5	1	18	85.1
Food & Drug	5	0	10	100.0
Other Miscellaneous Offenses	112	5	23	81.4

¹ Of the 86,201 cases, 9,522 received a §5K1.1 substantial assistance departure. Of these, 9,272 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 96 cases were also excluded from this table. Of the remaining 9,176 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 CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	8,199	18	7	30.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	2	--	--	--
Robbery	3	70	22	23.9
Arson	0	--	--	--
Drugs - Trafficking	1,295	24	10	33.3
Drugs - Communication Facility	7	30	16	34.8
Drugs - Simple Possession	0	--	--	--
Firearms	12	25	8	24.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	9	12	8	42.7
Embezzlement	1	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	8	5	6	55.0
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	6,847	18	6	28.6
Child Pornography	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	7	1	11	86.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 86,201 cases, 9,057 received a §5K3.1 early disposition program departure. Of these, 8,201 cases had complete guideline application information. Of the remaining cases, two 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.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,482	30	15	36.4
Murder	5	144	15	14.3
Manslaughter	3	24	9	27.3
Kidnapping/Hostage Taking	6	108	102	48.8
Sexual Abuse	53	72	55	47.4
Assault	94	21	17	50.7
Robbery	38	39	16	26.5
Arson	3	60	10	19.5
Drugs - Trafficking	1,151	60	24	31.4
Drugs - Communication Facility	34	21	23	50.0
Drugs - Simple Possession	2	--	--	--
Firearms	393	46	18	28.6
Burglary/B&E	3	8	3	19.7
Auto Theft	1	--	--	--
Larceny	52	0	10	100.0
Fraud	313	12	12	56.1
Embezzlement	16	4	11	93.4
Forgery/Counterfeiting	27	9	12	51.4
Bribery	5	6	24	80.0
Tax	52	1	12	97.9
Money Laundering	85	12	12	55.4
Racketeering/Extortion	60	35	23	35.5
Gambling/Lottery	3	0	15	99.8
Civil Rights	4	4	10	62.6
Immigration	616	10	5	33.3
Child Pornography	267	60	38	38.1
Prison Offenses	24	12	10	45.0
Administration of Justice Offenses	86	4	10	67.5
Environmental/Wildlife	9	1	12	91.7
National Defense	3	15	31	67.4
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	73	0	10	100.0

¹ Of the 86,201 cases, 3,716 received an other government sponsored downward departure. Of these, 3,501 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 15 cases were also excluded from this table. Of the remaining 3,486 cases, four 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 CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,905	24	11	33.3
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	3	132	115	63.3
Sexual Abuse	5	60	6	13.9
Assault	21	21	11	33.3
Robbery	25	41	14	24.5
Arson	3	36	10	21.7
Drugs - Trafficking	491	36	13	28.0
Drugs - Communication Facility	8	21	10	54.0
Drugs - Simple Possession	2	--	--	--
Firearms	164	36	10	26.6
Burglary/B&E	2	--	--	--
Auto Theft	3	18	9	25.0
Larceny	24	0	10	100.0
Fraud	138	6	10	63.8
Embezzlement	7	0	6	99.9
Forgery/Counterfeiting	15	0	12	99.8
Bribery	8	0	19	100.0
Tax	22	2	12	91.9
Money Laundering	26	5	10	40.8
Racketeering/Extortion	25	80	15	13.2
Gambling/Lottery	3	0	6	100.0
Civil Rights	0	--	--	--
Immigration	793	21	9	28.6
Child Pornography	42	60	32	34.9
Prison Offenses	7	12	6	33.3
Administration of Justice Offenses	24	3	10	85.0
Environmental/Wildlife	4	0	11	100.0
National Defense	4	12	27	67.1
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	34	0	10	100.0

¹ Of the 86,201 cases, 1,976 received a downward departure from the guideline range. Of these, 1,909 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 four 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.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	883	24	18	46.4
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	3	180	144	44.4
Sexual Abuse	2	--	--	--
Assault	11	18	12	47.8
Robbery	12	30	27	35.8
Arson	1	--	--	--
Drugs - Trafficking	298	47	27	36.2
Drugs - Communication Facility	6	16	38	74.8
Drugs - Simple Possession	0	--	--	--
Firearms	98	24	21	36.8
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	11	0	15	100.0
Fraud	142	6	12	72.0
Embezzlement	4	19	12	59.7
Forgery/Counterfeiting	8	3	11	85.3
Bribery	7	0	12	99.7
Tax	19	1	18	90.0
Money Laundering	16	9	22	66.7
Racketeering/Extortion	9	18	15	42.9
Gambling/Lottery	2	--	--	--
Civil Rights	2	--	--	--
Immigration	128	19	14	42.8
Child Pornography	56	42	41	46.0
Prison Offenses	3	15	6	37.5
Administration of Justice Offenses	13	12	10	60.0
Environmental/Wildlife	5	0	18	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	25	0	10	100.0

¹ Of the 86,201 cases, 917 received a downward departure from the guideline range with *Booker* /18 U.S.C § 3553. Of these, 886 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. Of the remaining 884 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.

**BELOW GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	10,882	24	13	35.1
Murder	6	192	66	25.0
Manslaughter	14	13	13	47.5
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	59	66	24	27.8
Assault	83	12	12	45.5
Robbery	153	48	13	20.5
Arson	5	30	13	20.5
Drugs - Trafficking	3,555	48	19	29.4
Drugs - Communication Facility	83	18	12	49.9
Drugs - Simple Possession	10	0	2	100.0
Firearms	1,237	36	13	27.2
Burglary/B&E	3	3	9	75.0
Auto Theft	18	0	14	100.0
Larceny	181	0	8	100.0
Fraud	1,372	12	11	49.9
Embezzlement	86	0	8	99.8
Forgery/Counterfeiting	134	5	10	75.0
Bribery	38	12	14	50.0
Tax	225	0	12	99.9
Money Laundering	193	18	12	49.7
Racketeering/Extortion	118	32	15	33.9
Gambling/Lottery	7	0	10	100.0
Civil Rights	12	6	10	46.4
Immigration	2,077	18	10	33.3
Child Pornography	718	60	37	38.1
Prison Offenses	34	10	6	36.4
Administration of Justice Offenses	198	6	10	64.8
Environmental/Wildlife	29	0	6	100.0
National Defense	11	33	18	34.8
Antitrust	1	--	--	--
Food & Drug	9	12	18	49.9
Other Miscellaneous Offenses	211	0	10	100.0

¹ Of the 86,201 cases, 11,371 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 10,927 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 36 cases were also excluded from this table. Of the remaining 10,891 cases, nine 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 CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	441	5	6	58.5
Murder	1	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	4	5	6	50.6
Robbery	3	96	36	54.3
Arson	0	--	--	--
Drugs - Trafficking	98	50	10	29.7
Drugs - Communication Facility	5	36	32	62.5
Drugs - Simple Possession	1	--	--	--
Firearms	34	66	11	18.0
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	13	0	6	100.0
Fraud	75	2	7	75.0
Embezzlement	5	0	9	100.0
Forgery/Counterfeiting	8	2	10	86.7
Bribery	1	--	--	--
Tax	13	0	6	92.3
Money Laundering	10	7	8	83.3
Racketeering/Extortion	9	50	19	48.9
Gambling/Lottery	3	0	6	100.0
Civil Rights	0	--	--	--
Immigration	120	0	2	100.0
Child Pornography	7	360	240	33.3
Prison Offenses	2	--	--	--
Administration of Justice Offenses	10	3	3	68.8
Environmental/Wildlife	5	0	6	100.0
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	12	2	6	92.9

¹ Of the 86,201 cases, 498 were otherwise sentenced below the guideline range. Of these, 445 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 three cases were also excluded from this table. Of the remaining 442 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.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	353	60	12	33.3
Murder	4	240	34	14.4
Manslaughter	7	120	42	27.7
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	144	12	11.9
Assault	12	78	36	62.3
Robbery	9	121	24	28.6
Arson	1	--	--	--
Drugs - Trafficking	57	72	15	36.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	5	36	29	350.0
Firearms	76	94	20	33.3
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	3	48	30	37.9
Fraud	29	60	12	24.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	36	9	26.8
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	3	72	19	46.3
Racketeering/Extortion	6	105	25	25.5
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	96	24	6	33.3
Child Pornography	9	216	38	20.0
Prison Offenses	3	40	7	25.0
Administration of Justice Offenses	6	33	8	35.4
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	13	46	11	100.0

¹ Of the 86,201 cases, 379 received an upward departure from the guideline range. Of these, 362 cases had complete guideline application information. Furthermore, nine 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.

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	98	75	21	43.3
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	120	30	14.3
Assault	2	--	--	--
Robbery	5	102	31	37.9
Arson	0	--	--	--
Drugs - Trafficking	8	48	12	26.7
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	12	120	49	95.2
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	4	84	31	50.1
Fraud	23	60	14	33.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	1	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	23	36	20	77.8
Child Pornography	2	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	240	30	14.3

¹ Of the 86,201 cases, 109 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 101 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two 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 CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	879	48	12	41.2
Murder	3	240	30	14.3
Manslaughter	3	48	22	91.7
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	21	144	27	47.4
Assault	19	72	14	36.4
Robbery	24	120	41	48.2
Arson	1	--	--	--
Drugs - Trafficking	123	85	18	25.0
Drugs - Communication Facility	6	69	25	126.2
Drugs - Simple Possession	6	30	14	200.0
Firearms	155	100	21	29.7
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	14	54	14	56.1
Fraud	99	48	12	45.5
Embezzlement	2	--	--	--
Forgery/Counterfeiting	16	58	21	61.1
Bribery	1	--	--	--
Tax	5	42	6	33.3
Money Laundering	2	--	--	--
Racketeering/Extortion	12	72	22	33.2
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	285	21	6	50.0
Child Pornography	23	240	50	26.3
Prison Offenses	7	36	12	50.0
Administration of Justice Offenses	29	48	12	60.0
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	16	36	8	43.6

¹ Of the 86,201 cases, 947 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 910 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, 28 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 CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	37	46	7	30.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	2	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	8	60	7	27.1
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	4	104	9	27.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	4	68	31	77.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	13	36	4	28.6
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	--	--	--

¹ Of the 86,201 cases, 92 were otherwise sentenced above the guideline range. Of these, 81 cases had complete guideline application information. Furthermore, 44 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.

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	85,440	76,758	89.8	74,261	86.9	2,497	2.9	8,682	10.2	2,630	3.1	6,052	7.1
Murder	74	73	98.6	70	94.6	3	4.1	1	1.4	1	1.4	0	0.0
Manslaughter	65	62	95.4	56	86.2	6	9.2	3	4.6	2	3.1	1	1.5
Kidnapping/Hostage Taking	69	69	100.0	69	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	395	390	98.7	367	92.9	23	5.8	5	1.3	1	0.3	4	1.0
Assault	675	572	84.7	523	77.5	49	7.3	103	15.3	30	4.4	73	10.8
Robbery	957	934	97.6	899	93.9	35	3.7	23	2.4	8	0.8	15	1.6
Arson	54	53	98.1	51	94.4	2	3.7	1	1.9	1	1.9	0	0.0
Drugs - Trafficking	24,433	23,508	96.2	22,792	93.3	716	2.9	925	3.8	402	1.6	523	2.1
Drugs - Communication Facility	469	370	78.9	353	75.3	17	3.6	99	21.1	44	9.4	55	11.7
Drugs - Simple Possession	864	548	63.4	543	62.8	5	0.6	316	36.6	15	1.7	301	34.8
Firearms	7,846	7,435	94.8	7,217	92.0	218	2.8	411	5.2	178	2.3	233	3.0
Burglary/B&E	52	47	90.4	41	78.8	6	11.5	5	9.6	5	9.6	0	0.0
Auto Theft	85	62	72.9	55	64.7	7	8.2	23	27.1	12	14.1	11	12.9
Larceny	1,438	584	40.6	525	36.5	59	4.1	854	59.4	222	15.4	632	43.9
Fraud	8,298	6,483	78.1	5,918	71.3	565	6.8	1,815	21.9	675	8.1	1,140	13.7
Embezzlement	382	191	50.0	147	38.5	44	11.5	191	50.0	54	14.1	137	35.9
Forgery/Counterfeiting	940	700	74.5	630	67.0	70	7.4	240	25.5	119	12.7	121	12.9
Bribery	219	155	70.8	136	62.1	19	8.7	64	29.2	34	15.5	30	13.7
Tax	674	413	61.3	341	50.6	72	10.7	261	38.7	121	18.0	140	20.8
Money Laundering	841	671	79.8	626	74.4	45	5.4	170	20.2	63	7.5	107	12.7
Racketeering/Extortion	731	688	94.1	661	90.4	27	3.7	43	5.9	23	3.1	20	2.7
Gambling/Lottery	80	26	32.5	21	26.3	5	6.3	54	67.5	34	42.5	20	25.0
Civil Rights	58	39	67.2	31	53.4	8	13.8	19	32.8	6	10.3	13	22.4
Immigration	29,713	28,485	95.9	28,201	94.9	284	1.0	1,228	4.1	199	0.7	1,029	3.5
Child Pornography	1,853	1,828	98.7	1,785	96.3	43	2.3	25	1.3	13	0.7	12	0.6
Prison Offenses	419	398	95.0	380	90.7	18	4.3	21	5.0	7	1.7	14	3.3
Administration of Justice Offenses	1,176	870	74.0	807	68.6	63	5.4	306	26.0	82	7.0	224	19.0
Environmental/Wildlife	186	55	29.6	47	25.3	8	4.3	131	70.4	21	11.3	110	59.1
National Defense	87	78	89.7	74	85.1	4	4.6	9	10.3	4	4.6	5	5.7
Antitrust	10	8	80.0	7	70.0	1	10.0	2	20.0	1	10.0	1	10.0
Food & Drug	52	19	36.5	17	32.7	2	3.8	33	63.5	2	3.8	31	59.6
Other Miscellaneous Offenses	2,245	944	42.0	871	38.8	73	3.3	1,301	58.0	251	11.2	1,050	46.8

¹ Of the 86,201 cases, 761 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (756), or missing sentencing information (5). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011

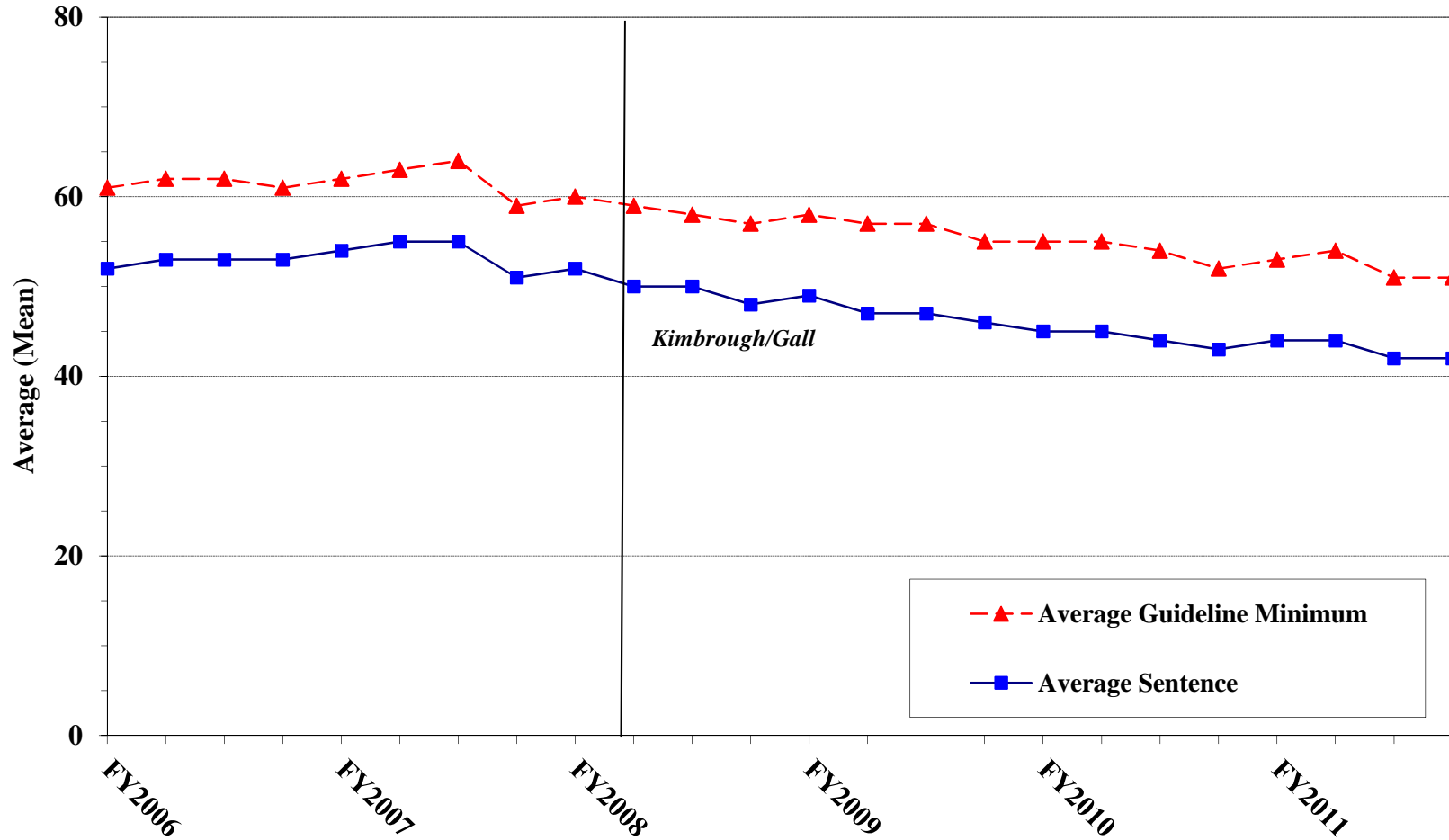
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	43	21	86,193
Murder	238	210	74
Manslaughter	53	37	65
Kidnapping/Hostage Taking	226	188	69
Sexual Abuse	124	108	395
Assault	37	24	680
Robbery	83	63	957
Arson	61	60	55
Drugs - Trafficking	70	51	24,438
Drugs - Communication Facility	32	30	469
Drugs - Simple Possession	3	1	902
Firearms	83	57	7,857
Burglary/B&E	23	21	52
Auto Theft	56	13	85
Larceny	8	0	1,528
Fraud	23	12	8,332
Embezzlement	10	6	391
Forgery/Counterfeiting	17	12	941
Bribery	19	12	221
Tax	16	12	677
Money Laundering	29	16	843
Racketeering/Extortion	83	54	731
Gambling/Lottery	6	6	80
Civil Rights	30	12	59
Immigration	16	10	29,715
Child Pornography	119	84	1,855
Prison Offenses	14	12	419
Administration of Justice Offenses	18	12	1,188
Environmental/Wildlife	4	0	201
National Defense	63	36	88
Antitrust	13	8	10
Food & Drug	10	0	55
Other Miscellaneous Offenses	12	0	2,761

¹ Of the 86,201 cases, eight were excluded due to missing or indeterminable sentencing information. 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 CASES¹**

Fiscal Years 2006 - 2011

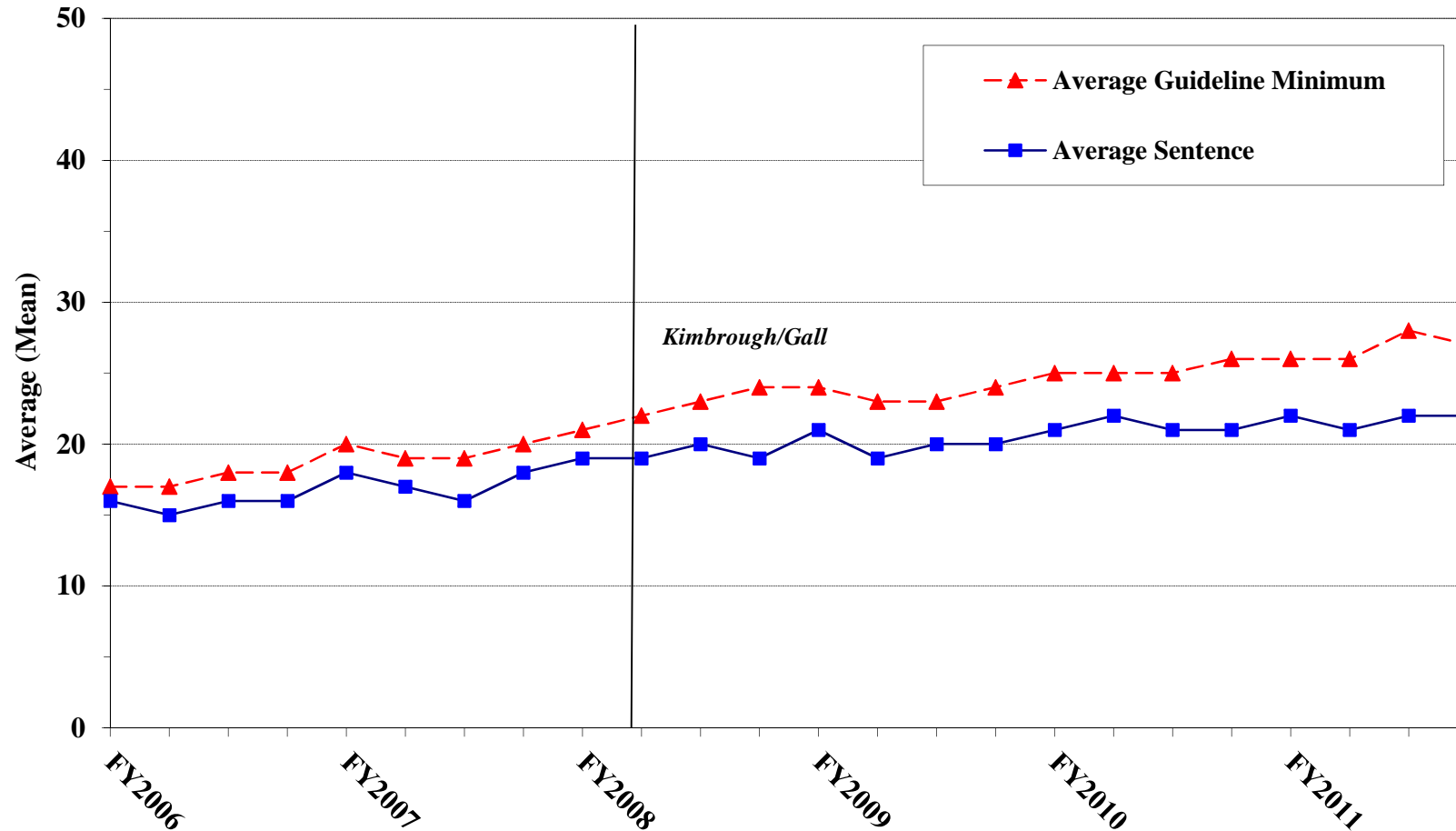


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 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 D

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

Fiscal Years 2006 - 2011

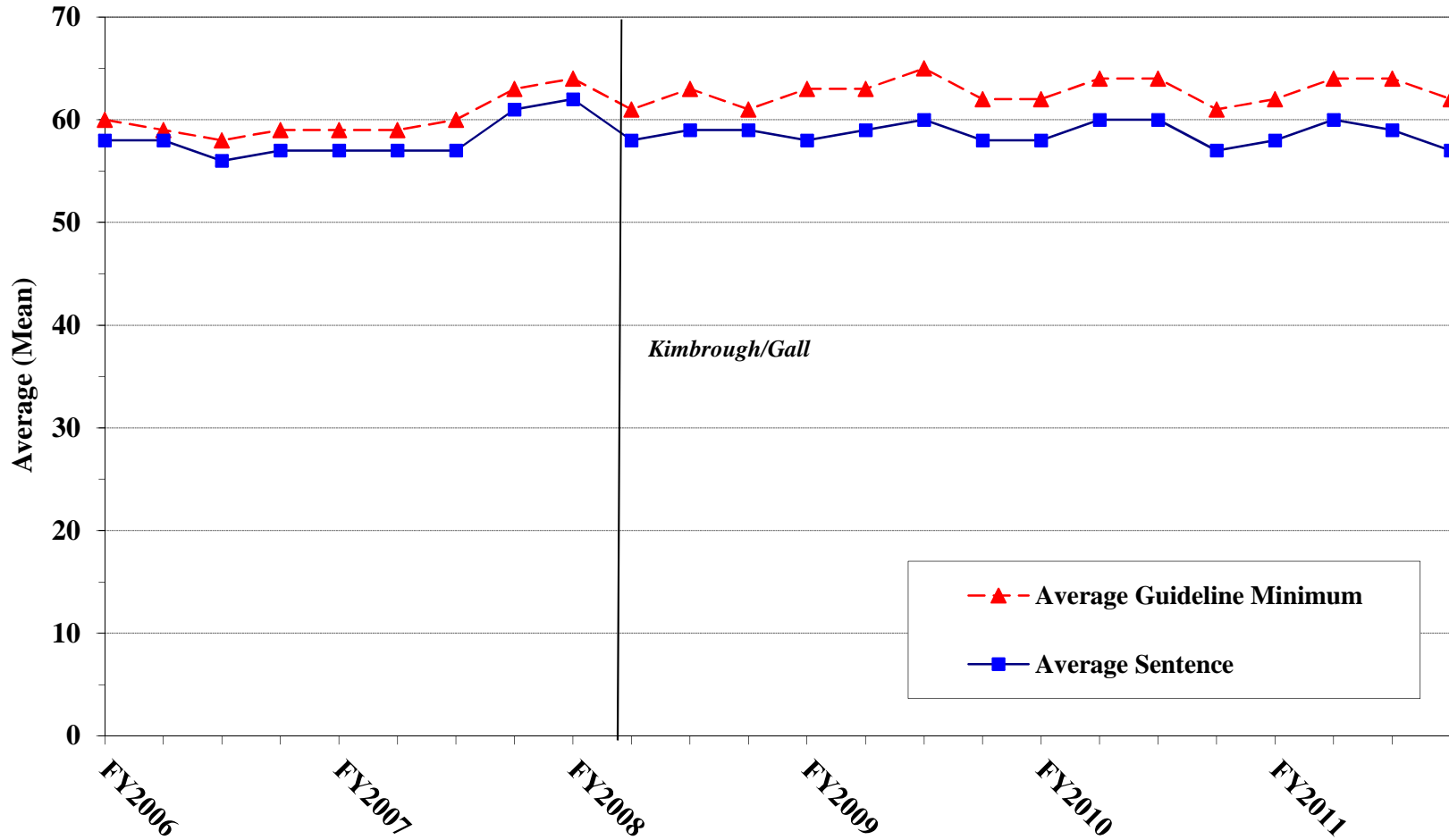


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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)¹

Fiscal Years 2006 - 2011

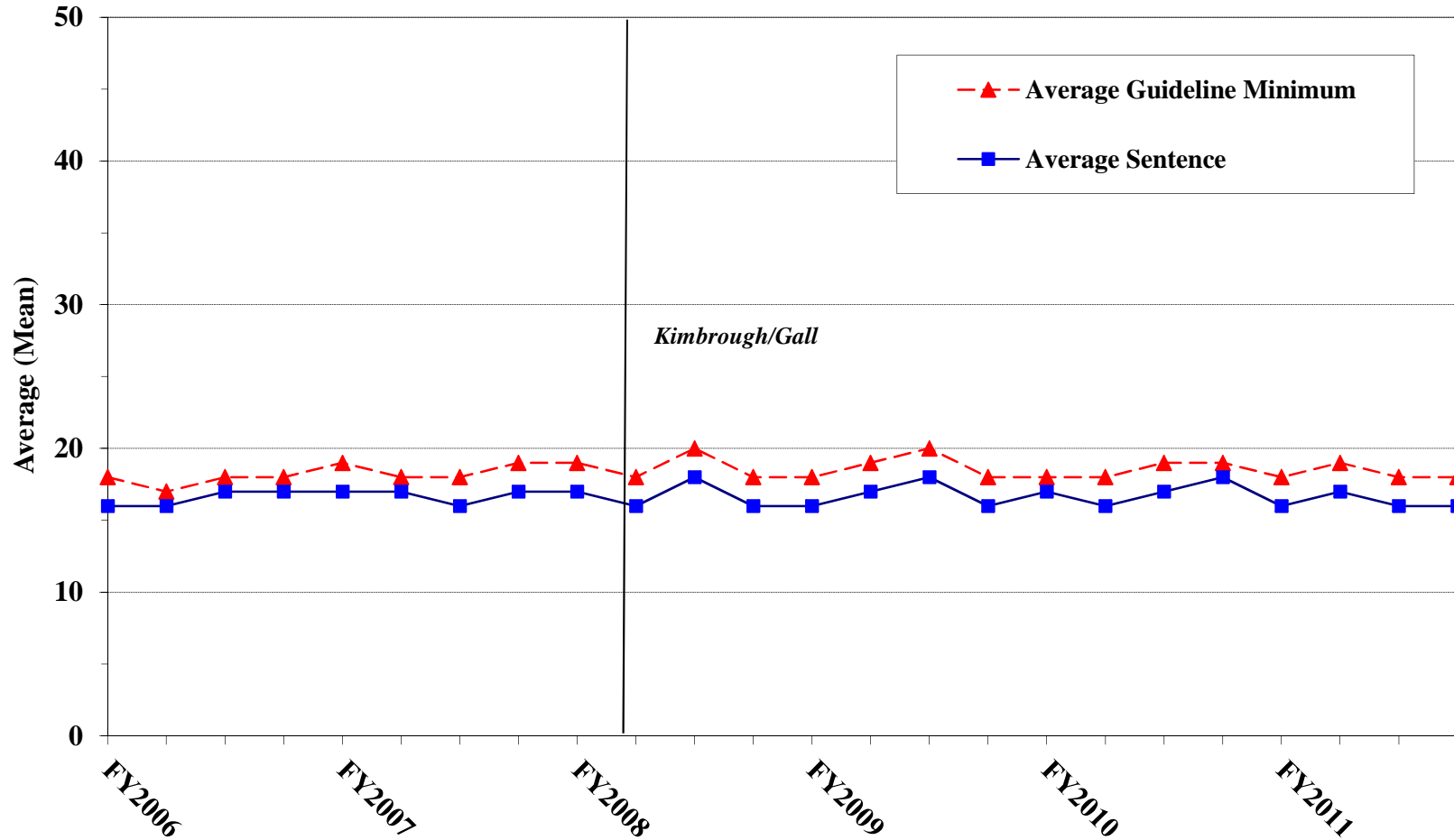


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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)¹**

Fiscal Years 2006 - 2011

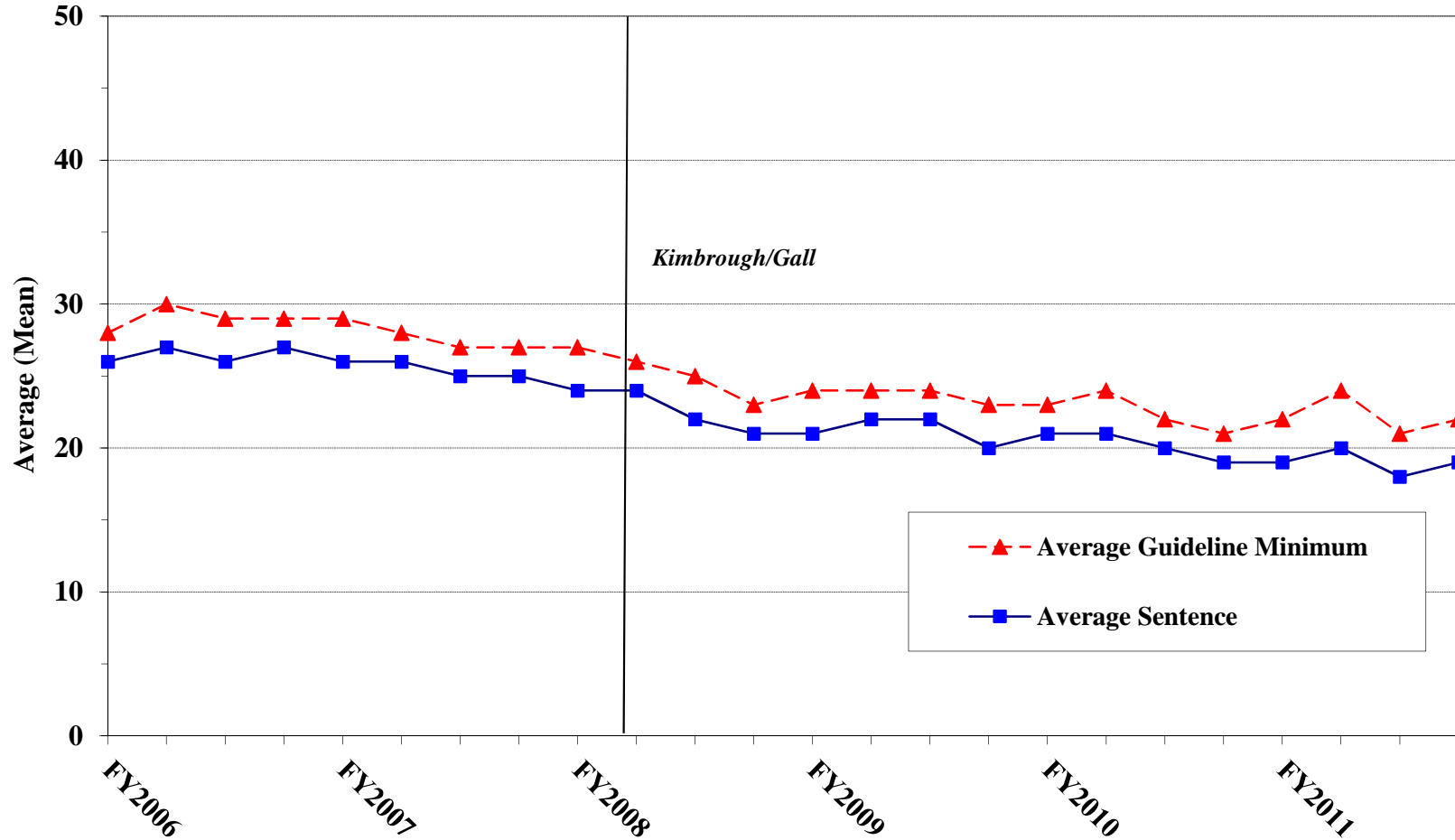


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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)¹

Fiscal Years 2006 - 2011

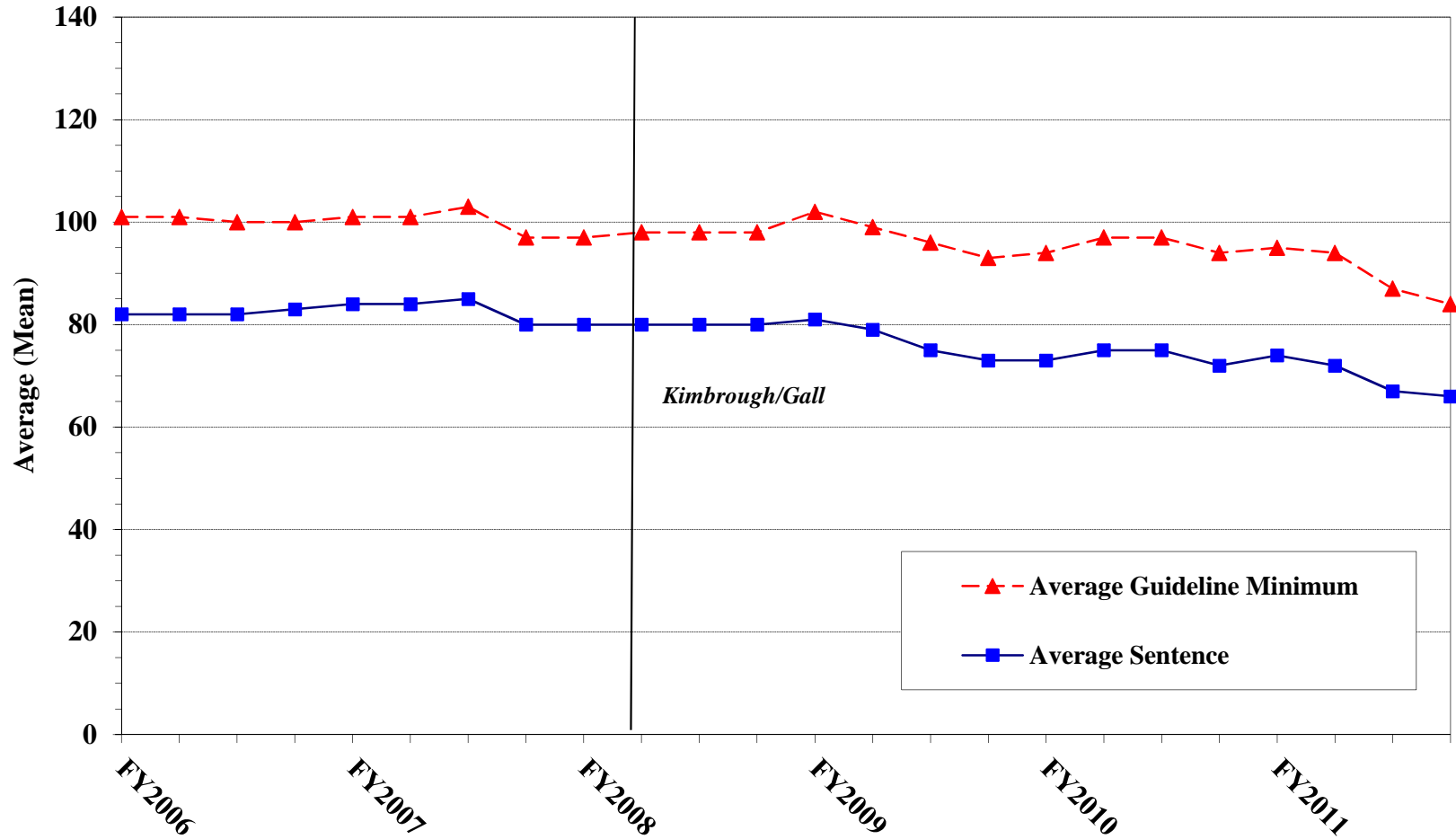


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including 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

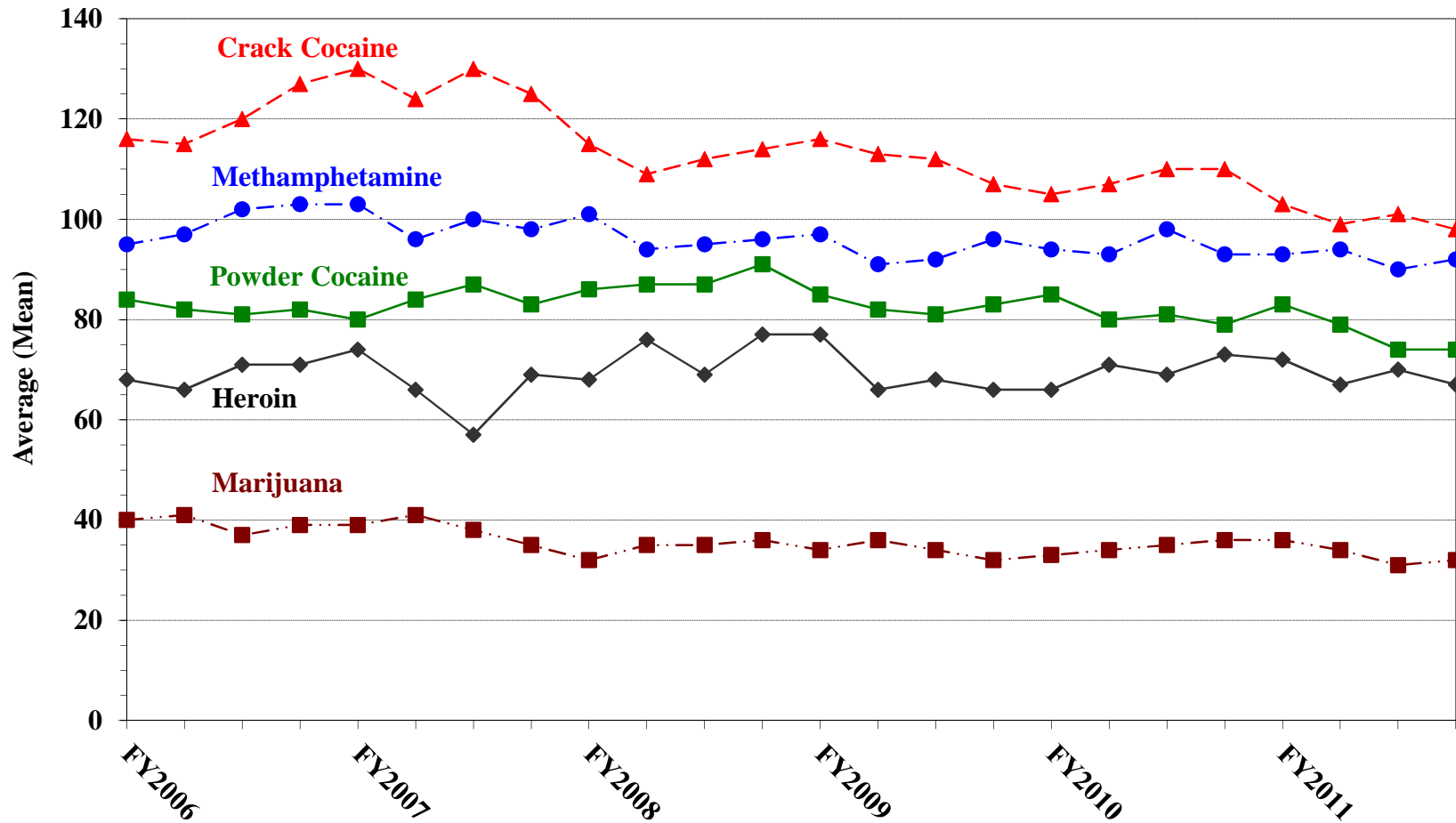
AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹

Fiscal Years 2006 - 2011



¹ 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 TYPE¹
Fiscal Years 2006 - 2011



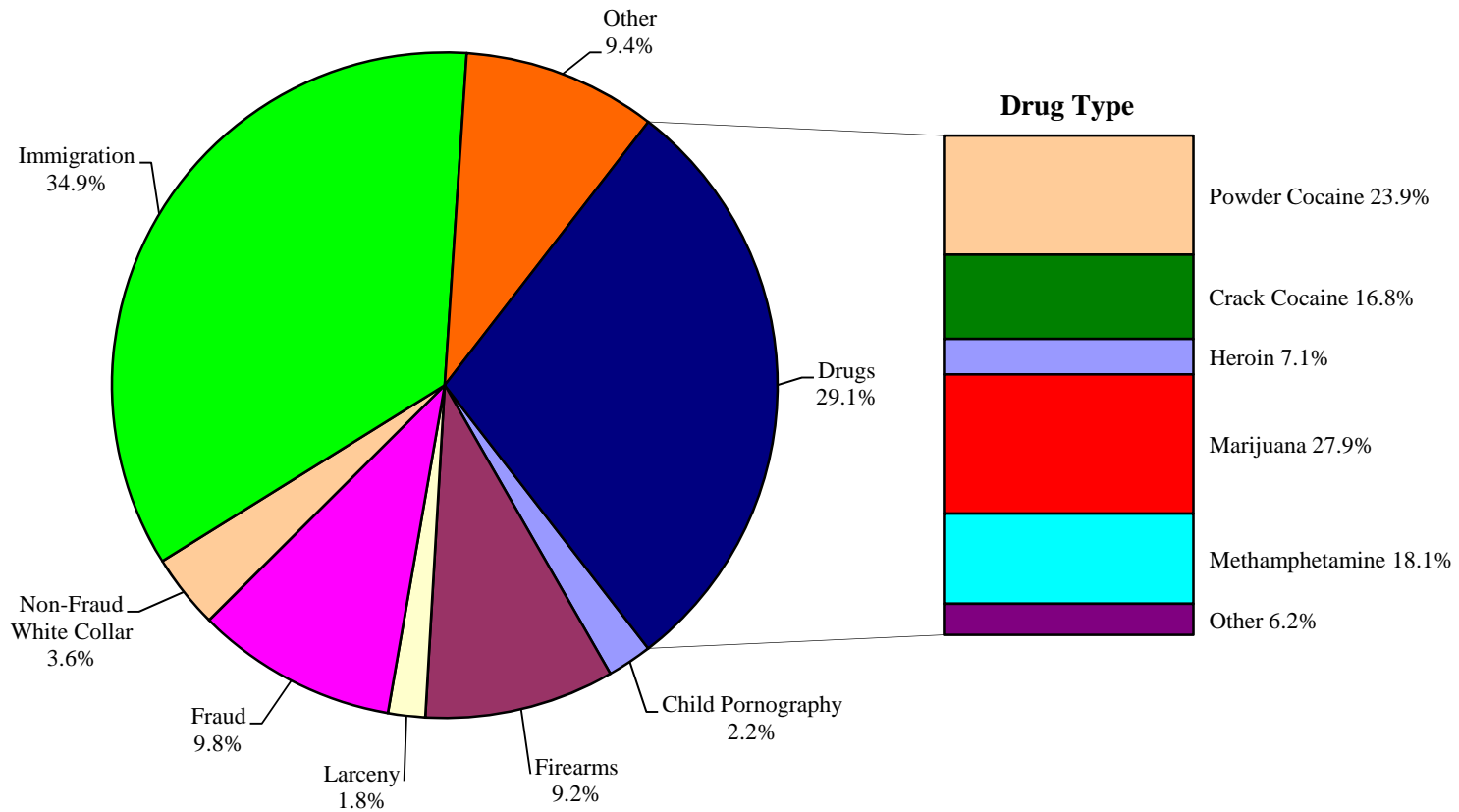
¹ Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Cases with guideline minimums of 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.

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	37,037	18,760	50.7	7,147	19.3	3,781	10.2	3,373	9.1	3,976	10.7
Murder	21	9	42.9	7	33.3	3	14.3	0	0.0	2	9.5
Manslaughter	31	5	16.1	5	16.1	7	22.6	5	16.1	9	29.0
Kidnapping/Hostage Taking	17	9	52.9	0	0.0	1	5.9	3	17.6	4	23.5
Sexual Abuse	178	83	46.6	29	16.3	15	8.4	19	10.7	32	18.0
Assault	323	154	47.7	33	10.2	32	9.9	20	6.2	84	26.0
Robbery	557	291	52.2	78	14.0	43	7.7	70	12.6	75	13.5
Arson	14	7	50.0	2	14.3	0	0.0	3	21.4	2	14.3
Drugs - Trafficking	9,995	6,496	65.0	1,800	18.0	678	6.8	425	4.3	596	6.0
Drugs - Communication Facility	116	75	64.7	15	12.9	7	6.0	7	6.0	12	10.3
Drugs - Simple Possession	189	146	77.2	17	9.0	6	3.2	7	3.7	13	6.9
Firearms	4,064	2,199	54.1	551	13.6	414	10.2	328	8.1	572	14.1
Burglary/B&E	35	15	42.9	4	11.4	4	11.4	1	2.9	11	31.4
Auto Theft	34	17	50.0	10	29.4	1	2.9	4	11.8	2	5.9
Larceny	824	588	71.4	85	10.3	45	5.5	37	4.5	69	8.4
Fraud	3,206	1,790	55.8	474	14.8	285	8.9	255	8.0	402	12.5
Embezzlement	230	169	73.5	35	15.2	14	6.1	6	2.6	6	2.6
Forgery/Counterfeiting	578	300	51.9	77	13.3	53	9.2	44	7.6	104	18.0
Bribery	70	47	67.1	8	11.4	9	12.9	3	4.3	3	4.3
Tax	231	152	65.8	30	13.0	18	7.8	7	3.0	24	10.4
Money Laundering	251	166	66.1	37	14.7	17	6.8	10	4.0	21	8.4
Racketeering/Extortion	259	115	44.4	41	15.8	28	10.8	37	14.3	38	14.7
Gambling/Lottery	39	26	66.7	3	7.7	0	0.0	5	12.8	5	12.8
Civil Rights	25	13	52.0	5	20.0	4	16.0	2	8.0	1	4.0
Immigration	13,463	4,525	33.6	3,486	25.9	1,921	14.3	1,930	14.3	1,601	11.9
Child Pornography	526	313	59.5	74	14.1	34	6.5	45	8.6	60	11.4
Prison Offenses	277	100	36.1	55	19.9	35	12.6	29	10.5	58	20.9
Administration of Justice Offenses	599	342	57.1	64	10.7	65	10.9	33	5.5	95	15.9
Environmental/Wildlife	59	39	66.1	7	11.9	3	5.1	4	6.8	6	10.2
National Defense	35	26	74.3	7	20.0	1	2.9	1	2.9	0	0.0
Antitrust	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	34	28	82.4	3	8.8	2	5.9	0	0.0	1	2.9
Other Miscellaneous Offenses	756	515	68.1	104	13.8	36	4.8	33	4.4	68	9.0

¹ Of the 86,201 cases, 46,160 were sentenced within the applicable guideline range. Of those, 39,620 cases had complete guideline application information. An additional 2,583 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011



¹ Of the 86,201 guideline cases, 25,813 were drug cases. Of these, 1,079 were excluded due to missing drug type. The Drug category includes the following offense types: drug trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2011 Datafile, USSCFY11.

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011

PRIMARY OFFENSE	N	%
TOTAL	86,201	100.0
Murder	74	0.1
Manslaughter	65	0.1
Kidnapping/Hostage Taking	69	0.1
Sexual Abuse	395	0.5
Assault	680	0.8
Robbery	957	1.1
Arson	55	0.1
Drugs - Trafficking	24,442	28.4
Drugs - Communication Facility	469	0.5
Drugs - Simple Possession	902	1.0
Firearms	7,858	9.1
Burglary/B&E	52	0.1
Auto Theft	85	0.1
Larceny	1,528	1.8
Fraud	8,332	9.7
Embezzlement	391	0.5
Forgery/Counterfeiting	941	1.1
Bribery	221	0.3
Tax	677	0.8
Money Laundering	844	1.0
Racketeering/Extortion	731	0.8
Gambling/Lottery	80	0.1
Civil Rights	59	0.1
Immigration	29,717	34.5
Child Pornography	1,855	2.2
Prison Offenses	419	0.5
Administration of Justice Offenses	1,188	1.4
Environmental/Wildlife	201	0.2
National Defense	88	0.1
Antitrust	10	0.0
Food & Drug	55	0.1
Other Miscellaneous Offenses	2,761	3.2

¹ Descriptions of variables used in this table are provided in Appendix A.

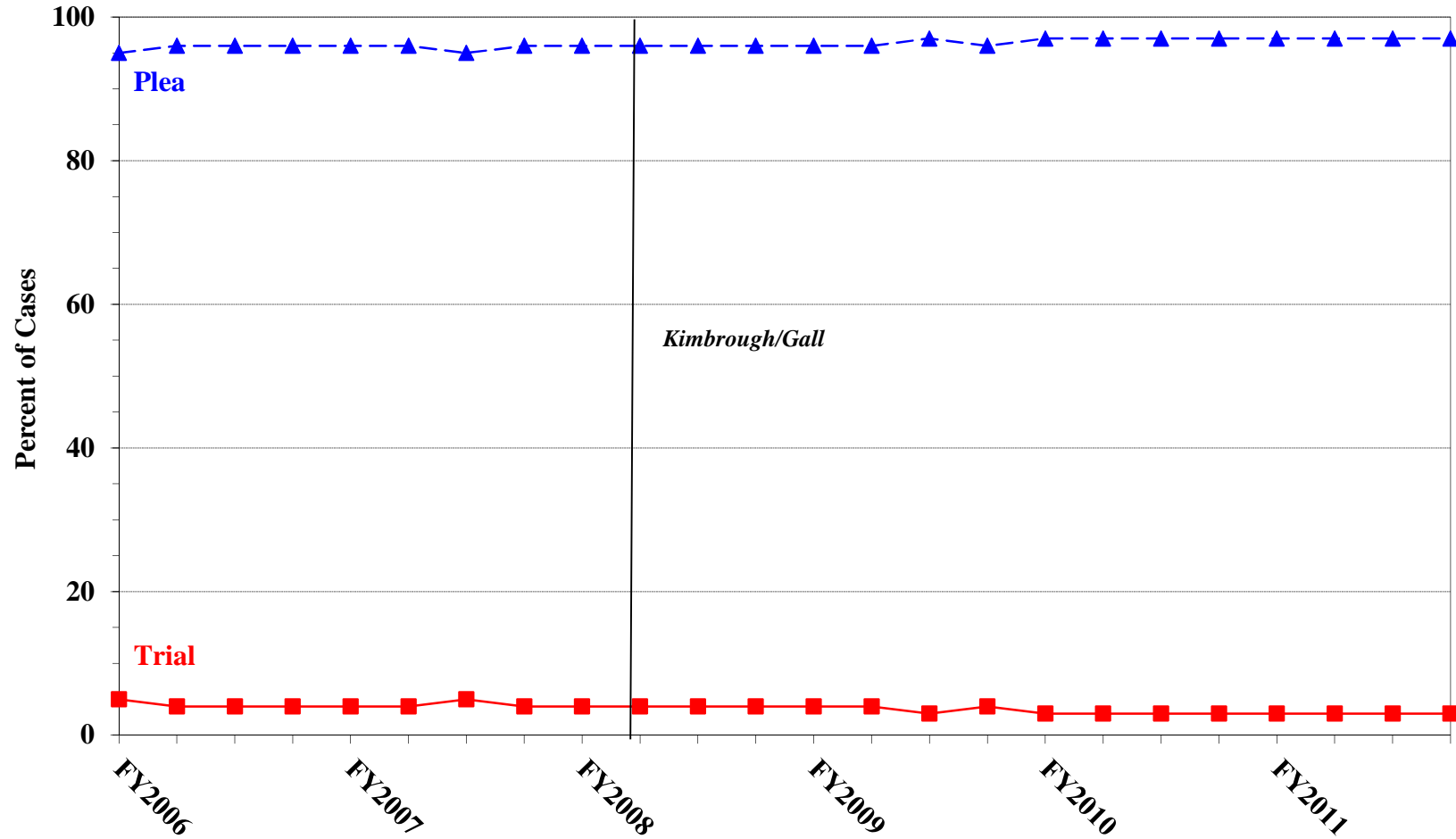
Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	86,200	83,509	96.9	2,691	3.1
Murder	74	55	74.3	19	25.7
Manslaughter	65	61	93.8	4	6.2
Kidnapping/Hostage Taking	69	51	73.9	18	26.1
Sexual Abuse	395	345	87.3	50	12.7
Assault	680	608	89.4	72	10.6
Robbery	957	920	96.1	37	3.9
Arson	55	51	92.7	4	7.3
Drugs - Trafficking	24,442	23,632	96.7	810	3.3
Drugs - Communication Facility	469	469	100.0	0	0.0
Drugs - Simple Possession	902	890	98.7	12	1.3
Firearms	7,858	7,357	93.6	501	6.4
Burglary/B&E	52	49	94.2	3	5.8
Auto Theft	85	77	90.6	8	9.4
Larceny	1,528	1,491	97.6	37	2.4
Fraud	8,332	7,876	94.5	456	5.5
Embezzlement	391	384	98.2	7	1.8
Forgery/Counterfeiting	941	924	98.2	17	1.8
Bribery	221	209	94.6	12	5.4
Tax	677	617	91.1	60	8.9
Money Laundering	844	806	95.5	38	4.5
Racketeering/Extortion	731	668	91.4	63	8.6
Gambling/Lottery	80	78	97.5	2	2.5
Civil Rights	59	49	83.1	10	16.9
Immigration	29,717	29,553	99.4	164	0.6
Child Pornography	1,855	1,797	96.9	58	3.1
Prison Offenses	419	411	98.1	8	1.9
Administration of Justice Offenses	1,188	1,126	94.8	62	5.2
Environmental/Wildlife	201	188	93.5	13	6.5
National Defense	88	80	90.9	8	9.1
Antitrust	10	10	100.0	0	0.0
Food & Drug	55	55	100.0	0	0.0
Other Miscellaneous Offenses	2,760	2,622	95.0	138	5.0

¹ Of the 86,201 cases, one was excluded due to missing information on mode of conviction. Descriptions of variables used in this table are provided in Appendix A.

Figure K
QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹
Fiscal Years 2006 - 2011



¹ Descriptions of variables used in this figure are provided in Appendix A.

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	77,845	20,446	26.3	15,445	19.8	39,221	50.4	2,733	3.5
Murder	74	21	28.4	15	20.3	16	21.6	22	29.7
Manslaughter	65	9	13.8	1	1.5	3	4.6	52	80.0
Kidnapping/Hostage Taking	68	11	16.2	20	29.4	31	45.6	6	8.8
Sexual Abuse	392	151	38.5	50	12.8	41	10.5	150	38.3
Assault	618	154	24.9	123	19.9	91	14.7	250	40.5
Robbery	954	455	47.7	371	38.9	90	9.4	38	4.0
Arson	54	33	61.1	9	16.7	2	3.7	10	18.5
Drugs - Trafficking	24,292	6,060	24.9	6,194	25.5	11,323	46.6	715	2.9
Drugs - Communication Facility	463	125	27.0	150	32.4	169	36.5	19	4.1
Drugs - Simple Possession	285	153	53.7	69	24.2	48	16.8	15	5.3
Firearms	7,792	2,140	27.5	3,861	49.6	1,605	20.6	186	2.4
Burglary/B&E	52	12	23.1	9	17.3	1	1.9	30	57.7
Auto Theft	84	50	59.5	17	20.2	16	19.0	1	1.2
Larceny	1,263	623	49.3	390	30.9	167	13.2	83	6.6
Fraud	6,999	3,302	47.2	2,004	28.6	1,289	18.4	404	5.8
Embezzlement	366	247	67.5	57	15.6	30	8.2	32	8.7
Forgery/Counterfeiting	928	397	42.8	385	41.5	116	12.5	30	3.2
Bribery	217	100	46.1	51	23.5	48	22.1	18	8.3
Tax	658	411	62.5	140	21.3	72	10.9	35	5.3
Money Laundering	820	325	39.6	116	14.1	319	38.9	60	7.3
Racketeering/Extortion	721	264	36.6	218	30.2	217	30.1	22	3.1
Gambling/Lottery	77	53	68.8	7	9.1	7	9.1	10	13.0
Civil Rights	58	40	69.0	6	10.3	9	15.5	3	5.2
Immigration	25,457	2,073	8.1	422	1.7	22,784	89.5	178	0.7
Child Pornography	1,849	1,635	88.4	51	2.8	121	6.5	42	2.3
Prison Offenses	380	86	22.6	136	35.8	122	32.1	36	9.5
Administration of Justice Offenses	1,125	553	49.2	234	20.8	245	21.8	93	8.3
Environmental/Wildlife	140	103	73.6	10	7.1	12	8.6	15	10.7
National Defense	85	24	28.2	7	8.2	42	49.4	12	14.1
Antitrust	8	7	87.5	0	0.0	1	12.5	0	0.0
Food & Drug	51	28	54.9	2	3.9	10	19.6	11	21.6
Other Miscellaneous Offenses	1,450	801	55.2	320	22.1	174	12.0	155	10.7

¹ Of the 86,201 cases, 8,356 were excluded due to 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 CATEGORY¹
Fiscal Year 2011

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	84,188	72,781	86.5	11,407	13.5
Murder	74	65	87.8	9	12.2
Manslaughter	65	44	67.7	21	32.3
Kidnapping/Hostage Taking	69	63	91.3	6	8.7
Sexual Abuse	395	375	94.9	20	5.1
Assault	667	598	89.7	69	10.3
Robbery	957	883	92.3	74	7.7
Arson	55	52	94.5	3	5.5
Drugs - Trafficking	24,433	21,152	86.6	3,281	13.4
Drugs - Communication Facility	469	346	73.8	123	26.2
Drugs - Simple Possession	771	567	73.5	204	26.5
Firearms	7,848	7,567	96.4	281	3.6
Burglary/B&E	52	50	96.2	2	3.8
Auto Theft	84	78	92.9	6	7.1
Larceny	1,424	846	59.4	578	40.6
Fraud	8,300	5,658	68.2	2,642	31.8
Embezzlement	388	193	49.7	195	50.3
Forgery/Counterfeiting	940	695	73.9	245	26.1
Bribery	221	172	77.8	49	22.2
Tax	675	497	73.6	178	26.4
Money Laundering	843	640	75.9	203	24.1
Racketeering/Extortion	731	663	90.7	68	9.3
Gambling/Lottery	80	80	100.0	0	0.0
Civil Rights	59	52	88.1	7	11.9
Immigration	28,302	26,135	92.3	2,167	7.7
Child Pornography	1,855	1,828	98.5	27	1.5
Prison Offenses	413	381	92.3	32	7.7
Administration of Justice Offenses	1,170	882	75.4	288	24.6
Environmental/Wildlife	189	183	96.8	6	3.2
National Defense	88	81	92.0	7	8.0
Antitrust	10	10	100.0	0	0.0
Food & Drug	54	41	75.9	13	24.1
Other Miscellaneous Offenses	2,507	1,904	75.9	603	24.1

¹ Of the 86,201 cases, 2,013 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 OFFENDERS¹
Fiscal Year 2011

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	16,669	100.0	13,349	100.0	35,805	100.0	2,178	100.0
Under 21	348	2.1	356	2.7	1,410	3.9	118	5.4
21 - 25	1,618	9.7	2,133	16.0	5,656	15.8	331	15.2
26 - 30	2,395	14.4	2,923	21.9	7,496	20.9	372	17.1
31 - 35	2,462	14.8	2,760	20.7	7,378	20.6	355	16.3
36 - 40	2,254	13.5	2,097	15.7	5,863	16.4	304	14.0
41 - 50	3,952	23.7	2,084	15.6	6,042	16.9	395	18.1
Over 50	3,640	21.8	996	7.5	1,960	5.5	303	13.9
Females	3,772	100.0	2,095	100.0	3,409	100.0	554	100.0
Under 21	111	2.9	28	1.3	199	5.8	25	4.5
21 - 25	482	12.8	299	14.3	569	16.7	75	13.5
26 - 30	570	15.1	408	19.5	631	18.5	72	13.0
31 - 35	592	15.7	338	16.1	605	17.7	81	14.6
36 - 40	513	13.6	320	15.3	497	14.6	85	15.3
41 - 50	823	21.8	436	20.8	590	17.3	128	23.1
Over 50	681	18.1	266	12.7	318	9.3	88	15.9

¹ Of the 86,201 cases, 8,370 were excluded due to one or more of the following reasons: missing information on offender's race (8,356), missing information on offender's gender (2,013), or missing information on offender's age (405). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, USSCFY11.

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2011

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	83,717	43,553	52.0	40,164	48.0
Murder	74	67	90.5	7	9.5
Manslaughter	65	64	98.5	1	1.5
Kidnapping/Hostage Taking	69	25	36.2	44	63.8
Sexual Abuse	394	372	94.4	22	5.6
Assault	626	568	90.7	58	9.3
Robbery	955	914	95.7	41	4.3
Arson	54	53	98.1	1	1.9
Drugs - Trafficking	24,364	16,868	69.2	7,496	30.8
Drugs - Communication Facility	464	377	81.3	87	18.8
Drugs - Simple Possession	611	371	60.7	240	39.3
Firearms	7,824	7,041	90.0	783	10.0
Burglary/B&E	52	52	100.0	0	0.0
Auto Theft	84	71	84.5	13	15.5
Larceny	1,280	1,197	93.5	83	6.5
Fraud	8,112	5,840	72.0	2,272	28.0
Embezzlement	373	365	97.9	8	2.1
Forgery/Counterfeiting	934	855	91.5	79	8.5
Bribery	218	193	88.5	25	11.5
Tax	664	609	91.7	55	8.3
Money Laundering	833	553	66.4	280	33.6
Racketeering/Extortion	725	609	84.0	116	16.0
Gambling/Lottery	78	72	92.3	6	7.7
Civil Rights	58	55	94.8	3	5.2
Immigration	29,491	1,579	5.4	27,912	94.6
Child Pornography	1,855	1,807	97.4	48	2.6
Prison Offenses	394	362	91.9	32	8.1
Administration of Justice Offenses	1,136	951	83.7	185	16.3
Environmental/Wildlife	150	133	88.7	17	11.3
National Defense	86	46	53.5	40	46.5
Antitrust	8	7	87.5	1	12.5
Food & Drug	51	37	72.5	14	27.5
Other Miscellaneous Offenses	1,635	1,440	88.1	195	11.9

¹ Of the 86,201 cases, 2,484 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 DISTRICT¹
Fiscal Year 2011

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	86,201	398,485	86,195	84,828	62,997	23,092	86,167	78,298	7,863
D.C. CIRCUIT	365	1,781	365	360	329	36	365	362	3
District of Columbia	365	1,781	365	360	329	36	365	362	3
FIRST CIRCUIT	2,375	11,059	2,375	2,322	1,775	591	2,371	2,216	155
Maine	193	882	193	193	110	83	193	193	0
Massachusetts	570	2,507	570	567	242	328	570	558	12
New Hampshire	204	998	204	204	183	21	204	203	1
Puerto Rico	1,196	5,705	1,196	1,147	1,117	71	1,193	1,052	140
Rhode Island	212	967	212	211	123	88	211	210	2
SECOND CIRCUIT	4,634	21,807	4,633	4,603	3,478	1,143	4,631	4,462	169
Connecticut	342	1,689	342	341	322	20	342	342	0
New York									
Eastern	1,150	5,570	1,150	1,148	979	171	1,150	1,143	6
Northern	583	2,612	583	574	356	227	583	516	67
Southern	1,593	7,232	1,592	1,575	905	675	1,590	1,570	21
Western	803	3,905	803	803	764	39	803	732	71
Vermont	163	799	163	162	152	11	163	159	4
THIRD CIRCUIT	2,966	14,115	2,966	2,955	2,309	655	2,963	2,922	44
Delaware	121	597	121	121	113	8	121	121	0
New Jersey	805	3,935	805	800	729	76	805	796	9
Pennsylvania									
Eastern	987	4,616	987	982	684	303	987	976	11
Middle	500	2,431	500	500	435	65	500	496	4
Western	491	2,251	491	490	311	178	488	471	20
Virgin Islands	62	285	62	62	37	25	62	62	0
FOURTH CIRCUIT	6,952	31,434	6,952	6,805	4,784	2,155	6,949	5,944	1,006
Maryland	901	4,275	901	856	774	126	901	843	58
North Carolina									
Eastern	853	3,925	853	805	625	228	853	789	64
Middle	529	2,607	529	528	494	35	529	527	2
Western	551	2,564	551	551	362	188	551	549	2
South Carolina	1,048	4,832	1,048	1,040	652	393	1,046	1,046	2
Virginia									
Eastern	2,067	8,363	2,067	2,029	995	1,064	2,066	1,206	861
Western	379	1,817	379	374	312	67	379	373	6
West Virginia									
Northern	312	1,531	312	312	293	19	312	302	10
Southern	312	1,520	312	310	277	35	312	309	1

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	20,054	87,996	20,053	19,383	10,522	9,513	20,048	17,990	2,055
Louisiana									
Eastern	347	1,611	347	346	225	122	347	346	1
Middle	140	660	140	140	104	36	140	136	4
Western	305	1,430	305	285	252	53	305	283	22
Mississippi									
Northern	184	903	184	184	169	15	184	182	2
Southern	309	1,508	309	306	278	31	309	306	3
Texas									
Eastern	1,010	4,963	1,010	1,010	931	79	1,010	1,002	8
Northern	919	4,326	919	916	659	260	919	913	6
Southern	8,314	38,306	8,314	8,307	5,169	3,140	8,312	8,204	108
Western	8,526	34,289	8,525	7,889	2,735	5,777	8,522	6,618	1,901
SIXTH CIRCUIT	5,646	26,876	5,643	5,616	4,512	1,092	5,642	5,463	183
Kentucky									
Eastern	608	2,968	608	607	550	55	608	595	13
Western	435	2,013	435	431	350	85	435	362	73
Michigan									
Eastern	827	4,009	827	826	710	117	827	819	8
Western	501	2,233	501	499	269	232	501	463	38
Ohio									
Northern	631	2,981	631	628	461	170	631	630	1
Southern	744	3,641	744	741	675	69	744	737	7
Tennessee									
Eastern	913	4,380	913	912	735	178	912	908	5
Middle	347	1,626	344	332	268	40	344	338	9
Western	640	3,025	640	640	494	146	640	611	29
SEVENTH CIRCUIT	3,064	14,641	3,064	3,032	2,459	604	3,062	3,024	40
Illinois									
Central	360	1,634	360	358	200	160	360	356	4
Northern	928	4,407	928	903	726	201	928	922	6
Southern	345	1,576	345	344	217	128	344	326	19
Indiana									
Northern	454	2,210	454	451	400	54	454	451	3
Southern	289	1,407	289	289	253	36	289	287	2
Wisconsin									
Eastern	501	2,489	501	500	492	9	501	495	6
Western	187	918	187	187	171	16	186	187	0
EIGHTH CIRCUIT	4,772	22,800	4,772	4,761	3,744	1,028	4,771	4,752	20
Arkansas									
Eastern	325	1,527	325	325	227	98	325	325	0
Western	318	1,572	318	317	301	17	318	318	0
Iowa									
Northern	520	2,348	520	520	269	251	520	519	1
Southern	407	1,931	407	407	303	104	407	407	0
Minnesota	454	2,230	454	452	420	34	454	450	4
Missouri									
Eastern	817	4,053	817	817	786	31	817	816	1
Western	658	3,063	658	652	441	217	658	654	4
Nebraska	563	2,661	563	563	415	148	562	558	5
North Dakota	275	1,282	275	274	184	91	275	274	1
South Dakota	435	2,133	435	434	398	37	435	431	4

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
NINTH CIRCUIT	21,514	102,007	21,513	21,272	19,727	1,778	21,507	17,988	3,507
Alaska	153	714	153	153	111	42	153	144	9
Arizona	9,362	44,311	9,362	9,168	8,753	608	9,360	7,668	1,694
California									
Central	1,895	9,240	1,895	1,888	1,718	175	1,893	1,846	48
Eastern	1,046	5,106	1,045	1,034	941	104	1,044	1,042	4
Northern	814	3,876	814	813	693	120	813	743	71
Southern	4,835	22,504	4,835	4,834	4,625	209	4,835	3,375	1,443
Guam	54	254	54	54	43	11	54	49	5
Hawaii	206	915	206	206	101	105	206	196	10
Idaho	348	1,694	348	347	304	44	348	347	1
Montana	312	1,495	312	311	252	60	312	308	4
Nevada	651	3,118	651	648	521	130	651	647	4
Northern Mariana Islands	10	50	10	10	10	0	10	10	0
Oregon	665	3,225	665	645	623	42	665	627	38
Washington									
Eastern	371	1,764	371	369	291	77	371	362	8
Western	792	3,741	792	792	741	51	792	624	168
TENTH CIRCUIT	6,768	31,511	6,768	6,751	4,728	2,038	6,768	6,496	270
Colorado	667	3,273	667	659	645	22	667	635	32
Kansas	699	3,383	699	697	615	84	699	673	26
New Mexico	3,152	14,419	3,152	3,148	1,823	1,329	3,152	3,144	6
Oklahoma									
Eastern	104	460	104	104	44	60	104	104	0
Northern	197	905	197	197	117	80	197	197	0
Western	508	2,128	508	505	229	278	508	378	130
Utah	1,086	5,303	1,086	1,086	1,014	71	1,086	1,031	55
Wyoming	355	1,640	355	355	241	114	355	334	21
ELEVENTH CIRCUIT	7,091	32,458	7,091	6,968	4,630	2,459	7,090	6,679	411
Alabama									
Middle	230	1,099	230	230	180	50	230	229	1
Northern	473	2,171	473	458	336	136	473	431	42
Southern	439	2,087	439	439	333	106	439	437	2
Florida									
Middle	1,529	6,969	1,529	1,527	858	671	1,528	1,527	2
Northern	374	1,757	374	374	265	109	374	370	4
Southern	2,138	9,939	2,138	2,076	1,480	657	2,138	2,107	30
Georgia									
Middle	445	1,951	445	441	238	207	445	382	63
Northern	711	3,261	711	671	502	209	711	666	45
Southern	752	3,224	752	752	438	314	752	530	222

¹ Descriptions of variables used in this table are provided in Appendix A.

² 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
Fiscal Year 2011

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	86,201	80,654	93.6	4,198	4.9	1,349	1.6
D.C. CIRCUIT	365	365	100.0	0	0.0	0	0.0
District of Columbia	365	365	100.0	0	0.0	0	0.0
FIRST CIRCUIT	2,375	2,322	97.8	0	0.0	53	2.2
Maine	193	193	100.0	0	0.0	0	0.0
Massachusetts	570	567	99.5	0	0.0	3	0.5
New Hampshire	204	204	100.0	0	0.0	0	0.0
Puerto Rico	1,196	1,147	95.9	0	0.0	49	4.1
Rhode Island	212	211	99.5	0	0.0	1	0.5
SECOND CIRCUIT	4,634	4,542	98.0	61	1.3	31	0.7
Connecticut	342	340	99.4	1	0.3	1	0.3
New York							
Eastern	1,150	1,092	95.0	56	4.9	2	0.2
Northern	583	574	98.5	0	0.0	9	1.5
Southern	1,593	1,573	98.7	2	0.1	18	1.1
Western	803	803	100.0	0	0.0	0	0.0
Vermont	163	160	98.2	2	1.2	1	0.6
THIRD CIRCUIT	2,966	2,376	80.1	578	19.5	12	0.4
Delaware	121	121	100.0	0	0.0	0	0.0
New Jersey	805	256	31.8	543	67.5	6	0.7
Pennsylvania							
Eastern	987	981	99.4	1	0.1	5	0.5
Middle	500	500	100.0	0	0.0	0	0.0
Western	491	488	99.4	2	0.4	1	0.2
Virgin Islands	62	30	48.4	32	51.6	0	0.0
FOURTH CIRCUIT	6,952	6,718	96.6	95	1.4	139	2.0
Maryland	901	859	95.3	4	0.4	38	4.2
North Carolina							
Eastern	853	805	94.4	0	0.0	48	5.6
Middle	529	528	99.8	0	0.0	1	0.2
Western	551	551	100.0	0	0.0	0	0.0
South Carolina	1,048	1,040	99.2	0	0.0	8	0.8
Virginia							
Eastern	2,067	1,939	93.8	90	4.4	38	1.8
Western	379	375	98.9	0	0.0	4	1.1
West Virginia							
Northern	312	311	99.7	1	0.3	0	0.0
Southern	312	310	99.4	0	0.0	2	0.6

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	20,054	16,941	84.5	2,443	12.2	670	3.3
Louisiana							
Eastern	347	346	99.7	0	0.0	1	0.3
Middle	140	140	100.0	0	0.0	0	0.0
Western	305	235	77.0	50	16.4	20	6.6
Mississippi							
Northern	184	184	100.0	0	0.0	0	0.0
Southern	309	306	99.0	0	0.0	3	1.0
Texas							
Eastern	1,010	1,009	99.9	1	0.1	0	0.0
Northern	919	915	99.6	1	0.1	3	0.3
Southern	8,314	8,308	99.9	0	0.0	6	0.1
Western	8,526	5,498	64.5	2,391	28.0	637	7.5
SIXTH CIRCUIT	5,646	5,412	95.9	204	3.6	30	0.5
Kentucky							
Eastern	608	607	99.8	0	0.0	1	0.2
Western	435	431	99.1	0	0.0	4	0.9
Michigan							
Eastern	827	826	99.9	0	0.0	1	0.1
Western	501	499	99.6	0	0.0	2	0.4
Ohio							
Northern	631	628	99.5	0	0.0	3	0.5
Southern	744	675	90.7	66	8.9	3	0.4
Tennessee							
Eastern	913	912	99.9	0	0.0	1	0.1
Middle	347	232	66.9	100	28.8	15	4.3
Western	640	602	94.1	38	5.9	0	0.0
SEVENTH CIRCUIT	3,064	2,973	97.0	59	1.9	32	1.0
Illinois							
Central	360	358	99.4	0	0.0	2	0.6
Northern	928	903	97.3	0	0.0	25	2.7
Southern	345	344	99.7	0	0.0	1	0.3
Indiana							
Northern	454	444	97.8	7	1.5	3	0.7
Southern	289	289	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	501	448	89.4	52	10.4	1	0.2
Western	187	187	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	4,772	4,741	99.4	20	0.4	11	0.2
Arkansas							
Eastern	325	325	100.0	0	0.0	0	0.0
Western	318	317	99.7	0	0.0	1	0.3
Iowa							
Northern	520	520	100.0	0	0.0	0	0.0
Southern	407	407	100.0	0	0.0	0	0.0
Minnesota	454	433	95.4	19	4.2	2	0.4
Missouri							
Eastern	817	816	99.9	1	0.1	0	0.0
Western	658	652	99.1	0	0.0	6	0.9
Nebraska	563	563	100.0	0	0.0	0	0.0
North Dakota	275	274	99.6	0	0.0	1	0.4
South Dakota	435	434	99.8	0	0.0	1	0.2

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	21,514	20,628	95.9	653	3.0	233	1.1
Alaska	153	153	100.0	0	0.0	0	0.0
Arizona	9,362	9,175	98.0	2	0.0	185	2.0
California							
Central	1,895	1,888	99.6	0	0.0	7	0.4
Eastern	1,046	1,032	98.7	2	0.2	12	1.1
Northern	814	812	99.8	1	0.1	1	0.1
Southern	4,835	4,834	100.0	0	0.0	1	0.0
Guam	54	54	100.0	0	0.0	0	0.0
Hawaii	206	196	95.1	10	4.9	0	0.0
Idaho	348	346	99.4	1	0.3	1	0.3
Montana	312	311	99.7	0	0.0	1	0.3
Nevada	651	648	99.5	0	0.0	3	0.5
Northern Mariana Islands	10	10	100.0	0	0.0	0	0.0
Oregon	665	8	1.2	637	95.8	20	3.0
Washington							
Eastern	371	369	99.5	0	0.0	2	0.5
Western	792	792	100.0	0	0.0	0	0.0
TENTH CIRCUIT	6,768	6,702	99.0	49	0.7	17	0.3
Colorado	667	658	98.7	1	0.1	8	1.2
Kansas	699	696	99.6	1	0.1	2	0.3
New Mexico	3,152	3,147	99.8	1	0.0	4	0.1
Oklahoma							
Eastern	104	104	100.0	0	0.0	0	0.0
Northern	197	197	100.0	0	0.0	0	0.0
Western	508	504	99.2	1	0.2	3	0.6
Utah	1,086	1,042	95.9	44	4.1	0	0.0
Wyoming	355	354	99.7	1	0.3	0	0.0
ELEVENTH CIRCUIT	7,091	6,934	97.8	36	0.5	121	1.7
Alabama							
Middle	230	230	100.0	0	0.0	0	0.0
Northern	473	456	96.4	2	0.4	15	3.2
Southern	439	439	100.0	0	0.0	0	0.0
Florida							
Middle	1,529	1,527	99.9	0	0.0	2	0.1
Northern	374	374	100.0	0	0.0	0	0.0
Southern	2,138	2,078	97.2	0	0.0	60	2.8
Georgia							
Middle	445	440	98.9	1	0.2	4	0.9
Northern	711	638	89.7	33	4.6	40	5.6
Southern	752	752	100.0	0	0.0	0	0.0

¹ Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05 or Revision 09/08) 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.

² 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); the 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

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

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 consist of cases sentenced above 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 of the guideline system.

Age

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the presentence report and the date of sentencing as reported in the Judgment and Commitment Order.

All Remaining Cases Above Guideline Range

All Remaining Cases Above Guideline Range consist of cases sentenced above the guideline range that could not be classified into any of the other three above the range categories. This category includes cases in which no reason was provided for a sentence above the guideline range.

All Remaining Cases Below Guideline Range

All Remaining Cases Below Guideline Range consist of cases sentenced below the guideline range that could not be classified into any of the other three below the range categories. This category includes cases in which no reason was provided for a sentence below the guideline range.

Sentence Length

Using sentencing information obtained from the Judgment and Commitment Order, *Sentence Length* is reported as the mean and median terms of imprisonment ordered (including any months of alternative

confinement as defined in USSG §5C1.1). Cases that receive no term of imprisonment (i.e. probation) are also included. Cases for which a term of imprisonment is ordered but the length is indeterminable are excluded. In most cases for which the exact term is unknown, the Judgment and Commitment Order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

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

Below Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced below 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 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,” and “non-U.S. citizen, alien status unknown.” The latter three categories are collapsed into the category of “non-U.S. citizen.”

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: departures below the guideline range, departures below the guideline range with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, all other below range cases, 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: departures above the guideline range, departures above the guideline range with *Booker*/18 U.S.C. § 3553, above the guideline range with *Booker*/18 U.S.C. § 3553, and all other above range cases. 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.

Downward Departure From Guideline Range

Downward Departure from Guideline Range consist of cases with downward 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*.

Downward Departure With *Booker*/18 U.S.C. § 3553

Downward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which the court indicated both a departure (see Downward Departure From Guideline Range) 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 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 Judgment and Commitment Order or the presentence report. 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 a non-title 21 offense 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 (specifically including ephedrine and pseudoephedrine). 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 are included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Gender

Gender of the offender is obtained from the presentence report or probation office.

Government Sponsored

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. The SOR form AO245B version 12/03, 06/05, and 09/08 have specific check-boxes to indicate the origins of the departure, but cases

which 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 since 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.

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 *Plea* category.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form AO245B (12/03, 06/05, and 09/08 versions). Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and that 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 range are those from 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 code for the case is determined to be the offense code applicable for 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 code is generated by grouping similar primary offense codes 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, 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 include 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 (smuggle); 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 treat, 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 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.

Prisons 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.

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 of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping 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, and Asian or Pacific Islander*).

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, and Asian or Pacific Islander origin.

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 consist of cases with upward 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*.

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

Upward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which the court indicated both a departure (see Upward Departure From Guideline Range) 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.

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 offender 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 offenders 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 twelve 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 FY11 *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