

U.S. Sentencing Commission Final Quarterly Data Report



Fiscal Year 2012

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 1995-2012 *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.

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2012**

	N	%
TOTAL CASES	82,674	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	43,333	52.4
CASES SENTENCED ABOVE GUIDELINE RANGE	1,631	2.0
DEPARTURE ABOVE GUIDELINE RANGE	578	0.7
Upward Departure From Guideline Range ²	451	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	127	0.2
OTHERWISE ABOVE GUIDELINE RANGE	1,053	1.3
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	977	1.2
All Remaining Cases Above Guideline Range ⁵	76	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	22,987	27.8
§5K1.1 Substantial Assistance Departure	9,677	11.7
§5K3.1 Early Disposition Program Departure	9,276	11.2
Other Government Sponsored Below Range	4,034	4.9
NON-GOVERNMENT SPONSORED BELOW RANGE	14,723	17.8
DEPARTURE BELOW GUIDELINE RANGE	2,708	3.3
Downward Departure From Guideline Range ²	1,897	2.3
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	811	1.0
OTHERWISE BELOW GUIDELINE RANGE	12,015	14.5
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,487	13.9
All Remaining Cases Below Guideline Range ⁵	528	0.6

¹ This table reflects the 84,173 cases sentenced in Fiscal Year 2012. Of these, 1,499 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 2012

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	82,674	43,333	52.4	451	0.5	127	0.2	977	1.2	76	0.1
D.C. CIRCUIT	353	120	34.0	2	0.6	0	0.0	3	0.8	0	0.0
District of Columbia	353	120	34.0	2	0.6	0	0.0	3	0.8	0	0.0
FIRST CIRCUIT	2,496	1,553	62.2	14	0.6	4	0.2	44	1.8	6	0.2
Maine	191	113	59.2	1	0.5	0	0.0	2	1.0	0	0.0
Massachusetts	518	222	42.9	2	0.4	2	0.4	4	0.8	2	0.4
New Hampshire	158	66	41.8	2	1.3	0	0.0	1	0.6	0	0.0
Puerto Rico	1,433	1,068	74.5	9	0.6	2	0.1	36	2.5	4	0.3
Rhode Island	196	84	42.9	0	0.0	0	0.0	1	0.5	0	0.0
SECOND CIRCUIT	4,447	1,640	36.9	10	0.2	5	0.1	29	0.7	1	0.0
Connecticut	441	164	37.2	2	0.5	0	0.0	8	1.8	1	0.2
New York											
Eastern	965	283	29.3	1	0.1	3	0.3	6	0.6	0	0.0
Northern	616	298	48.4	3	0.5	0	0.0	1	0.2	0	0.0
Southern	1,532	513	33.5	0	0.0	1	0.1	10	0.7	0	0.0
Western	664	317	47.7	4	0.6	1	0.2	3	0.5	0	0.0
Vermont	229	65	28.4	0	0.0	0	0.0	1	0.4	0	0.0
THIRD CIRCUIT	2,843	1,238	43.5	6	0.2	2	0.1	28	1.0	3	0.1
Delaware	93	33	35.5	0	0.0	0	0.0	1	1.1	0	0.0
New Jersey	848	414	48.8	0	0.0	0	0.0	3	0.4	0	0.0
Pennsylvania											
Eastern	821	279	34.0	3	0.4	1	0.1	18	2.2	1	0.1
Middle	503	203	40.4	2	0.4	0	0.0	1	0.2	0	0.0
Western	514	276	53.7	1	0.2	1	0.2	3	0.6	0	0.0
Virgin Islands	64	33	51.6	0	0.0	0	0.0	2	3.1	2	3.1
FOURTH CIRCUIT	6,400	3,674	57.4	48	0.8	14	0.2	106	1.7	5	0.1
Maryland	1,021	333	32.6	9	0.9	1	0.1	26	2.5	2	0.2
North Carolina											
Eastern	770	420	54.5	17	2.2	4	0.5	12	1.6	0	0.0
Middle	421	309	73.4	2	0.5	1	0.2	8	1.9	1	0.2
Western	435	262	60.2	2	0.5	0	0.0	5	1.1	0	0.0
South Carolina	923	518	56.1	6	0.7	0	0.0	6	0.7	0	0.0
Virginia											
Eastern	1,831	1,298	70.9	9	0.5	6	0.3	29	1.6	1	0.1
Western	373	186	49.9	3	0.8	0	0.0	8	2.1	1	0.3
West Virginia											
Northern	324	195	60.2	0	0.0	1	0.3	7	2.2	0	0.0
Southern	302	153	50.7	0	0.0	1	0.3	5	1.7	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	%
TOTAL	9,677	11.7	9,276	11.2	4,034	4.9	1,897	2.3	811	1.0	11,487	13.9	528	0.6
D.C. CIRCUIT	97	27.5	2	0.6	49	13.9	17	4.8	7	2.0	53	15.0	3	0.8
District of Columbia	97	27.5	2	0.6	49	13.9	17	4.8	7	2.0	53	15.0	3	0.8
FIRST CIRCUIT	209	8.4	21	0.8	200	8.0	54	2.2	25	1.0	343	13.7	23	0.9
Maine	38	19.9	0	0.0	1	0.5	11	5.8	0	0.0	22	11.5	3	1.6
Massachusetts	52	10.0	1	0.2	86	16.6	12	2.3	10	1.9	123	23.7	2	0.4
New Hampshire	36	22.8	0	0.0	15	9.5	4	2.5	3	1.9	31	19.6	0	0.0
Puerto Rico	72	5.0	20	1.4	88	6.1	27	1.9	12	0.8	77	5.4	18	1.3
Rhode Island	11	5.6	0	0.0	10	5.1	0	0.0	0	0.0	90	45.9	0	0.0
SECOND CIRCUIT	882	19.8	27	0.6	149	3.4	184	4.1	124	2.8	1,365	30.7	31	0.7
Connecticut	87	19.7	0	0.0	11	2.5	35	7.9	12	2.7	118	26.8	3	0.7
New York														
Eastern	170	17.6	8	0.8	63	6.5	55	5.7	47	4.9	321	33.3	8	0.8
Northern	152	24.7	0	0.0	8	1.3	16	2.6	4	0.6	126	20.5	8	1.3
Southern	246	16.1	19	1.2	15	1.0	46	3.0	43	2.8	629	41.1	10	0.7
Western	177	26.7	0	0.0	31	4.7	8	1.2	1	0.2	120	18.1	2	0.3
Vermont	50	21.8	0	0.0	21	9.2	24	10.5	17	7.4	51	22.3	0	0.0
THIRD CIRCUIT	702	24.7	13	0.5	174	6.1	33	1.2	38	1.3	578	20.3	28	1.0
Delaware	8	8.6	0	0.0	12	12.9	0	0.0	0	0.0	37	39.8	2	2.2
New Jersey	227	26.8	4	0.5	24	2.8	7	0.8	11	1.3	151	17.8	7	0.8
Pennsylvania														
Eastern	253	30.8	6	0.7	45	5.5	12	1.5	10	1.2	179	21.8	14	1.7
Middle	113	22.5	0	0.0	78	15.5	5	1.0	6	1.2	95	18.9	0	0.0
Western	89	17.3	3	0.6	14	2.7	8	1.6	11	2.1	104	20.2	4	0.8
Virgin Islands	12	18.8	0	0.0	1	1.6	1	1.6	0	0.0	12	18.8	1	1.6
FOURTH CIRCUIT	1,019	15.9	12	0.2	288	4.5	111	1.7	50	0.8	1,036	16.2	37	0.6
Maryland	273	26.7	7	0.7	135	13.2	18	1.8	19	1.9	188	18.4	10	1.0
North Carolina														
Eastern	241	31.3	0	0.0	1	0.1	7	0.9	5	0.6	55	7.1	8	1.0
Middle	45	10.7	0	0.0	1	0.2	3	0.7	0	0.0	50	11.9	1	0.2
Western	91	20.9	0	0.0	20	4.6	5	1.1	4	0.9	45	10.3	1	0.2
South Carolina	159	17.2	2	0.2	38	4.1	13	1.4	0	0.0	177	19.2	4	0.4
Virginia														
Eastern	55	3.0	2	0.1	45	2.5	52	2.8	18	1.0	307	16.8	9	0.5
Western	94	25.2	0	0.0	14	3.8	12	3.2	3	0.8	51	13.7	1	0.3
West Virginia														
Northern	31	9.6	1	0.3	27	8.3	0	0.0	0	0.0	61	18.8	1	0.3
Southern	30	9.9	0	0.0	7	2.3	1	0.3	1	0.3	102	33.8	2	0.7

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	18,750	13,054	69.6	107	0.6	44	0.2	275	1.5	16	0.1
Louisiana											
Eastern	361	214	59.3	9	2.5	5	1.4	17	4.7	2	0.6
Middle	230	132	57.4	4	1.7	0	0.0	4	1.7	0	0.0
Western	393	228	58.0	4	1.0	6	1.5	18	4.6	1	0.3
Mississippi											
Northern	169	115	68.0	0	0.0	0	0.0	6	3.6	0	0.0
Southern	278	216	77.7	0	0.0	0	0.0	5	1.8	0	0.0
Texas											
Eastern	921	626	68.0	16	1.7	1	0.1	10	1.1	1	0.1
Northern	998	553	55.4	10	1.0	24	2.4	28	2.8	1	0.1
Southern	6,575	4,053	61.6	43	0.7	5	0.1	36	0.5	4	0.1
Western	8,825	6,917	78.4	21	0.2	3	0.0	151	1.7	7	0.1
SIXTH CIRCUIT	5,566	2,758	49.6	25	0.4	11	0.2	83	1.5	6	0.1
Kentucky											
Eastern	501	274	54.7	3	0.6	2	0.4	9	1.8	0	0.0
Western	411	262	63.7	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	903	477	52.8	1	0.1	0	0.0	9	1.0	0	0.0
Western	465	269	57.8	4	0.9	3	0.6	11	2.4	1	0.2
Ohio											
Northern	908	408	44.9	1	0.1	0	0.0	15	1.7	2	0.2
Southern	628	185	29.5	4	0.6	0	0.0	6	1.0	0	0.0
Tennessee											
Eastern	857	507	59.2	2	0.2	2	0.2	15	1.8	1	0.1
Middle	316	111	35.1	4	1.3	1	0.3	10	3.2	1	0.3
Western	577	265	45.9	6	1.0	3	0.5	8	1.4	1	0.2
SEVENTH CIRCUIT	3,166	1,531	48.4	15	0.5	8	0.3	44	1.4	4	0.1
Illinois											
Central	416	240	57.7	2	0.5	0	0.0	7	1.7	0	0.0
Northern	845	337	39.9	2	0.2	2	0.2	7	0.8	0	0.0
Southern	413	299	72.4	5	1.2	2	0.5	6	1.5	2	0.5
Indiana											
Northern	404	233	57.7	2	0.5	2	0.5	4	1.0	0	0.0
Southern	432	221	51.2	2	0.5	0	0.0	14	3.2	1	0.2
Wisconsin											
Eastern	500	122	24.4	0	0.0	0	0.0	6	1.2	1	0.2
Western	156	79	50.6	2	1.3	2	1.3	0	0.0	0	0.0
EIGHTH CIRCUIT	4,896	2,584	52.8	31	0.6	8	0.2	82	1.7	2	0.0
Arkansas											
Eastern	396	243	61.4	0	0.0	1	0.3	18	4.5	0	0.0
Western	326	230	70.6	1	0.3	0	0.0	0	0.0	0	0.0
Iowa											
Northern	390	223	57.2	11	2.8	3	0.8	6	1.5	0	0.0
Southern	426	143	33.6	0	0.0	0	0.0	2	0.5	0	0.0
Minnesota	446	136	30.5	0	0.0	0	0.0	5	1.1	0	0.0
Missouri											
Eastern	790	406	51.4	1	0.1	2	0.3	13	1.6	0	0.0
Western	775	402	51.9	3	0.4	0	0.0	22	2.8	1	0.1
Nebraska	600	339	56.5	1	0.2	0	0.0	9	1.5	0	0.0
North Dakota	288	150	52.1	1	0.3	0	0.0	4	1.4	1	0.3
South Dakota	459	312	68.0	13	2.8	2	0.4	3	0.7	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	1,484	7.9	763	4.1	400	2.1	691	3.7	70	0.4	1,675	8.9	171	0.9
Louisiana														
Eastern	43	11.9	2	0.6	12	3.3	6	1.7	10	2.8	37	10.2	4	1.1
Middle	38	16.5	11	4.8	2	0.9	0	0.0	0	0.0	39	17.0	0	0.0
Western	56	14.2	1	0.3	4	1.0	2	0.5	3	0.8	70	17.8	0	0.0
Mississippi														
Northern	27	16.0	0	0.0	3	1.8	1	0.6	0	0.0	17	10.1	0	0.0
Southern	24	8.6	0	0.0	3	1.1	5	1.8	0	0.0	23	8.3	2	0.7
Texas														
Eastern	85	9.2	8	0.9	105	11.4	19	2.1	2	0.2	44	4.8	4	0.4
Northern	181	18.1	13	1.3	54	5.4	12	1.2	5	0.5	117	11.7	0	0.0
Southern	475	7.2	686	10.4	88	1.3	470	7.1	29	0.4	677	10.3	9	0.1
Western	555	6.3	42	0.5	129	1.5	176	2.0	21	0.2	651	7.4	152	1.7
SIXTH CIRCUIT	1,178	21.2	31	0.6	273	4.9	93	1.7	92	1.7	989	17.8	27	0.5
Kentucky														
Eastern	109	21.8	0	0.0	18	3.6	2	0.4	2	0.4	82	16.4	0	0.0
Western	61	14.8	18	4.4	21	5.1	8	1.9	3	0.7	38	9.2	0	0.0
Michigan														
Eastern	145	16.1	3	0.3	33	3.7	10	1.1	11	1.2	211	23.4	3	0.3
Western	54	11.6	0	0.0	4	0.9	14	3.0	14	3.0	90	19.4	1	0.2
Ohio														
Northern	261	28.7	0	0.0	27	3.0	9	1.0	8	0.9	166	18.3	11	1.2
Southern	167	26.6	7	1.1	74	11.8	25	4.0	26	4.1	128	20.4	6	1.0
Tennessee														
Eastern	207	24.2	0	0.0	12	1.4	14	1.6	6	0.7	89	10.4	2	0.2
Middle	59	18.7	0	0.0	59	18.7	4	1.3	4	1.3	63	19.9	0	0.0
Western	115	19.9	3	0.5	25	4.3	7	1.2	18	3.1	122	21.1	4	0.7
SEVENTH CIRCUIT	474	15.0	19	0.6	163	5.1	77	2.4	114	3.6	676	21.4	41	1.3
Illinois														
Central	59	14.2	0	0.0	12	2.9	8	1.9	9	2.2	78	18.8	1	0.2
Northern	122	14.4	15	1.8	18	2.1	26	3.1	69	8.2	221	26.2	26	3.1
Southern	20	4.8	0	0.0	12	2.9	7	1.7	22	5.3	32	7.7	6	1.5
Indiana														
Northern	85	21.0	1	0.2	22	5.4	5	1.2	4	1.0	44	10.9	2	0.5
Southern	67	15.5	0	0.0	33	7.6	5	1.2	0	0.0	89	20.6	0	0.0
Wisconsin														
Eastern	111	22.2	1	0.2	65	13.0	1	0.2	0	0.0	187	37.4	6	1.2
Western	10	6.4	2	1.3	1	0.6	25	16.0	10	6.4	25	16.0	0	0.0
EIGHTH CIRCUIT	744	15.2	74	1.5	241	4.9	91	1.9	49	1.0	968	19.8	22	0.4
Arkansas														
Eastern	41	10.4	0	0.0	9	2.3	5	1.3	7	1.8	69	17.4	3	0.8
Western	47	14.4	5	1.5	3	0.9	4	1.2	0	0.0	36	11.0	0	0.0
Iowa														
Northern	84	21.5	0	0.0	12	3.1	1	0.3	0	0.0	50	12.8	0	0.0
Southern	106	24.9	1	0.2	54	12.7	0	0.0	3	0.7	114	26.8	3	0.7
Minnesota	94	21.1	4	0.9	7	1.6	10	2.2	8	1.8	181	40.6	1	0.2
Missouri														
Eastern	108	13.7	1	0.1	54	6.8	13	1.6	18	2.3	171	21.6	3	0.4
Western	145	18.7	0	0.0	37	4.8	7	0.9	4	0.5	151	19.5	3	0.4
Nebraska	36	6.0	51	8.5	39	6.5	5	0.8	3	0.5	111	18.5	6	1.0
North Dakota	75	26.0	9	3.1	10	3.5	6	2.1	2	0.7	28	9.7	2	0.7
South Dakota	8	1.7	3	0.7	16	3.5	40	8.7	4	0.9	57	12.4	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	20,847	7,870	37.8	159	0.8	19	0.1	135	0.6	26	0.1
Alaska	209	75	35.9	0	0.0	2	1.0	2	1.0	0	0.0
Arizona	8,502	3,832	45.1	119	1.4	5	0.1	25	0.3	4	0.0
California											
Central	1,795	551	30.7	7	0.4	2	0.1	27	1.5	2	0.1
Eastern	1,034	453	43.8	4	0.4	1	0.1	10	1.0	1	0.1
Northern	747	315	42.2	0	0.0	4	0.5	12	1.6	0	0.0
Southern	5,304	1,211	22.8	10	0.2	0	0.0	13	0.2	16	0.3
Guam	58	31	53.4	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	241	99	41.1	1	0.4	0	0.0	2	0.8	0	0.0
Idaho	283	135	47.7	2	0.7	0	0.0	2	0.7	0	0.0
Montana	390	247	63.3	4	1.0	0	0.0	9	2.3	1	0.3
Nevada	620	333	53.7	6	1.0	0	0.0	12	1.9	1	0.2
Northern Mariana Islands	15	12	80.0	0	0.0	1	6.7	0	0.0	0	0.0
Oregon	626	188	30.0	1	0.2	0	0.0	7	1.1	1	0.2
Washington											
Eastern	304	121	39.8	2	0.7	3	1.0	6	2.0	0	0.0
Western	719	267	37.1	3	0.4	1	0.1	8	1.1	0	0.0
TENTH CIRCUIT	6,073	3,297	54.3	27	0.4	2	0.0	48	0.8	2	0.0
Colorado	565	233	41.2	0	0.0	0	0.0	3	0.5	0	0.0
Kansas	699	342	48.9	2	0.3	1	0.1	20	2.9	0	0.0
New Mexico	3,050	1,851	60.7	13	0.4	1	0.0	8	0.3	2	0.1
Oklahoma											
Eastern	92	55	59.8	0	0.0	0	0.0	1	1.1	0	0.0
Northern	203	127	62.6	2	1.0	0	0.0	0	0.0	0	0.0
Western	515	328	63.7	2	0.4	0	0.0	12	2.3	0	0.0
Utah	675	226	33.5	5	0.7	0	0.0	3	0.4	0	0.0
Wyoming	274	135	49.3	3	1.1	0	0.0	1	0.4	0	0.0
ELEVENTH CIRCUIT	6,837	4,014	58.7	7	0.1	10	0.1	100	1.5	5	0.1
Alabama											
Middle	210	104	49.5	1	0.5	0	0.0	6	2.9	0	0.0
Northern	438	286	65.3	0	0.0	0	0.0	2	0.5	2	0.5
Southern	452	272	60.2	0	0.0	0	0.0	2	0.4	0	0.0
Florida											
Middle	1,687	768	45.5	2	0.1	2	0.1	19	1.1	1	0.1
Northern	348	222	63.8	0	0.0	0	0.0	2	0.6	1	0.3
Southern	2,122	1,308	61.6	1	0.0	5	0.2	27	1.3	1	0.0
Georgia											
Middle	415	318	76.6	0	0.0	3	0.7	6	1.4	0	0.0
Northern	640	311	48.6	3	0.5	0	0.0	13	2.0	0	0.0
Southern	525	425	81.0	0	0.0	0	0.0	23	4.4	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	%
NINTH CIRCUIT	1,491	7.2	7,419	35.6	1,333	6.4	390	1.9	114	0.5	1,792	8.6	99	0.5
Alaska	48	23.0	0	0.0	33	15.8	0	0.0	3	1.4	46	22.0	0	0.0
Arizona	236	2.8	3,489	41.0	265	3.1	104	1.2	18	0.2	390	4.6	15	0.2
California														
Central	234	13.0	387	21.6	170	9.5	56	3.1	31	1.7	283	15.8	45	2.5
Eastern	125	12.1	273	26.4	46	4.4	10	1.0	2	0.2	106	10.3	3	0.3
Northern	84	11.2	80	10.7	121	16.2	6	0.8	13	1.7	111	14.9	1	0.1
Southern	367	6.9	2,951	55.6	221	4.2	168	3.2	27	0.5	302	5.7	18	0.3
Guam	19	32.8	0	0.0	1	1.7	1	1.7	0	0.0	6	10.3	0	0.0
Hawaii	54	22.4	0	0.0	2	0.8	2	0.8	0	0.0	78	32.4	3	1.2
Idaho	59	20.8	22	7.8	10	3.5	6	2.1	2	0.7	42	14.8	3	1.1
Montana	58	14.9	0	0.0	14	3.6	1	0.3	0	0.0	55	14.1	1	0.3
Nevada	70	11.3	34	5.5	51	8.2	20	3.2	1	0.2	87	14.0	5	0.8
Northern Mariana Islands	1	6.7	0	0.0	1	6.7	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	79	12.6	114	18.2	107	17.1	5	0.8	3	0.5	121	19.3	0	0.0
Washington														
Eastern	18	5.9	29	9.5	56	18.4	3	1.0	5	1.6	59	19.4	2	0.7
Western	39	5.4	40	5.6	235	32.7	8	1.1	9	1.3	106	14.7	3	0.4
TENTH CIRCUIT	404	6.7	832	13.7	568	9.4	91	1.5	44	0.7	734	12.1	24	0.4
Colorado	116	20.5	46	8.1	87	15.4	3	0.5	4	0.7	72	12.7	1	0.2
Kansas	74	10.6	19	2.7	120	17.2	9	1.3	4	0.6	104	14.9	4	0.6
New Mexico	79	2.6	562	18.4	230	7.5	51	1.7	23	0.8	214	7.0	16	0.5
Oklahoma														
Eastern	17	18.5	0	0.0	4	4.3	0	0.0	2	2.2	13	14.1	0	0.0
Northern	35	17.2	1	0.5	0	0.0	5	2.5	1	0.5	32	15.8	0	0.0
Western	30	5.8	0	0.0	9	1.7	4	0.8	2	0.4	127	24.7	1	0.2
Utah	35	5.2	190	28.1	68	10.1	14	2.1	3	0.4	129	19.1	2	0.3
Wyoming	18	6.6	14	5.1	50	18.2	5	1.8	5	1.8	43	15.7	0	0.0
ELEVENTH CIRCUIT	993	14.5	63	0.9	196	2.9	65	1.0	84	1.2	1,278	18.7	22	0.3
Alabama														
Middle	57	27.1	4	1.9	8	3.8	2	1.0	1	0.5	27	12.9	0	0.0
Northern	88	20.1	0	0.0	1	0.2	1	0.2	2	0.5	55	12.6	1	0.2
Southern	79	17.5	0	0.0	2	0.4	4	0.9	1	0.2	92	20.4	0	0.0
Florida														
Middle	337	20.0	26	1.5	30	1.8	26	1.5	23	1.4	450	26.7	3	0.2
Northern	58	16.7	3	0.9	0	0.0	7	2.0	7	2.0	47	13.5	1	0.3
Southern	216	10.2	24	1.1	50	2.4	10	0.5	45	2.1	424	20.0	11	0.5
Georgia														
Middle	36	8.7	5	1.2	6	1.4	1	0.2	1	0.2	38	9.2	1	0.2
Northern	77	12.0	0	0.0	94	14.7	12	1.9	3	0.5	126	19.7	1	0.2
Southern	45	8.6	1	0.2	5	1.0	2	0.4	1	0.2	19	3.6	4	0.8

¹ Of the 84,173 cases, 1,499 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: Western Louisiana (9.7%), Middle Georgia (8.6%), Eastern North Carolina (5.6%), and Western Texas (5.4%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

Table 3

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

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	82,674	43,333	52.4	451	0.5	127	0.2	977	1.2	76	0.1
Murder	63	33	52.4	2	3.2	0	0.0	1	1.6	0	0.0
Manslaughter	50	29	58.0	6	12.0	1	2.0	4	8.0	1	2.0
Kidnapping/Hostage Taking	49	20	40.8	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	428	249	58.2	8	1.9	5	1.2	15	3.5	1	0.2
Assault	689	397	57.6	19	2.8	6	0.9	19	2.8	3	0.4
Robbery	849	463	54.5	10	1.2	5	0.6	22	2.6	1	0.1
Arson	48	25	52.1	2	4.2	0	0.0	5	10.4	0	0.0
Drugs - Trafficking	24,711	10,595	42.9	66	0.3	15	0.1	121	0.5	9	0.0
Drugs - Communication Facility	373	186	49.9	1	0.3	1	0.3	8	2.1	1	0.3
Drugs - Simple Possession	1,119	1,090	97.4	3	0.3	0	0.0	3	0.3	0	0.0
Firearms	8,096	4,764	58.8	76	0.9	28	0.3	204	2.5	15	0.2
Burglary/B&E	42	26	61.9	2	4.8	0	0.0	1	2.4	0	0.0
Auto Theft	61	36	59.0	0	0.0	1	1.6	3	4.9	0	0.0
Larceny	1,322	920	69.6	3	0.2	3	0.2	18	1.4	0	0.0
Fraud	8,237	4,154	50.4	37	0.4	16	0.2	111	1.3	10	0.1
Embezzlement	322	185	57.5	0	0.0	0	0.0	1	0.3	0	0.0
Forgery/Counterfeiting	874	572	65.4	3	0.3	7	0.8	19	2.2	0	0.0
Bribery	229	70	30.6	0	0.0	0	0.0	0	0.0	1	0.4
Tax	605	223	36.9	2	0.3	0	0.0	5	0.8	0	0.0
Money Laundering	820	293	35.7	1	0.1	0	0.0	7	0.9	0	0.0
Racketeering/Extortion	911	400	43.9	13	1.4	3	0.3	18	2.0	1	0.1
Gambling/Lottery	45	18	40.0	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	53	19	35.8	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	26,255	14,897	56.7	166	0.6	26	0.1	248	0.9	26	0.1
Child Pornography	2,012	705	35.0	10	0.5	5	0.2	38	1.9	0	0.0
Prison Offenses	419	318	75.9	2	0.5	0	0.0	25	6.0	0	0.0
Administration of Justice Offenses	1,324	767	57.9	14	1.1	2	0.2	53	4.0	3	0.2
Environmental/Wildlife	182	101	55.5	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	114	40	35.1	0	0.0	1	0.9	0	0.0	0	0.0
Antitrust	20	1	5.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	57	39	68.4	1	1.8	0	0.0	3	5.3	0	0.0
Other Miscellaneous Offenses	2,295	1,698	74.0	4	0.2	2	0.1	25	1.1	4	0.2

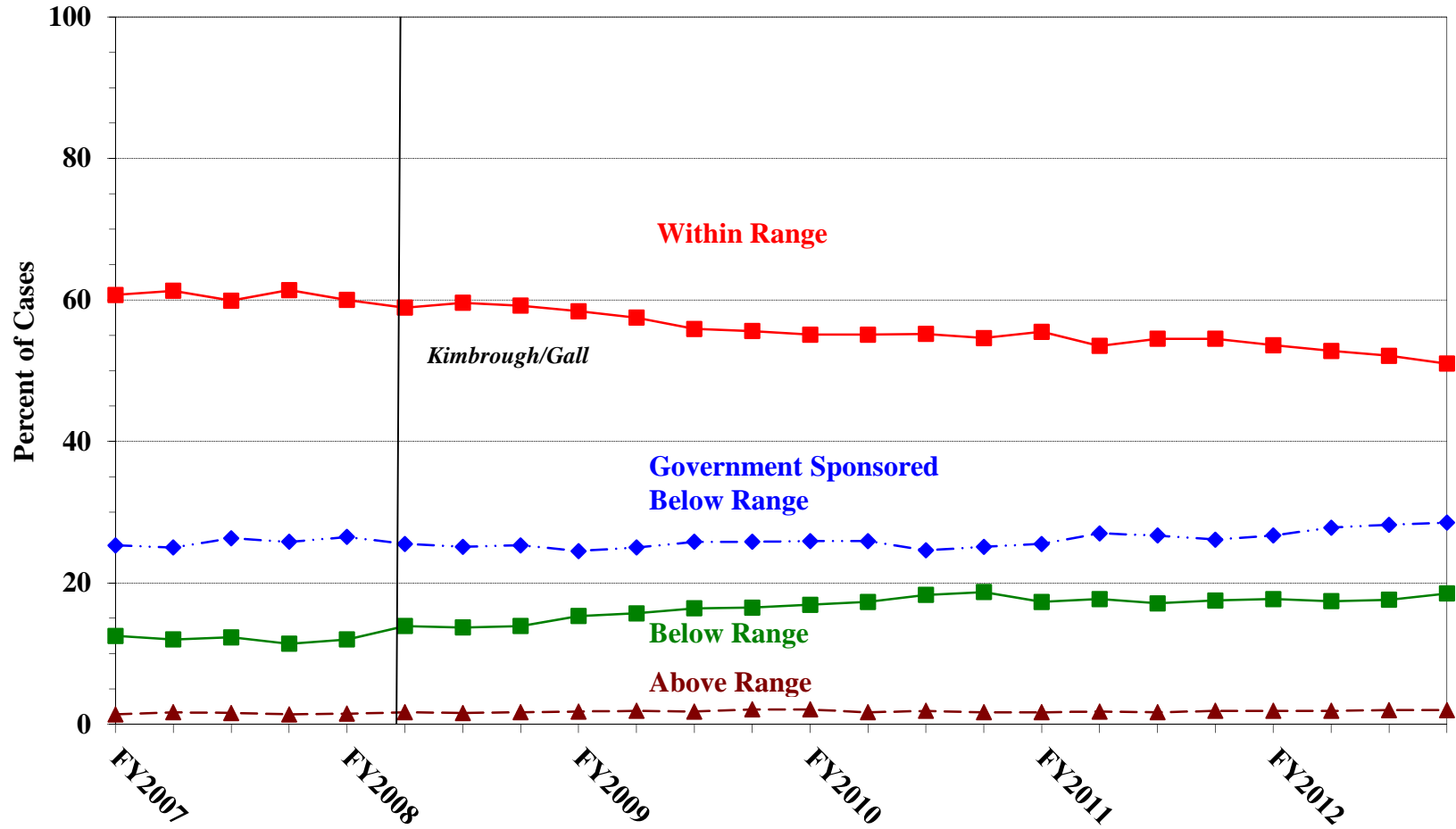
Table 3 (cont.)

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	9,677	11.7	9,276	11.2	4,034	4.9	1,897	2.3	811	1.0	11,487	13.9	528	0.6
Murder	8	12.7	0	0.0	10	15.9	0	0.0	0	0.0	9	14.3	0	0.0
Manslaughter	0	0.0	0	0.0	3	6.0	2	4.0	2	4.0	2	4.0	0	0.0
Kidnapping/Hostage Taking	8	16.3	0	0.0	9	18.4	3	6.1	1	2.0	8	16.3	0	0.0
Sexual Abuse	20	4.7	2	0.5	53	12.4	8	1.9	1	0.2	66	15.4	0	0.0
Assault	11	1.6	4	0.6	97	14.1	24	3.5	9	1.3	90	13.1	10	1.5
Robbery	90	10.6	3	0.4	59	6.9	22	2.6	13	1.5	157	18.5	4	0.5
Arson	12	25.0	0	0.0	2	4.2	0	0.0	0	0.0	2	4.2	0	0.0
Drugs - Trafficking	5,806	23.5	1,995	8.1	1,338	5.4	511	2.1	292	1.2	3,856	15.6	107	0.4
Drugs - Communication Facility	35	9.4	3	0.8	42	11.3	5	1.3	5	1.3	84	22.5	2	0.5
Drugs - Simple Possession	4	0.4	2	0.2	4	0.4	0	0.0	0	0.0	7	0.6	6	0.5
Firearms	858	10.6	12	0.1	531	6.6	167	2.1	88	1.1	1,300	16.1	53	0.7
Burglary/B&E	3	7.1	0	0.0	1	2.4	1	2.4	1	2.4	7	16.7	0	0.0
Auto Theft	7	11.5	0	0.0	3	4.9	2	3.3	0	0.0	9	14.8	0	0.0
Larceny	80	6.1	0	0.0	49	3.7	23	1.7	14	1.1	198	15.0	14	1.1
Fraud	1,442	17.5	10	0.1	499	6.1	145	1.8	120	1.5	1,602	19.4	91	1.1
Embezzlement	11	3.4	1	0.3	17	5.3	6	1.9	5	1.6	87	27.0	9	2.8
Forgery/Counterfeiting	70	8.0	2	0.2	30	3.4	14	1.6	6	0.7	141	16.1	10	1.1
Bribery	68	29.7	3	1.3	11	4.8	6	2.6	3	1.3	66	28.8	1	0.4
Tax	82	13.6	0	0.0	42	6.9	27	4.5	12	2.0	203	33.6	9	1.5
Money Laundering	203	24.8	5	0.6	95	11.6	17	2.1	11	1.3	180	22.0	8	1.0
Racketeering/Extortion	169	18.6	1	0.1	105	11.5	27	3.0	17	1.9	153	16.8	4	0.4
Gambling/Lottery	14	31.1	0	0.0	3	6.7	2	4.4	1	2.2	7	15.6	0	0.0
Civil Rights	13	24.5	0	0.0	5	9.4	1	1.9	1	1.9	12	22.6	2	3.8
Immigration	274	1.0	7,223	27.5	485	1.8	764	2.9	106	0.4	1,884	7.2	156	0.6
Child Pornography	79	3.9	1	0.0	265	13.2	43	2.1	55	2.7	799	39.7	12	0.6
Prison Offenses	6	1.4	1	0.2	26	6.2	6	1.4	4	1.0	30	7.2	1	0.2
Administration of Justice Offenses	95	7.2	5	0.4	104	7.9	26	2.0	19	1.4	229	17.3	7	0.5
Environmental/Wildlife	13	7.1	0	0.0	21	11.5	2	1.1	8	4.4	34	18.7	3	1.6
National Defense	38	33.3	1	0.9	9	7.9	4	3.5	1	0.9	20	17.5	0	0.0
Antitrust	16	80.0	0	0.0	0	0.0	0	0.0	1	5.0	2	10.0	0	0.0
Food & Drug	7	12.3	0	0.0	3	5.3	0	0.0	0	0.0	4	7.0	0	0.0
Other Miscellaneous Offenses	135	5.9	2	0.1	113	4.9	39	1.7	15	0.7	239	10.4	19	0.8

¹ Of the 84,173 cases, 1,499 were excluded due to information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

Figure A
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2007 - 2012

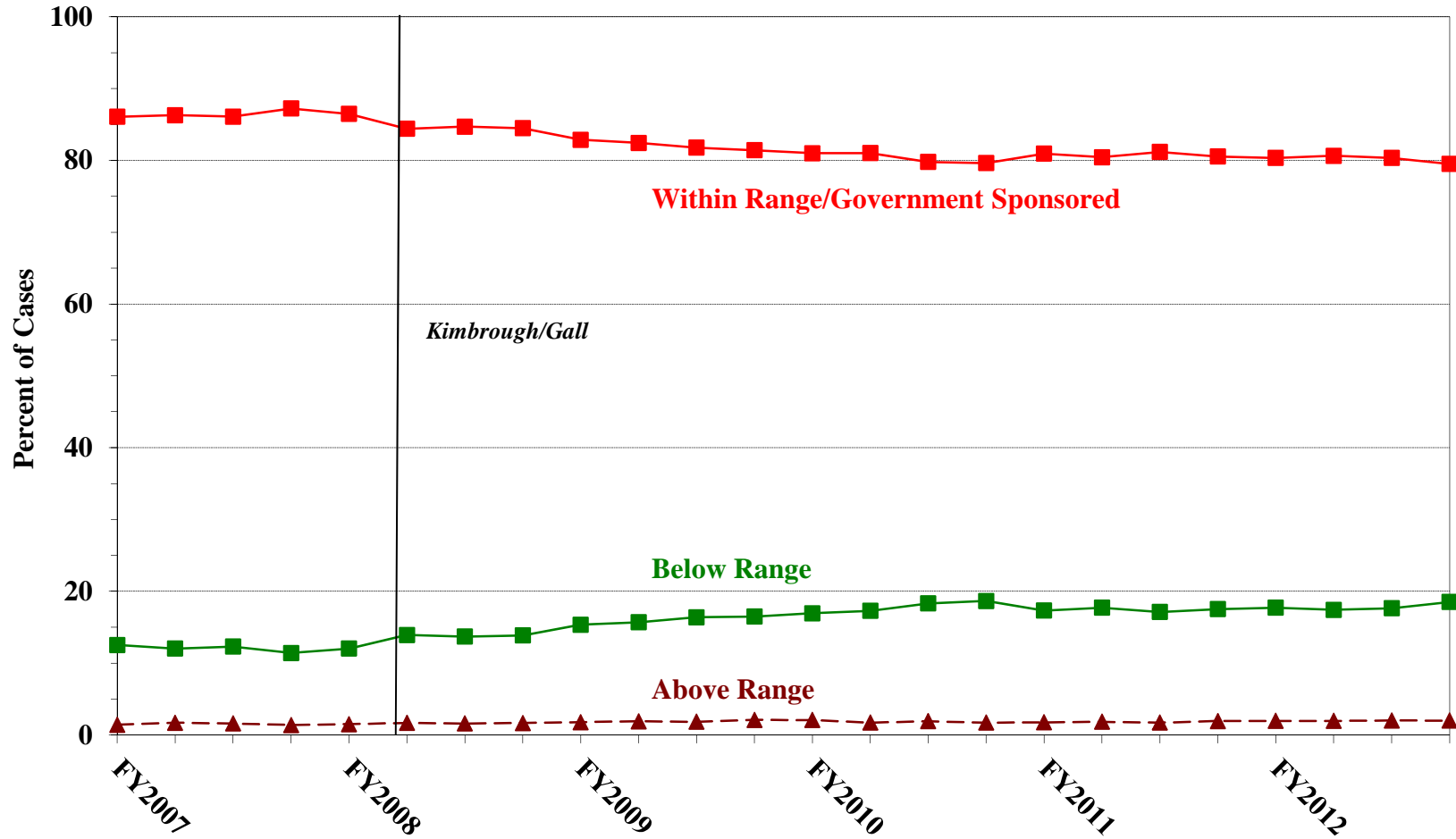


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure B

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED
AND OTHER OUT OF RANGE SENTENCES¹**

Fiscal Years 2007 - 2012



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 2007 - 2012

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
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
FY2012				
1st Quarter	53.6	26.7	17.7	1.9
2ndQuarter	52.8	27.8	17.4	1.9
3rd Quarter	52.1	28.2	17.6	2.0
4th Quarter	51.0	28.5	18.5	2.0

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		Other Gov't	Departure		Below Range			
			Gdline Only	with Booker	with Booker	All Others		\$5K1.1	\$5K3.1	Gdline Only	with Booker	with Booker	All Others
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	
§2N2.1	33	28	1	0	3	0	0	0	1	0	0	0	
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2P1.1	227	183	1	0	8	1	4	1	10	4	0	15	
§2P1.2	128	100	1	0	4	0	3	0	6	0	3	11	
§2P1.3	6	2	0	0	0	0	0	0	3	1	0	0	
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	
§2Q1.1	1	0	0	0	0	0	0	0	0	0	0	1	
§2Q1.2	53	15	0	0	0	0	11	0	4	2	1	19	
§2Q1.3	40	17	0	0	0	0	8	0	1	2	7	5	
§2Q1.4	1	0	0	0	0	0	0	0	1	0	0	0	
§2Q1.5	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	
§2Q2.1	102	52	0	0	0	0	8	0	14	0	2	25	
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	
§2R1.1	14	1	0	0	0	0	10	0	0	0	1	2	
§2S1.1	1,106	357	2	0	12	1	332	0	127	16	12	241	
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	
§2S1.3	283	112	0	0	1	0	40	6	50	9	7	54	
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	
§2T1.1	512	185	0	1	5	0	70	0	35	25	7	176	
§2T1.2	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	
§2T1.4	147	59	0	0	0	0	19	0	8	4	7	48	
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	
§2T1.6	42	7	0	0	2	0	1	0	1	1	1	29	
§2T1.7	0	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	
§2T1.9	8	2	0	0	0	0	0	0	2	0	0	4	
§2T2.1	1	0	0	0	0	0	0	0	0	0	0	1	
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	
§2T3.1	17	12	0	0	0	0	3	0	0	0	0	2	
§2T3.2	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	
§2X1.1	29	16	0	1	0	0	2	0	1	5	1	3	
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2X3.1	91	37	1	0	8	0	16	0	13	3	0	13	
§2X4.1	360	182	6	0	11	1	50	3	32	5	6	62	
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	
§2X5.2	238	230	0	0	3	2	0	0	2	0	1	0	
§2X6.1	1	1	0	0	0	0	0	0	0	0	0	0	
§2X7.1	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	
TOTAL	75,807	37,851	443	123	925	71	9,595	8,494	3,896	1,859	800	11,259	491

¹ Of the 84,173 cases, 8,366 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 (1,499) or missing guideline applied (8,306). Descriptions of variables used in this table are provided in Appendix A.

² In 886 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 886 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,242 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 2,242 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 2012

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	39,341	6,246	15.9	8,594	21.8	3,701	9.4	2,332	5.9	233	0.6
Above Range	1,631	9	0.6	26	1.6	313	19.2	149	9.1	2	0.1
Upward Departure From Guideline Range	451	4	0.9	10	2.2	152	33.7	90	20.0	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	127	0	0.0	0	0.0	16	12.6	4	3.1	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	977	0	0.0	0	0.0	142	14.5	54	5.5	2	0.2
All Remaining Cases Above Guideline Range	76	5	6.6	16	21.1	3	3.9	1	1.3	0	0.0
Government Sponsored Below Range	22,987	6,237	27.1	8,568	37.3	3,388	14.7	2,183	9.5	231	1.0
§5K1.1 Substantial Assistance Departure	9,677	6,237	64.5	126	1.3	187	1.9	174	1.8	38	0.4
§5K3.1 Early Disposition Program Departure	9,276	0	0.0	8,442	91.0	1,440	15.5	891	9.6	9	0.1
Other Government Sponsored Below Range	4,034	0	0.0	0	0.0	1,761	43.7	1,118	27.7	184	4.6
Non-Government Sponsored Below Range	14,723	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,897	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	811	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	11,487	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	528	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	3,150	8.0	333	0.8	1,431	3.6	4,758	12.1	4,917	12.5	5,809	14.8	4,168	10.6
Above Range	4	0.2	0	0.0	244	15.0	8	0.5	3	0.2	667	40.9	301	18.5
Upward Departure From Guideline Range	1	0.2	0	0.0	63	14.0	4	0.9	1	0.2	133	29.5	51	11.3
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	37	29.1	1	0.8	0	0.0	66	52.0	13	10.2
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	144	14.7	2	0.2	2	0.2	461	47.2	191	19.5
All Remaining Cases Above Guideline Range	3	3.9	0	0.0	0	0.0	1	1.3	0	0.0	7	9.2	46	60.5
Government Sponsored Below Range	3,146	13.7	333	1.4	1,187	5.2	1,145	5.0	784	3.4	750	3.3	869	3.8
§5K1.1 Substantial Assistance Departure	3,146	32.5	6	0.1	258	2.7	585	6.0	361	3.7	452	4.7	230	2.4
§5K3.1 Early Disposition Program Departure	0	0.0	327	3.5	64	0.7	192	2.1	299	3.2	145	1.6	426	4.6
Other Government Sponsored Below Range	0	0.0	0	0.0	865	21.4	368	9.1	124	3.1	153	3.8	213	5.3
Non-Government Sponsored Below Range	0	0.0	0	0.0	0	0.0	3,605	24.5	4,130	28.1	4,392	29.8	2,998	20.4
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	690	36.4	402	21.2	537	28.3	319	16.8
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	184	22.7	276	34.0	299	36.9	146	18.0
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,731	23.8	3,449	30.0	3,535	30.8	2,029	17.7
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	3	0.6	21	4.0	504	95.5

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, 5,379 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	9,274	36	30	49.6
Murder	4	134	58	25.0
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	6	118	72	38.1
Sexual Abuse	20	63	59	50.2
Assault	10	42	18	38.3
Robbery	90	42	28	34.1
Arson	12	38	30	45.6
Drugs - Trafficking	5,585	48	40	45.8
Drugs - Communication Facility	35	10	12	67.4
Drugs - Simple Possession	2	--	--	--
Firearms	802	58	30	41.6
Burglary/B&E	3	18	12	51.4
Auto Theft	7	24	12	38.1
Larceny	79	5	11	70.0
Fraud	1,396	10	18	69.2
Embezzlement	11	0	18	100.0
Forgery/Counterfeiting	68	6	10	59.0
Bribery	66	11	24	80.0
Tax	80	0	12	100.0
Money Laundering	196	8	25	74.1
Racketeering/Extortion	142	32	31	47.8
Gambling/Lottery	12	0	7	100.0
Civil Rights	13	7	10	55.6
Immigration	262	12	12	49.9
Child Pornography	77	97	60	37.1
Prison Offenses	6	8	6	38.5
Administration of Justice Offenses	94	0	15	100.0
Environmental/Wildlife	12	0	11	100.0
National Defense	37	24	27	47.8
Antitrust	9	12	15	56.7
Food & Drug	7	0	12	100.0
Other Miscellaneous Offenses	131	5	18	67.5

¹ Of the 84,173 cases, 9,677 received a §5K1.1 substantial assistance departure. Of these, 9,379 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 95 cases were also excluded from this table. Of the remaining 9,284 cases, ten 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	8,341	18	8	34.1
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	4	16	12	45.7
Robbery	3	30	16	29.8
Arson	0	--	--	--
Drugs - Trafficking	1,855	18	10	36.4
Drugs - Communication Facility	3	33	24	47.1
Drugs - Simple Possession	0	--	--	--
Firearms	12	32	20	45.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	7	4	5	50.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	5	12	6	33.2
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	6,436	15	7	33.3
Child Pornography	1	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	5	9	12	63.0
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 84,173 cases, 9,276 received a §5K3.1 early disposition program departure. Of these, 8,341 cases had complete guideline application 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,778	33	18	38.3
Murder	10	132	42	34.2
Manslaughter	3	24	6	19.2
Kidnapping/Hostage Taking	7	108	120	50.0
Sexual Abuse	42	96	64	43.3
Assault	80	15	14	50.0
Robbery	58	60	29	28.2
Arson	2	--	--	--
Drugs - Trafficking	1,286	60	27	34.0
Drugs - Communication Facility	39	30	12	31.0
Drugs - Simple Possession	3	0	6	100.0
Firearms	508	54	18	33.2
Burglary/B&E	1	--	--	--
Auto Theft	3	0	16	98.3
Larceny	46	0	10	100.0
Fraud	468	12	12	59.4
Embezzlement	16	0	11	99.7
Forgery/Counterfeiting	30	12	10	34.1
Bribery	8	14	13	58.9
Tax	39	1	12	90.0
Money Laundering	92	16	14	45.6
Racketeering/Extortion	91	60	21	31.0
Gambling/Lottery	3	0	6	100.0
Civil Rights	4	53	18	60.7
Immigration	451	12	6	34.8
Child Pornography	261	60	54	42.9
Prison Offenses	19	6	6	40.0
Administration of Justice Offenses	94	6	12	71.4
Environmental/Wildlife	16	0	10	100.0
National Defense	7	30	22	35.1
Antitrust	0	--	--	--
Food & Drug	3	36	27	42.9
Other Miscellaneous Offenses	88	1	10	86.6

¹ Of the 84,173 cases, 4,034 received an other government sponsored downward departure. Of these, 3,825 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 37 cases were also excluded from this table. Of the remaining 3,788 cases, ten 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,813	24	12	33.3
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	3	97	45	35.8
Sexual Abuse	8	47	21	26.5
Assault	23	12	12	36.3
Robbery	19	51	14	20.5
Arson	0	--	--	--
Drugs - Trafficking	489	46	14	27.0
Drugs - Communication Facility	5	42	14	34.1
Drugs - Simple Possession	0	--	--	--
Firearms	161	37	10	22.1
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	20	0	10	100.0
Fraud	139	11	10	51.9
Embezzlement	6	0	11	100.0
Forgery/Counterfeiting	14	14	7	39.9
Bribery	5	30	3	33.3
Tax	27	0	12	99.8
Money Laundering	14	13	8	48.9
Racketeering/Extortion	23	63	13	21.7
Gambling/Lottery	2	--	--	--
Civil Rights	1	--	--	--
Immigration	731	24	10	33.3
Child Pornography	43	78	41	38.1
Prison Offenses	6	8	5	33.3
Administration of Justice Offenses	26	6	10	69.0
Environmental/Wildlife	2	--	--	--
National Defense	4	7	7	35.3
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	37	0	10	100.0

¹ Of the 84,173 cases, 1,897 received a downward departure from the guideline range. Of these, 1,818 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 1,816 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	777	29	18	41.5
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	1	--	--	--
Assault	6	37	14	46.3
Robbery	13	36	10	21.7
Arson	0	--	--	--
Drugs - Trafficking	279	48	24	36.2
Drugs - Communication Facility	4	27	28	51.6
Drugs - Simple Possession	0	--	--	--
Firearms	86	36	17	34.1
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	13	0	12	100.0
Fraud	117	15	13	48.6
Embezzlement	5	0	12	100.0
Forgery/Counterfeiting	5	0	9	100.0
Bribery	3	24	21	60.0
Tax	12	6	12	74.9
Money Laundering	11	0	24	100.0
Racketeering/Extortion	15	39	16	41.7
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	102	24	15	38.6
Child Pornography	54	60	42	42.9
Prison Offenses	3	12	6	33.2
Administration of Justice Offenses	18	5	13	77.1
Environmental/Wildlife	8	0	14	100.0
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	14	0	14	100.0

¹ Of the 84,173 cases, 811 received a downward departure from the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 780 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. 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	11,003	24	14	35.1
Murder	6	72	35	40.2
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	5	144	44	23.4
Sexual Abuse	57	48	15	32.4
Assault	88	15	11	44.4
Robbery	154	46	16	24.8
Arson	2	--	--	--
Drugs - Trafficking	3,736	48	19	31.0
Drugs - Communication Facility	83	18	12	50.0
Drugs - Simple Possession	7	0	2	100.0
Firearms	1,279	30	13	28.0
Burglary/B&E	7	10	5	33.3
Auto Theft	8	12	11	66.2
Larceny	195	0	9	100.0
Fraud	1,552	12	12	55.4
Embezzlement	85	1	10	88.2
Forgery/Counterfeiting	141	7	8	66.7
Bribery	66	12	16	52.0
Tax	197	1	12	94.4
Money Laundering	170	18	13	45.5
Racketeering/Extortion	139	36	15	28.6
Gambling/Lottery	7	0	6	100.0
Civil Rights	12	23	13	41.7
Immigration	1,682	18	9	33.3
Child Pornography	793	66	40	38.1
Prison Offenses	27	8	6	33.3
Administration of Justice Offenses	220	6	10	60.0
Environmental/Wildlife	29	0	10	100.0
National Defense	18	27	23	69.5
Antitrust	2	--	--	--
Food & Drug	4	1	32	90.0
Other Miscellaneous Offenses	230	1	10	87.8

¹ Of the 84,173 cases, 11,487 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 11,059 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 43 cases were also excluded from this table. Of the remaining 11,016 cases, 13 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	465	2	6	75.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	9	4	5	64.1
Robbery	4	77	9	17.0
Arson	0	--	--	--
Drugs - Trafficking	95	36	10	33.3
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	5	0	2	100.0
Firearms	51	60	10	22.1
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	12	0	6	100.0
Fraud	74	0	6	100.0
Embezzlement	9	0	6	100.0
Forgery/Counterfeiting	10	0	5	100.0
Bribery	1	--	--	--
Tax	8	0	6	100.0
Money Laundering	8	0	8	96.4
Racketeering/Extortion	4	56	39	30.8
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	140	0	2	100.0
Child Pornography	12	240	84	19.6
Prison Offenses	1	--	--	--
Administration of Justice Offenses	7	0	4	100.0
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	10	0	4	100.0

¹ Of the 84,173 cases, 528 were otherwise sentenced below the guideline range. Of these, 466 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one additional case was also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	427	46	12	33.3
Murder	1	--	--	--
Manslaughter	6	114	28	49.5
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	8	132	39	37.6
Assault	19	84	27	52.4
Robbery	10	120	21	24.5
Arson	2	--	--	--
Drugs - Trafficking	64	91	21	29.7
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	67	97	16	25.0
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	3	51	14	37.8
Fraud	33	57	12	28.6
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	24	4	14.3
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	12	102	23	29.0
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	162	24	6	34.3
Child Pornography	10	150	23	21.5
Prison Offenses	2	--	--	--
Administration of Justice Offenses	12	36	5	18.3
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	4	38	16	111.1

¹ Of the 84,173 cases, 451 received an upward departure from the guideline range. Of these, 432 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 two cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	119	72	23	52.2
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	180	59	57.1
Assault	5	96	33	62.2
Robbery	4	180	83	90.1
Arson	0	--	--	--
Drugs - Trafficking	15	84	14	18.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	25	120	33	32.4
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	3	48	27	69.0
Fraud	16	42	18	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	7	60	24	80.0
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	3	240	30	23.7
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	26	30	16	66.4
Child Pornography	5	235	33	16.5
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹ Of the 84,173 cases, 127 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 122 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 two cases were also excluded from this table. Furthermore, one case was 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	893	60	13	40.0
Murder	1	--	--	--
Manslaughter	4	102	51	93.6
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	15	120	20	24.3
Assault	19	90	19	37.9
Robbery	22	128	33	27.7
Arson	5	180	84	75.2
Drugs - Trafficking	113	91	14	25.0
Drugs - Communication Facility	8	66	13	25.0
Drugs - Simple Possession	3	24	12	100.0
Firearms	171	108	21	29.7
Burglary/B&E	1	--	--	--
Auto Theft	3	144	55	100.0
Larceny	15	48	19	62.2
Fraud	104	48	13	45.5
Embezzlement	1	--	--	--
Forgery/Counterfeiting	16	22	6	54.2
Bribery	0	--	--	--
Tax	5	60	12	29.3
Money Laundering	6	60	16	43.6
Racketeering/Extortion	18	108	35	45.9
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	241	22	6	50.0
Child Pornography	34	226	33	23.7
Prison Offenses	11	36	14	71.4
Administration of Justice Offenses	51	56	19	69.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	9	3	50.0
Other Miscellaneous Offenses	23	48	9	33.3

¹ Of the 84,173 cases, 977 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 908 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 two cases were also excluded from this table. Furthermore, 13 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 2012**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	47	50	11	28.6
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	1	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	6	150	19	13.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	11	50	11	26.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	5	78	15	23.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	19	36	9	42.9
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 84,173 cases, 76 were otherwise sentenced above the guideline range. Of these, 66 cases had complete guideline application information. Furthermore, 19 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 2012

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	83,443	75,125	90.0	72,774	87.2	2,351	2.8	8,318	10.0	2,402	2.9	5,916	7.1
Murder	65	65	100.0	64	98.5	1	1.5	0	0.0	0	0.0	0	0.0
Manslaughter	50	50	100.0	48	96.0	2	4.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	49	49	100.0	49	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	428	419	97.9	401	93.7	18	4.2	9	2.1	2	0.5	7	1.6
Assault	705	610	86.5	566	80.3	44	6.2	95	13.5	20	2.8	75	10.6
Robbery	850	821	96.6	803	94.5	18	2.1	29	3.4	13	1.5	16	1.9
Arson	48	46	95.8	45	93.8	1	2.1	2	4.2	0	0.0	2	4.2
Drugs - Trafficking	24,729	23,853	96.5	23,147	93.6	706	2.9	876	3.5	371	1.5	505	2.0
Drugs - Communication Facility	373	313	83.9	299	80.2	14	3.8	60	16.1	26	7.0	34	9.1
Drugs - Simple Possession	1,402	1,134	80.9	1,130	80.6	4	0.3	268	19.1	11	0.8	257	18.3
Firearms	8,097	7,689	95.0	7,472	92.3	217	2.7	408	5.0	174	2.1	234	2.9
Burglary/B&E	42	39	92.9	36	85.7	3	7.1	3	7.1	1	2.4	2	4.8
Auto Theft	60	54	90.0	51	85.0	3	5.0	6	10.0	4	6.7	2	3.3
Larceny	1,293	567	43.9	497	38.4	70	5.4	726	56.1	193	14.9	533	41.2
Fraud	8,598	6,435	74.8	5,883	68.4	552	6.4	2,163	25.2	748	8.7	1,415	16.5
Embezzlement	318	154	48.4	116	36.5	38	11.9	164	51.6	52	16.4	112	35.2
Forgery/Counterfeiting	876	673	76.8	617	70.4	56	6.4	203	23.2	77	8.8	126	14.4
Bribery	228	177	77.6	157	68.9	20	8.8	51	22.4	21	9.2	30	13.2
Tax	605	389	64.3	328	54.2	61	10.1	216	35.7	98	16.2	118	19.5
Money Laundering	821	650	79.2	611	74.4	39	4.8	171	20.8	69	8.4	102	12.4
Racketeering/Extortion	910	865	95.1	835	91.8	30	3.3	45	4.9	18	2.0	27	3.0
Gambling/Lottery	45	12	26.7	7	15.6	5	11.1	33	73.3	7	15.6	26	57.8
Civil Rights	53	41	77.4	39	73.6	2	3.8	12	22.6	2	3.8	10	18.9
Immigration	26,531	25,451	95.9	25,247	95.2	204	0.8	1,080	4.1	137	0.5	943	3.6
Child Pornography	2,013	1,989	98.8	1,953	97.0	36	1.8	24	1.2	9	0.4	15	0.7
Prison Offenses	429	400	93.2	387	90.2	13	3.0	29	6.8	14	3.3	15	3.5
Administration of Justice Offenses	1,327	1,023	77.1	933	70.3	90	6.8	304	22.9	89	6.7	215	16.2
Environmental/Wildlife	188	40	21.3	33	17.6	7	3.7	148	78.7	18	9.6	130	69.1
National Defense	114	107	93.9	101	88.6	6	5.3	7	6.1	1	0.9	6	5.3
Antitrust	20	19	95.0	17	85.0	2	10.0	1	5.0	1	5.0	0	0.0
Food & Drug	57	20	35.1	19	33.3	1	1.8	37	64.9	5	8.8	32	56.1
Other Miscellaneous Offenses	2,119	971	45.8	883	41.7	88	4.2	1,148	54.2	221	10.4	927	43.7

¹ Of the 84,173 cases, 730 were excluded due to one or both of the following reasons: the offender received neither imprisonment nor probation (718), or missing sentencing information (12). 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 2012

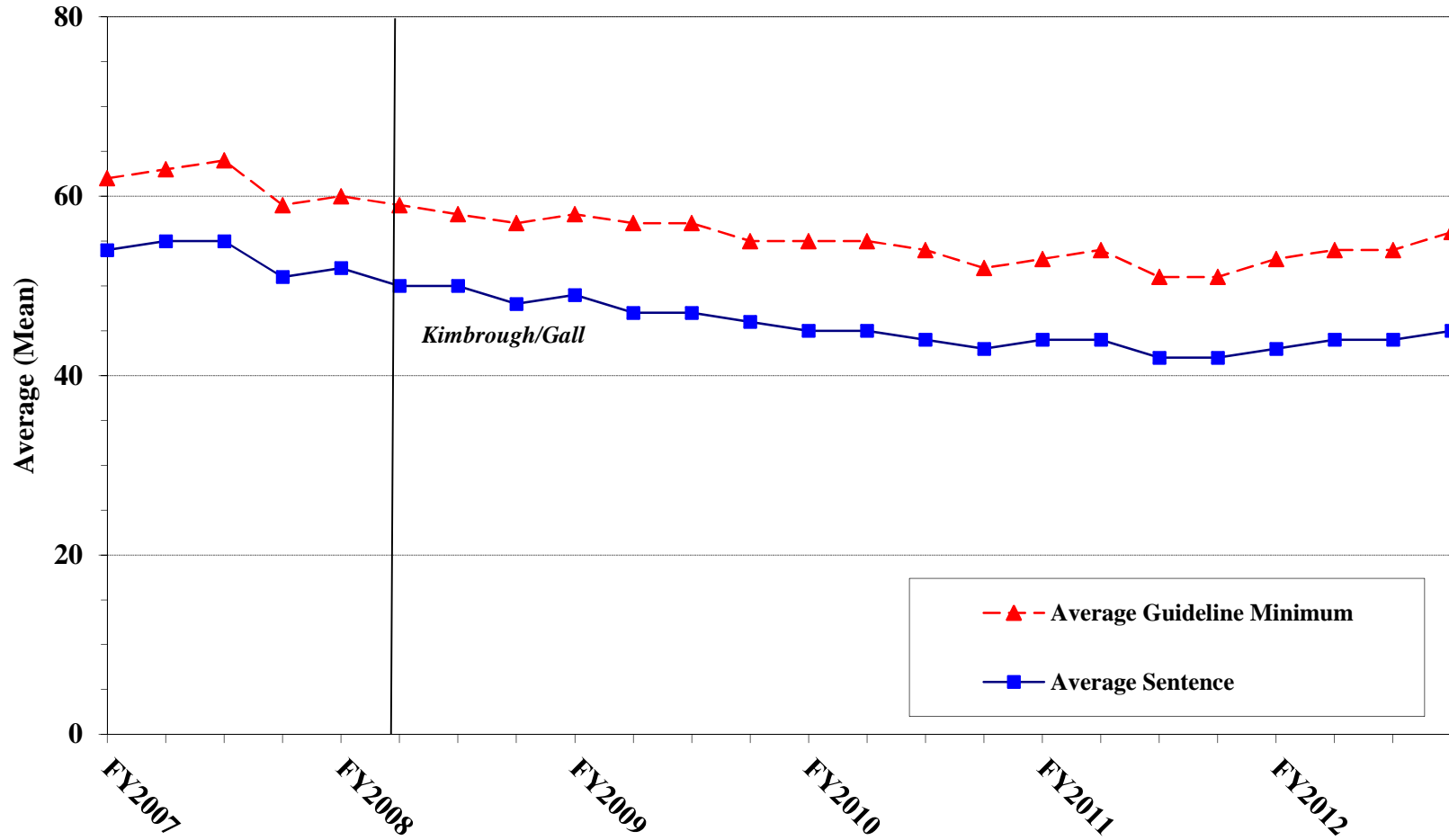
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	44	24	84,166
Murder	252	216	65
Manslaughter	60	46	50
Kidnapping/Hostage Taking	197	168	49
Sexual Abuse	127	120	428
Assault	32	21	714
Robbery	77	60	852
Arson	77	60	48
Drugs - Trafficking	68	51	24,735
Drugs - Communication Facility	34	35	373
Drugs - Simple Possession	4	4	1,450
Firearms	84	57	8,105
Burglary/B&E	19	18	42
Auto Theft	63	25	61
Larceny	9	1	1,396
Fraud	24	12	8,632
Embezzlement	8	5	325
Forgery/Counterfeiting	18	12	876
Bribery	18	12	229
Tax	17	12	608
Money Laundering	33	18	822
Racketeering/Extortion	87	57	912
Gambling/Lottery	5	0	45
Civil Rights	43	12	53
Immigration	16	10	26,548
Child Pornography	129	90	2,014
Prison Offenses	14	12	429
Administration of Justice Offenses	18	12	1,338
Environmental/Wildlife	2	0	204
National Defense	51	36	114
Antitrust	15	14	20
Food & Drug	7	0	60
Other Miscellaneous Offenses	14	0	2,569

¹ Of the 84,173 cases, seven 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 2007 - 2012

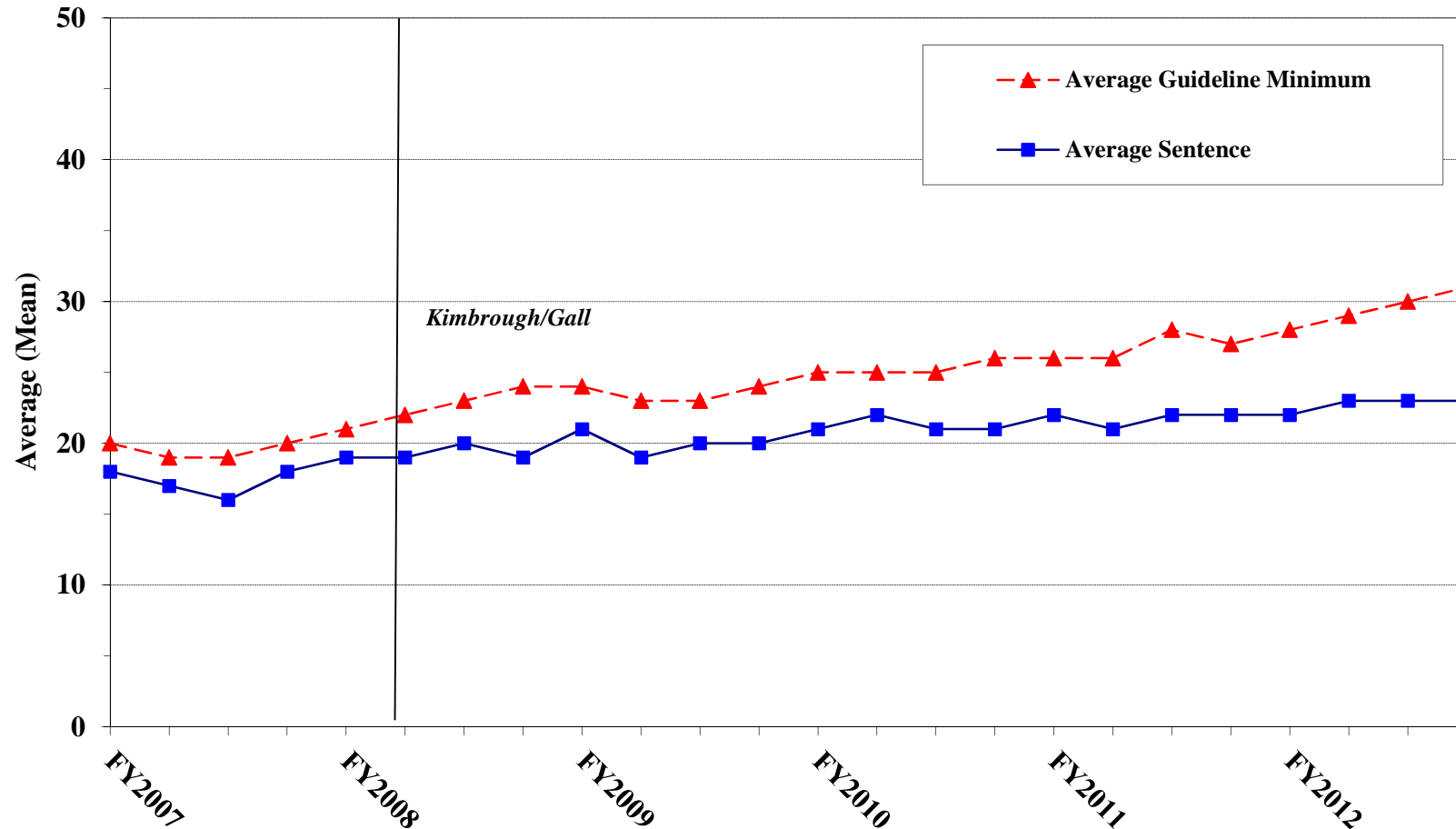


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 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 2007 - 2012

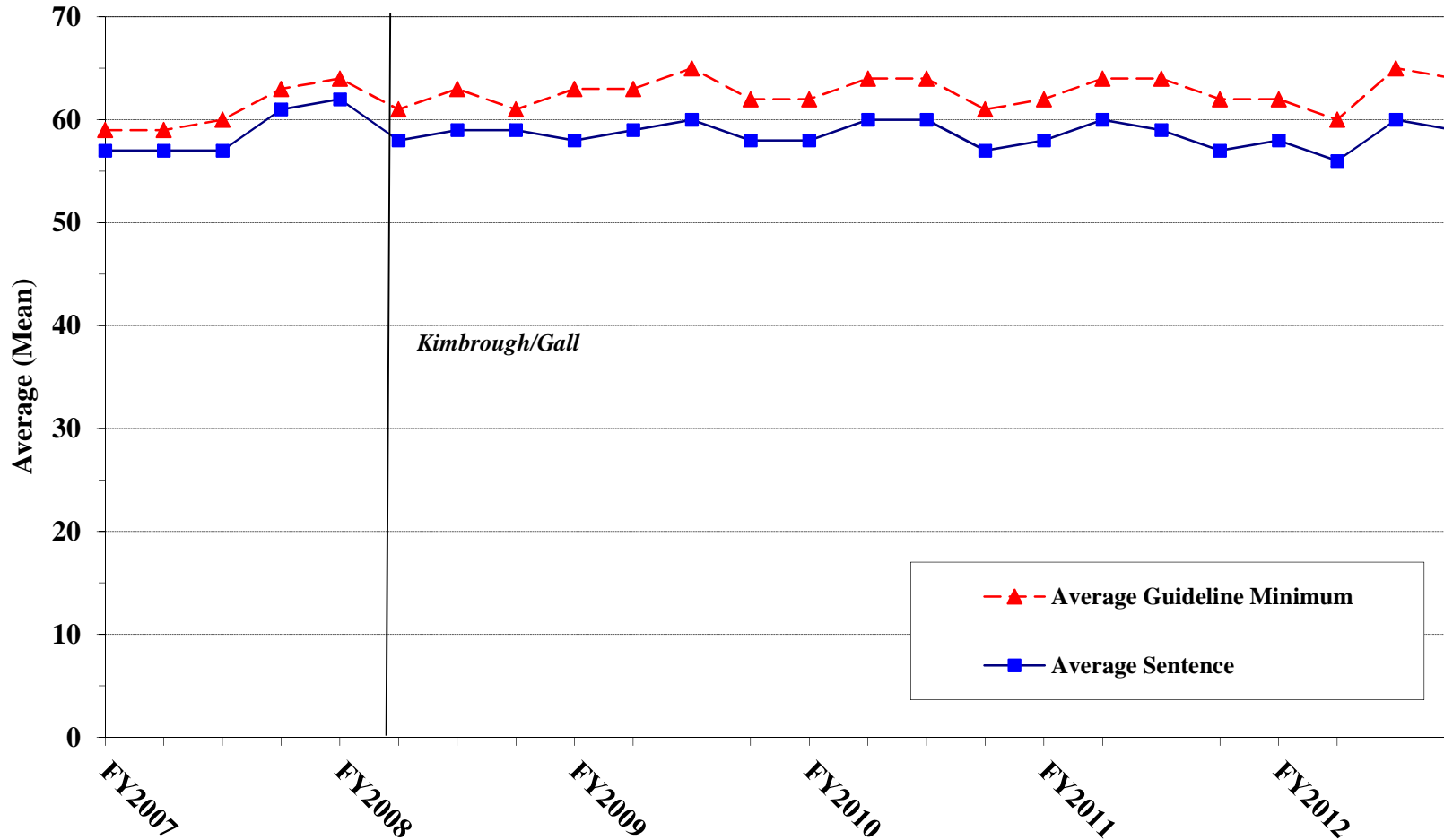


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 2007 - 2012

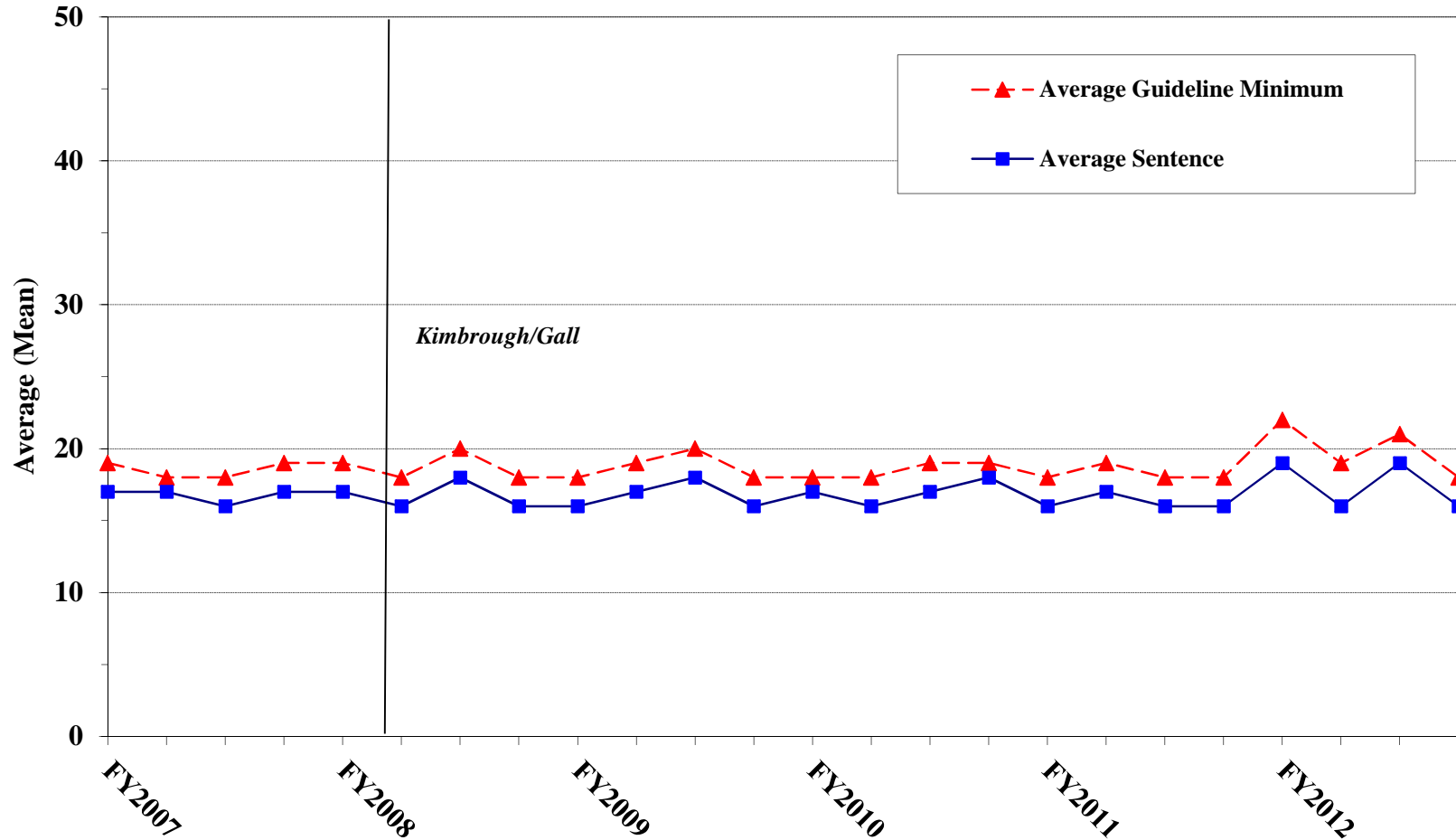


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 2007 - 2012

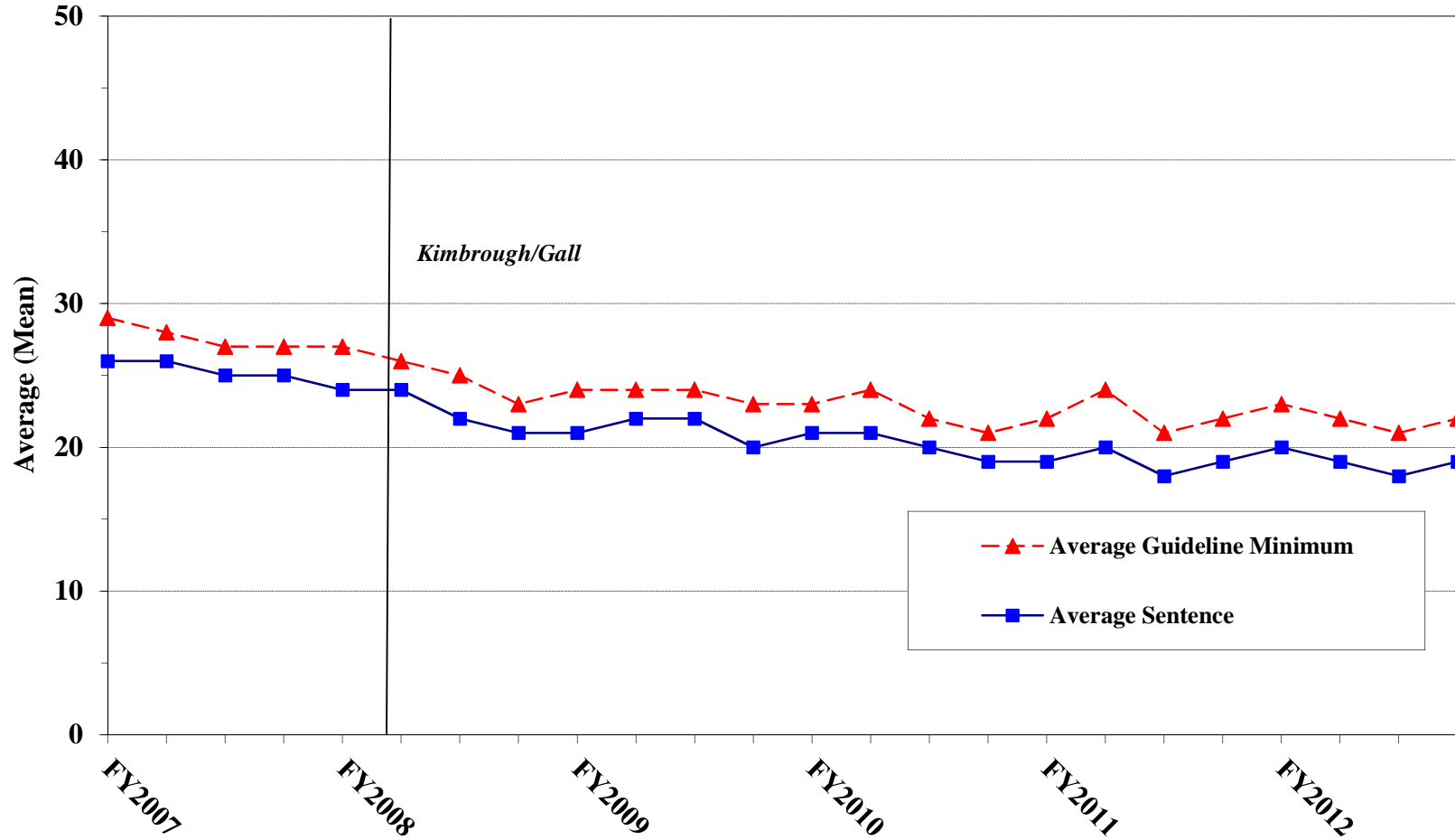


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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 2007 - 2012

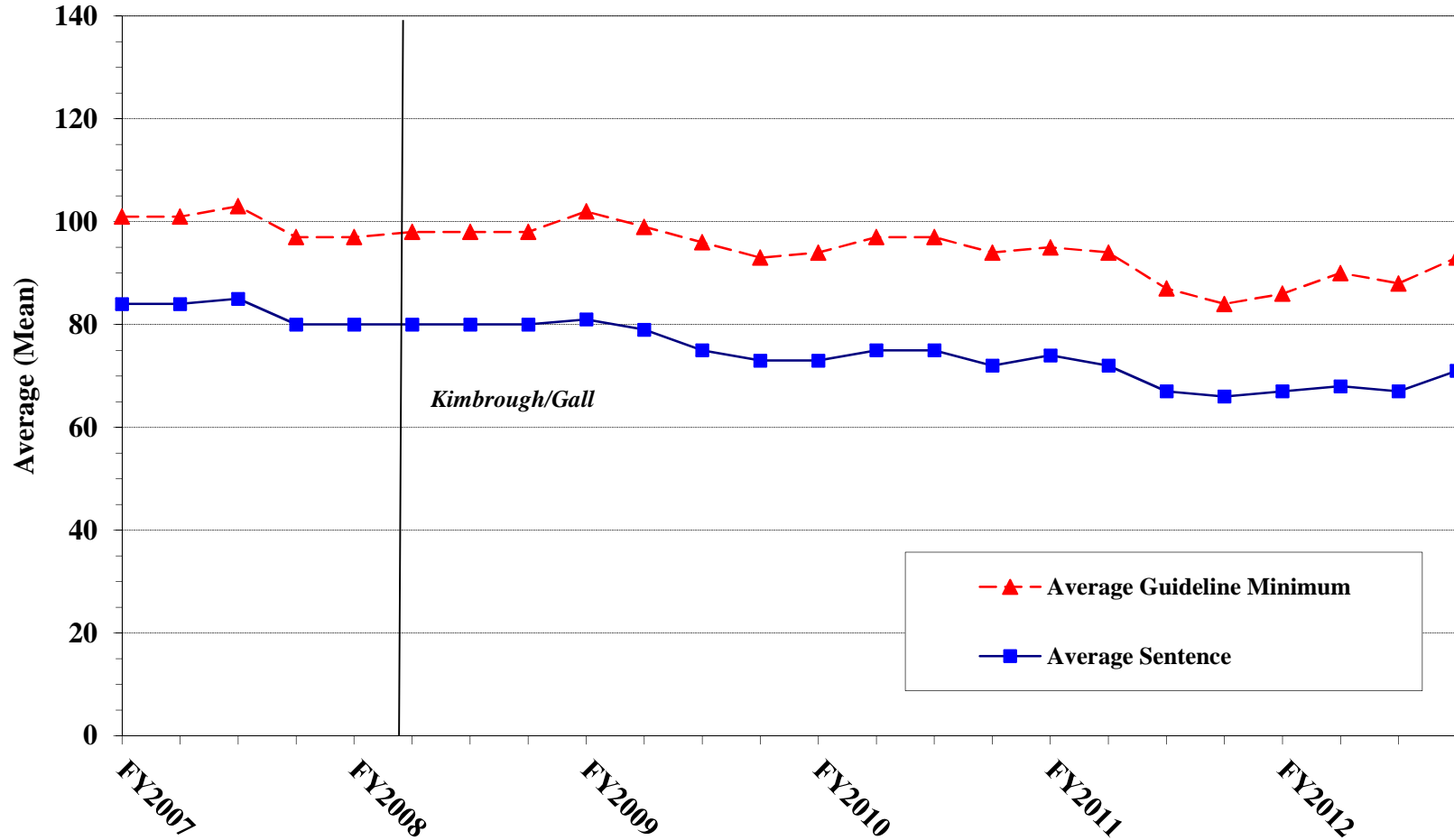


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including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

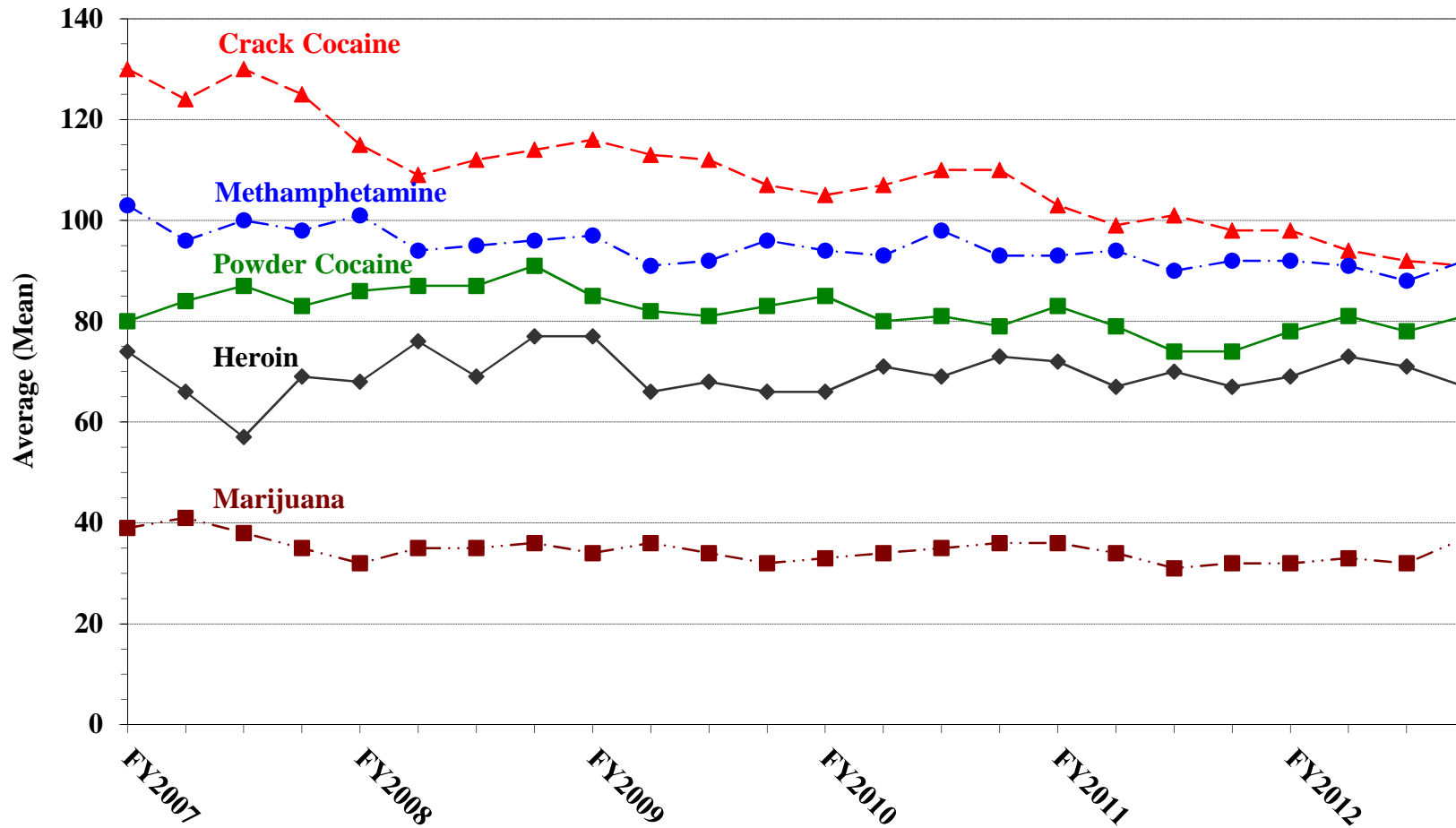
AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹

Fiscal Years 2007 - 2012



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 2007 - 2012



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 2012**

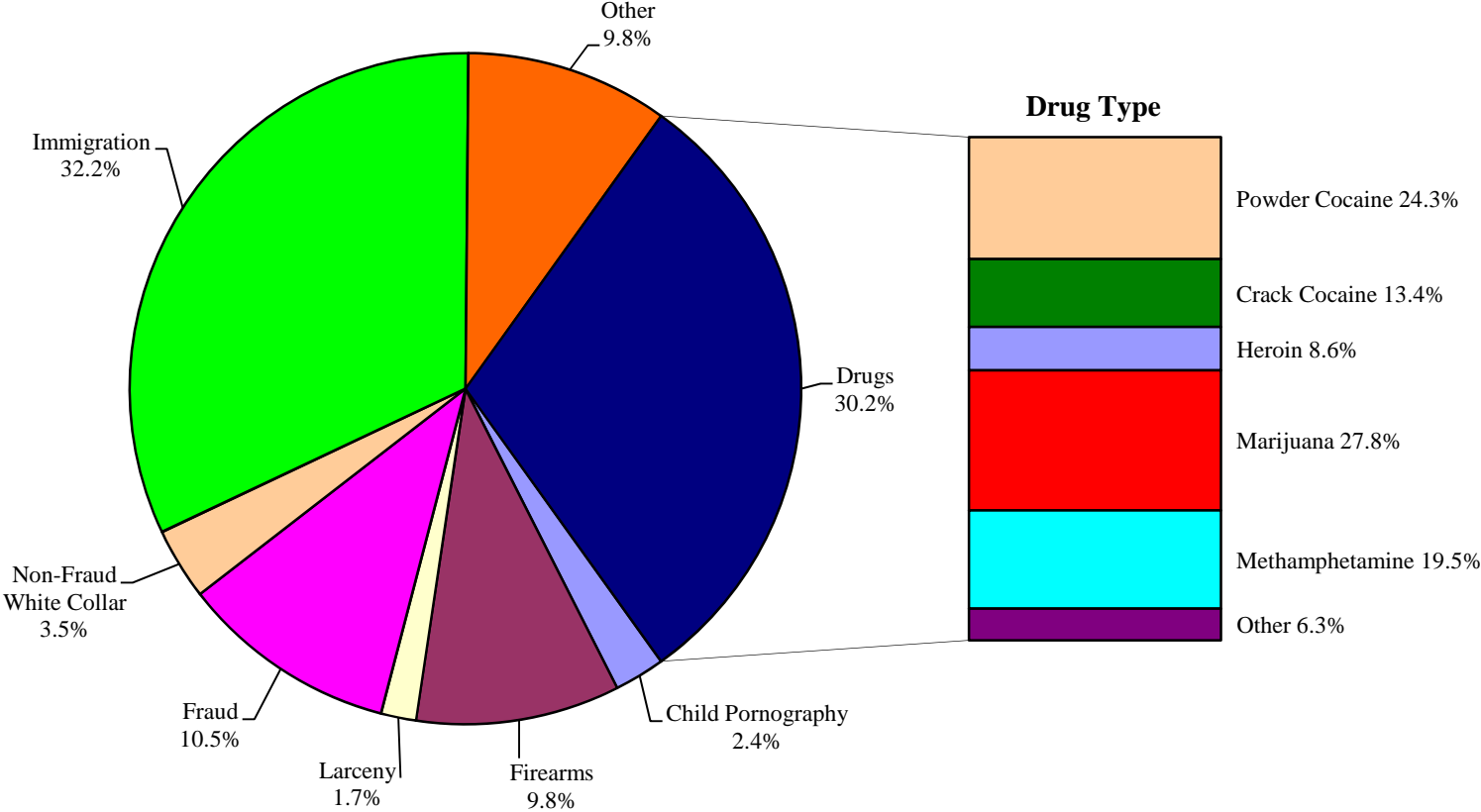
PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	34,956	18,126	51.9	6,727	19.2	3,567	10.2	2,851	8.2	3,685	10.5
Murder	20	2	10.0	7	35.0	1	5.0	5	25.0	5	25.0
Manslaughter	28	11	39.3	3	10.7	2	7.1	2	7.1	10	35.7
Kidnapping/Hostage Taking	11	8	72.7	1	9.1	0	0.0	1	9.1	1	9.1
Sexual Abuse	183	63	34.4	33	18.0	24	13.1	23	12.6	40	21.9
Assault	333	129	38.7	62	18.6	43	12.9	28	8.4	71	21.3
Robbery	438	223	50.9	72	16.4	41	9.4	45	10.3	57	13.0
Arson	13	5	38.5	2	15.4	0	0.0	4	30.8	2	15.4
Drugs - Trafficking	9,596	6,319	65.9	1,673	17.4	683	7.1	404	4.2	517	5.4
Drugs - Communication Facility	87	56	64.4	10	11.5	7	8.0	3	3.4	11	12.6
Drugs - Simple Possession	173	119	68.8	25	14.5	10	5.8	7	4.0	12	6.9
Firearms	4,190	2,306	55.0	569	13.6	423	10.1	312	7.4	580	13.8
Burglary/B&E	24	11	45.8	5	20.8	1	4.2	2	8.3	5	20.8
Auto Theft	31	10	32.3	4	12.9	1	3.2	4	12.9	12	38.7
Larceny	697	502	72.0	71	10.2	38	5.5	29	4.2	57	8.2
Fraud	3,219	1,851	57.5	453	14.1	247	7.7	231	7.2	437	13.6
Embezzlement	164	129	78.7	23	14.0	1	0.6	2	1.2	9	5.5
Forgery/Counterfeiting	538	281	52.2	77	14.3	45	8.4	48	8.9	87	16.2
Bribery	67	45	67.2	12	17.9	2	3.0	2	3.0	6	9.0
Tax	196	126	64.3	24	12.2	13	6.6	10	5.1	23	11.7
Money Laundering	266	170	63.9	41	15.4	17	6.4	10	3.8	28	10.5
Racketeering/Extortion	313	156	49.8	51	16.3	27	8.6	33	10.5	46	14.7
Gambling/Lottery	17	12	70.6	2	11.8	2	11.8	1	5.9	0	0.0
Civil Rights	13	10	76.9	1	7.7	0	0.0	0	0.0	2	15.4
Immigration	11,884	4,097	34.5	3,152	26.5	1,725	14.5	1,499	12.6	1,411	11.9
Child Pornography	560	360	64.3	80	14.3	33	5.9	42	7.5	45	8.0
Prison Offenses	298	119	39.9	74	24.8	39	13.1	16	5.4	50	16.8
Administration of Justice Offenses	692	385	55.6	89	12.9	83	12.0	40	5.8	95	13.7
Environmental/Wildlife	58	47	81.0	5	8.6	3	5.2	2	3.4	1	1.7
National Defense	39	21	53.8	8	20.5	2	5.1	4	10.3	4	10.3
Antitrust	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	34	27	79.4	2	5.9	3	8.8	2	5.9	0	0.0
Other Miscellaneous Offenses	773	525	67.9	96	12.4	51	6.6	40	5.2	61	7.9

¹ Of the 84,173 cases, 43,333 were sentenced within the applicable guideline range. Of those, 37,299 cases had complete guideline application information. An additional 2,343 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

Fiscal Year 2012



¹ Of the 26,560 drug cases, 1,637 were excluded from the drug type analysis due to one of the following reasons: cases sentenced under §2D1.11 involving a listed chemical (255) and cases missing drug type (1,382). The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this table 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, 2012 Datafile, USSCFY12.

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012

PRIMARY OFFENSE	N	%
TOTAL	84,173	100.0
Murder	65	0.1
Manslaughter	50	0.1
Kidnapping/Hostage Taking	49	0.1
Sexual Abuse	428	0.5
Assault	714	0.8
Robbery	852	1.0
Arson	48	0.1
Drugs - Trafficking	24,736	29.4
Drugs - Communication Facility	373	0.4
Drugs - Simple Possession	1,451	1.7
Firearms	8,105	9.6
Burglary/B&E	42	0.0
Auto Theft	61	0.1
Larceny	1,397	1.7
Fraud	8,634	10.3
Embezzlement	326	0.4
Forgery/Counterfeiting	876	1.0
Bribery	229	0.3
Tax	608	0.7
Money Laundering	822	1.0
Racketeering/Extortion	912	1.1
Gambling/Lottery	45	0.1
Civil Rights	53	0.1
Immigration	26,548	31.5
Child Pornography	2,014	2.4
Prison Offenses	429	0.5
Administration of Justice Offenses	1,338	1.6
Environmental/Wildlife	204	0.2
National Defense	114	0.1
Antitrust	20	0.0
Food & Drug	60	0.1
Other Miscellaneous Offenses	2,570	3.1

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

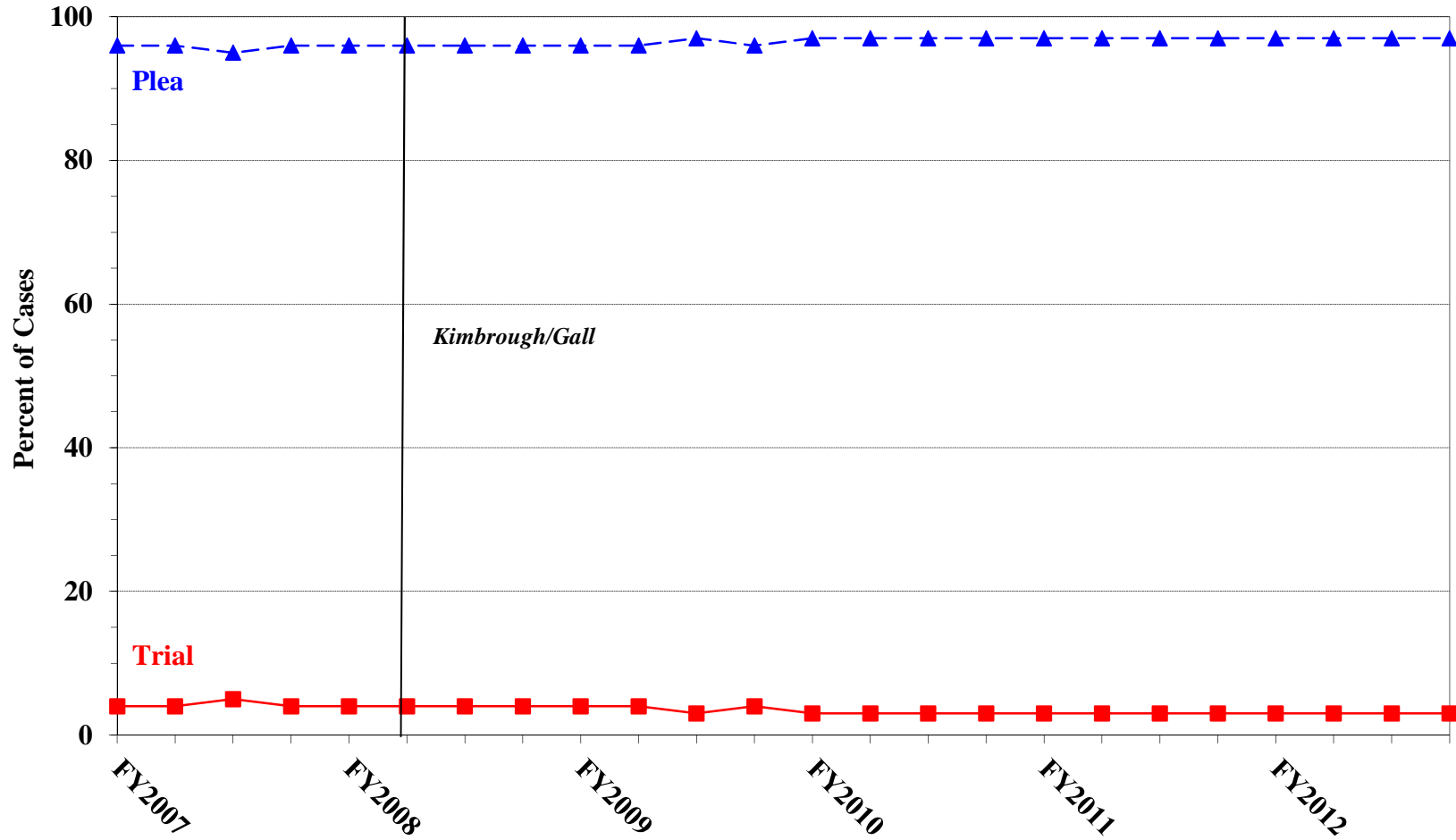
Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	84,169	81,647	97.0	2,522	3.0
Murder	65	48	73.8	17	26.2
Manslaughter	50	48	96.0	2	4.0
Kidnapping/Hostage Taking	49	45	91.8	4	8.2
Sexual Abuse	428	372	86.9	56	13.1
Assault	714	656	91.9	58	8.1
Robbery	852	824	96.7	28	3.3
Arson	48	46	95.8	2	4.2
Drugs - Trafficking	24,736	23,988	97.0	748	3.0
Drugs - Communication Facility	373	373	100.0	0	0.0
Drugs - Simple Possession	1,450	1,438	99.2	12	0.8
Firearms	8,105	7,595	93.7	510	6.3
Burglary/B&E	42	41	97.6	1	2.4
Auto Theft	61	58	95.1	3	4.9
Larceny	1,396	1,370	98.1	26	1.9
Fraud	8,634	8,164	94.6	470	5.4
Embezzlement	326	319	97.9	7	2.1
Forgery/Counterfeiting	876	864	98.6	12	1.4
Bribery	229	215	93.9	14	6.1
Tax	608	571	93.9	37	6.1
Money Laundering	822	768	93.4	54	6.6
Racketeering/Extortion	912	857	94.0	55	6.0
Gambling/Lottery	45	44	97.8	1	2.2
Civil Rights	53	43	81.1	10	18.9
Immigration	26,547	26,389	99.4	158	0.6
Child Pornography	2,014	1,935	96.1	79	3.9
Prison Offenses	429	422	98.4	7	1.6
Administration of Justice Offenses	1,338	1,288	96.3	50	3.7
Environmental/Wildlife	204	198	97.1	6	2.9
National Defense	114	112	98.2	2	1.8
Antitrust	20	18	90.0	2	10.0
Food & Drug	60	58	96.7	2	3.3
Other Miscellaneous Offenses	2,569	2,480	96.5	89	3.5

¹ Of the 84,173 cases, four were 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 2007 - 2012



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 2012

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	75,894	20,847	27.5	15,516	20.4	36,713	48.4	2,818	3.7
Murder	64	22	34.4	15	23.4	6	9.4	21	32.8
Manslaughter	50	2	4.0	1	2.0	3	6.0	44	88.0
Kidnapping/Hostage Taking	49	12	24.5	11	22.4	20	40.8	6	12.2
Sexual Abuse	428	171	40.0	55	12.9	38	8.9	164	38.3
Assault	640	170	26.6	80	12.5	106	16.6	284	44.4
Robbery	843	402	47.7	340	40.3	67	7.9	34	4.0
Arson	47	26	55.3	10	21.3	3	6.4	8	17.0
Drugs - Trafficking	24,540	6,354	25.9	6,138	25.0	11,426	46.6	622	2.5
Drugs - Communication Facility	371	96	25.9	135	36.4	120	32.3	20	5.4
Drugs - Simple Possession	234	114	48.7	56	23.9	52	22.2	12	5.1
Firearms	8,052	2,238	27.8	3,834	47.6	1,736	21.6	244	3.0
Burglary/B&E	42	7	16.7	8	19.0	3	7.1	24	57.1
Auto Theft	60	18	30.0	13	21.7	28	46.7	1	1.7
Larceny	1,128	563	49.9	329	29.2	141	12.5	95	8.4
Fraud	7,513	3,482	46.3	2,271	30.2	1,269	16.9	491	6.5
Embezzlement	309	186	60.2	55	17.8	26	8.4	42	13.6
Forgery/Counterfeiting	865	357	41.3	381	44.0	97	11.2	30	3.5
Bribery	221	103	46.6	48	21.7	42	19.0	28	12.7
Tax	594	349	58.8	129	21.7	68	11.4	48	8.1
Money Laundering	805	299	37.1	120	14.9	345	42.9	41	5.1
Racketeering/Extortion	907	326	35.9	310	34.2	225	24.8	46	5.1
Gambling/Lottery	43	36	83.7	3	7.0	2	4.7	2	4.7
Civil Rights	52	30	57.7	12	23.1	7	13.5	3	5.8
Immigration	22,635	2,156	9.5	337	1.5	19,999	88.4	143	0.6
Child Pornography	2,010	1,759	87.5	64	3.2	166	8.3	21	1.0
Prison Offenses	386	93	24.1	153	39.6	115	29.8	25	6.5
Administration of Justice Offenses	1,272	601	47.2	290	22.8	268	21.1	113	8.9
Environmental/Wildlife	138	96	69.6	4	2.9	6	4.3	32	23.2
National Defense	112	32	28.6	7	6.3	56	50.0	17	15.2
Antitrust	15	3	20.0	0	0.0	2	13.3	10	66.7
Food & Drug	53	37	69.8	3	5.7	10	18.9	3	5.7
Other Miscellaneous Offenses	1,416	707	49.9	304	21.5	261	18.4	144	10.2

¹ Of the 84,173 cases, 8,279 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 2012

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	81,347	70,584	86.8	10,763	13.2
Murder	65	52	80.0	13	20.0
Manslaughter	50	41	82.0	9	18.0
Kidnapping/Hostage Taking	49	43	87.8	6	12.2
Sexual Abuse	428	406	94.9	22	5.1
Assault	702	605	86.2	97	13.8
Robbery	850	762	89.6	88	10.4
Arson	48	44	91.7	4	8.3
Drugs - Trafficking	24,719	21,415	86.6	3,304	13.4
Drugs - Communication Facility	373	296	79.4	77	20.6
Drugs - Simple Possession	1,083	922	85.1	161	14.9
Firearms	8,095	7,787	96.2	308	3.8
Burglary/B&E	42	39	92.9	3	7.1
Auto Theft	61	56	91.8	5	8.2
Larceny	1,267	794	62.7	473	37.3
Fraud	8,551	5,840	68.3	2,711	31.7
Embezzlement	324	128	39.5	196	60.5
Forgery/Counterfeiting	874	645	73.8	229	26.2
Bribery	227	198	87.2	29	12.8
Tax	606	446	73.6	160	26.4
Money Laundering	817	606	74.2	211	25.8
Racketeering/Extortion	910	853	93.7	57	6.3
Gambling/Lottery	45	43	95.6	2	4.4
Civil Rights	53	50	94.3	3	5.7
Immigration	24,732	23,062	93.2	1,670	6.8
Child Pornography	2,014	1,990	98.8	24	1.2
Prison Offenses	421	377	89.5	44	10.5
Administration of Justice Offenses	1,323	1,063	80.3	260	19.7
Environmental/Wildlife	191	177	92.7	14	7.3
National Defense	114	101	88.6	13	11.4
Antitrust	20	20	100.0	0	0.0
Food & Drug	59	45	76.3	14	23.7
Other Miscellaneous Offenses	2,234	1,678	75.1	556	24.9

¹ Of the 84,173 cases, 2,826 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 2012

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	16,937	100.0	13,496	100.0	33,613	100.0	2,252	100.0
Under 21	378	2.2	354	2.6	1,278	3.8	87	3.9
21 - 25	1,681	9.9	2,097	15.5	5,175	15.4	387	17.2
26 - 30	2,397	14.2	2,715	20.1	6,742	20.1	394	17.5
31 - 35	2,602	15.4	2,796	20.7	6,834	20.3	344	15.3
36 - 40	2,228	13.2	2,149	15.9	5,642	16.8	312	13.9
41 - 50	4,037	23.8	2,291	17.0	5,905	17.6	413	18.3
Over 50	3,614	21.3	1,094	8.1	2,037	6.1	315	14.0
Females	3,905	100.0	2,019	100.0	3,097	100.0	564	100.0
Under 21	98	2.5	23	1.1	155	5.0	15	2.7
21 - 25	523	13.4	266	13.2	518	16.7	84	14.9
26 - 30	577	14.8	335	16.6	566	18.3	83	14.7
31 - 35	550	14.1	356	17.6	540	17.4	86	15.2
36 - 40	545	14.0	287	14.2	463	14.9	65	11.5
41 - 50	890	22.8	459	22.7	578	18.7	129	22.9
Over 50	722	18.5	293	14.5	277	8.9	102	18.1

¹ Of the 84,173 cases, 8,290 were excluded due to one or more of the following reasons: missing information on offender's race (8,279), missing information on offender's gender (2,826), or missing information on offender's age (221). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2012

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	81,373	43,861	53.9	37,512	46.1
Murder	64	58	90.6	6	9.4
Manslaughter	50	50	100.0	0	0.0
Kidnapping/Hostage Taking	49	25	51.0	24	49.0
Sexual Abuse	428	399	93.2	29	6.8
Assault	656	585	89.2	71	10.8
Robbery	849	824	97.1	25	2.9
Arson	48	46	95.8	2	4.2
Drugs - Trafficking	24,630	16,979	68.9	7,651	31.1
Drugs - Communication Facility	371	305	82.2	66	17.8
Drugs - Simple Possession	1,106	305	27.6	801	72.4
Firearms	8,077	7,371	91.3	706	8.7
Burglary/B&E	42	42	100.0	0	0.0
Auto Theft	60	50	83.3	10	16.7
Larceny	1,155	1,081	93.6	74	6.4
Fraud	8,210	6,264	76.3	1,946	23.7
Embezzlement	310	300	96.8	10	3.2
Forgery/Counterfeiting	869	780	89.8	89	10.2
Bribery	223	198	88.8	25	11.2
Tax	601	546	90.8	55	9.2
Money Laundering	809	561	69.3	248	30.7
Racketeering/Extortion	909	757	83.3	152	16.7
Gambling/Lottery	43	41	95.3	2	4.7
Civil Rights	53	50	94.3	3	5.7
Immigration	26,162	1,283	4.9	24,879	95.1
Child Pornography	2,013	1,959	97.3	54	2.7
Prison Offenses	391	358	91.6	33	8.4
Administration of Justice Offenses	1,282	1,105	86.2	177	13.8
Environmental/Wildlife	150	137	91.3	13	8.7
National Defense	113	65	57.5	48	42.5
Antitrust	16	3	18.8	13	81.3
Food & Drug	53	47	88.7	6	11.3
Other Miscellaneous Offenses	1,581	1,287	81.4	294	18.6

¹ Of the 84,173 cases, 2,800 were excluded due to missing information on 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 2012

CIRCUIT District	Number of Cases	Total Documents		Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	J & C Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	84,173	389,372	84,167	82,720	61,648	22,426	84,108	76,729	7,429
D.C. CIRCUIT	355	1,744	355	353	328	27	355	353	2
District of Columbia	355	1,744	355	353	328	27	355	353	2
FIRST CIRCUIT	2,515	11,580	2,515	2,492	1,896	617	2,513	2,164	347
Maine	191	856	191	191	93	98	191	190	1
Massachusetts	519	2,251	519	518	183	336	519	512	6
New Hampshire	158	781	158	158	149	9	158	158	0
Puerto Rico	1,450	6,786	1,450	1,429	1,350	98	1,448	1,109	338
Rhode Island	197	906	197	196	121	76	197	195	2
SECOND CIRCUIT	4,467	21,122	4,467	4,438	3,449	1,010	4,463	4,305	162
Connecticut	446	2,192	446	438	421	25	446	441	5
New York									
Eastern	965	4,686	965	965	832	130	964	960	5
Northern	622	2,796	622	615	401	221	622	536	86
Southern	1,540	7,075	1,540	1,527	949	586	1,537	1,522	18
Western	665	3,253	665	664	637	28	665	622	43
Vermont	229	1,120	229	229	209	20	229	224	5
THIRD CIRCUIT	2,858	13,619	2,858	2,841	2,277	577	2,852	2,791	66
Delaware	93	454	93	92	83	10	93	93	0
New Jersey	854	4,175	854	846	780	71	853	842	11
Pennsylvania									
Eastern	826	3,890	826	821	602	224	823	818	8
Middle	504	2,448	504	504	436	68	504	500	4
Western	516	2,354	516	514	333	182	516	475	41
Virgin Islands	65	298	65	64	43	22	63	63	2
FOURTH CIRCUIT	6,559	29,927	6,557	6,414	4,677	1,876	6,553	5,726	832
Maryland	1,059	5,081	1,059	1,033	923	136	1,058	1,008	51
North Carolina									
Eastern	816	3,723	816	770	577	239	816	744	72
Middle	421	2,079	421	421	396	23	420	421	0
Western	435	2,020	435	435	281	153	435	434	1
South Carolina	925	4,300	925	922	606	318	925	922	3
Virginia									
Eastern	1,896	7,807	1,894	1,833	981	913	1,893	1,206	689
Western	378	1,831	378	374	329	49	377	373	5
West Virginia									
Northern	324	1,600	324	324	311	13	324	317	7
Southern	305	1,486	305	302	273	32	305	301	4

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	19,328	84,140	19,328	18,760	9,559	9,749	19,313	17,180	2,144
Louisiana									
Eastern	361	1,677	361	360	234	126	361	361	0
Middle	230	1,078	230	230	158	71	230	230	0
Western	435	2,010	435	391	359	73	435	390	45
Mississippi									
Northern	171	831	171	170	152	19	171	167	4
Southern	289	1,394	289	279	259	30	288	279	10
Texas									
Eastern	922	4,538	922	922	862	58	922	910	12
Northern	1,005	4,747	1,005	999	741	264	1,005	997	8
Southern	6,586	30,250	6,586	6,580	4,031	2,552	6,582	6,471	113
Western	9,329	37,615	9,329	8,829	2,763	6,556	9,319	7,375	1,952
SIXTH CIRCUIT	5,599	26,702	5,599	5,566	4,543	1,026	5,597	5,397	202
Kentucky									
Eastern	501	2,454	501	501	459	41	501	492	9
Western	411	1,860	411	411	315	96	411	312	99
Michigan									
Eastern	908	4,345	908	904	746	160	907	880	28
Western	466	2,145	466	465	297	168	465	452	14
Ohio									
Northern	909	4,303	909	908	673	236	909	904	5
Southern	630	3,108	630	627	599	31	630	622	8
Tennessee									
Eastern	862	4,144	862	857	714	148	862	849	13
Middle	332	1,564	332	314	271	35	332	315	17
Western	580	2,779	580	579	469	111	580	571	9
SEVENTH CIRCUIT	3,171	15,251	3,171	3,153	2,613	558	3,170	3,144	27
Illinois									
Central	417	1,911	417	416	250	167	417	411	6
Northern	845	4,078	845	839	706	139	844	844	1
Southern	413	1,913	413	413	268	145	413	406	7
Indiana									
Northern	407	1,983	407	396	370	37	407	403	4
Southern	433	2,124	433	433	393	40	433	432	1
Wisconsin									
Eastern	500	2,475	500	500	483	17	500	492	8
Western	156	767	156	156	143	13	156	156	0
EIGHTH CIRCUIT	4,909	23,528	4,909	4,884	3,959	947	4,903	4,873	35
Arkansas									
Eastern	397	1,873	397	396	297	99	395	388	8
Western	328	1,619	328	327	314	14	328	322	6
Iowa									
Northern	390	1,781	390	390	221	167	390	390	0
Southern	426	2,004	426	426	301	125	425	426	0
Minnesota	446	2,195	446	446	411	35	446	446	0
Missouri									
Eastern	790	3,932	790	788	777	13	788	789	1
Western	783	3,639	783	766	533	250	783	774	9
Nebraska	602	2,839	602	600	441	161	601	595	7
North Dakota	288	1,386	288	286	238	50	288	286	2
South Dakota	459	2,260	459	459	426	33	459	457	2

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
NINTH CIRCUIT	21,325	101,211	21,323	20,855	19,468	1,845	21,306	18,259	3,064
Alaska	211	992	211	210	159	52	211	201	10
Arizona	8,919	42,126	8,917	8,490	8,308	609	8,912	7,499	1,420
California									
Central	1,798	8,770	1,798	1,794	1,636	157	1,793	1,749	49
Eastern	1,035	4,977	1,035	1,034	845	190	1,034	1,029	6
Northern	752	3,586	752	746	638	113	750	700	51
Southern	5,309	25,021	5,309	5,305	5,076	232	5,307	4,024	1,285
Guam	59	283	59	59	48	11	59	58	1
Hawaii	242	1,066	242	241	110	132	242	231	11
Idaho	285	1,389	285	282	255	30	284	283	1
Montana	390	1,855	390	390	301	89	390	384	6
Nevada	621	2,977	621	620	497	123	621	618	3
Northern Mariana Islands	15	70	15	15	12	3	15	13	2
Oregon	651	3,127	651	633	635	16	650	558	93
Washington									
Eastern	305	1,471	305	304	262	41	305	295	10
Western	733	3,501	733	732	686	47	733	617	116
TENTH CIRCUIT	6,105	28,255	6,103	6,091	4,093	2,005	6,105	5,863	241
Colorado	567	2,777	567	566	541	26	567	536	31
Kansas	722	3,455	722	715	618	102	722	678	44
New Mexico	3,052	13,922	3,051	3,050	1,745	1,307	3,052	3,024	28
Oklahoma									
Eastern	92	411	92	92	43	49	92	92	0
Northern	203	935	203	203	123	80	203	203	0
Western	518	2,232	517	515	232	282	518	450	68
Utah	675	3,244	675	675	602	72	675	617	58
Wyoming	276	1,279	276	275	189	87	276	263	12
ELEVENTH CIRCUIT	6,982	32,293	6,982	6,873	4,786	2,189	6,978	6,674	307
Alabama									
Middle	211	1,025	211	211	182	29	211	210	1
Northern	449	2,072	449	437	324	125	449	413	36
Southern	452	2,197	452	452	389	63	452	452	0
Florida									
Middle	1,691	7,785	1,691	1,686	1,032	658	1,690	1,686	5
Northern	358	1,654	358	354	249	109	355	338	20
Southern	2,175	10,098	2,175	2,115	1,512	659	2,175	2,121	53
Georgia									
Middle	454	1,999	454	452	244	210	454	395	59
Northern	665	3,146	665	641	537	126	665	638	27
Southern	527	2,317	527	525	317	210	527	421	106

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 five 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 2012

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	84,173	78,510	93.3	4,235	5.0	1,428	1.7
D.C. CIRCUIT	355	355	100.0	0	0.0	0	0.0
District of Columbia	355	355	100.0	0	0.0	0	0.0
FIRST CIRCUIT	2,515	2,491	99.0	1	0.0	23	0.9
Maine	191	191	100.0	0	0.0	0	0.0
Massachusetts	519	518	99.8	0	0.0	1	0.2
New Hampshire	158	158	100.0	0	0.0	0	0.0
Puerto Rico	1,450	1,428	98.5	1	0.1	21	1.4
Rhode Island	197	196	99.5	0	0.0	1	0.5
SECOND CIRCUIT	4,467	4,386	98.2	52	1.2	29	0.6
Connecticut	446	436	97.8	2	0.4	8	1.8
New York							
Eastern	965	920	95.3	45	4.7	0	0.0
Northern	622	614	98.7	1	0.2	7	1.1
Southern	1,540	1,525	99.0	2	0.1	13	0.8
Western	665	664	99.8	0	0.0	1	0.2
Vermont	229	227	99.1	2	0.9	0	0.0
THIRD CIRCUIT	2,858	2,836	99.2	5	0.2	17	0.6
Delaware	93	92	98.9	0	0.0	1	1.1
New Jersey	854	846	99.1	0	0.0	8	0.9
Pennsylvania							
Eastern	826	819	99.2	2	0.2	5	0.6
Middle	504	504	100.0	0	0.0	0	0.0
Western	516	512	99.2	2	0.4	2	0.4
Virgin Islands	65	63	96.9	1	1.5	1	1.5
FOURTH CIRCUIT	6,559	6,343	96.7	79	1.2	137	2.1
Maryland	1,059	1,036	97.8	4	0.4	19	1.8
North Carolina							
Eastern	816	770	94.4	0	0.0	46	5.6
Middle	421	421	100.0	0	0.0	0	0.0
Western	435	435	100.0	0	0.0	0	0.0
South Carolina	925	923	99.8	0	0.0	2	0.2
Virginia							
Eastern	1,896	1,758	92.7	75	4.0	63	3.3
Western	378	374	98.9	0	0.0	4	1.1
West Virginia							
Northern	324	324	100.0	0	0.0	0	0.0
Southern	305	302	99.0	0	0.0	3	1.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	19,328	15,742	81.4	3,019	15.6	567	2.9
Louisiana							
Eastern	361	360	99.7	0	0.0	1	0.3
Middle	230	230	100.0	0	0.0	0	0.0
Western	435	325	74.7	66	15.2	44	10.1
Mississippi							
Northern	171	170	99.4	0	0.0	1	0.6
Southern	289	279	96.5	0	0.0	10	3.5
Texas							
Eastern	922	920	99.8	2	0.2	0	0.0
Northern	1,005	999	99.4	0	0.0	6	0.6
Southern	6,586	6,580	99.9	1	0.0	5	0.1
Western	9,329	5,879	63.0	2,950	31.6	500	5.4
SIXTH CIRCUIT	5,599	5,370	95.9	197	3.5	32	0.6
Kentucky							
Eastern	501	499	99.6	2	0.4	0	0.0
Western	411	411	100.0	0	0.0	0	0.0
Michigan							
Eastern	908	905	99.7	0	0.0	3	0.3
Western	466	465	99.8	0	0.0	1	0.2
Ohio							
Northern	909	908	99.9	0	0.0	1	0.1
Southern	630	571	90.6	56	8.9	3	0.5
Tennessee							
Eastern	862	857	99.4	0	0.0	5	0.6
Middle	332	228	68.7	86	25.9	18	5.4
Western	580	526	90.7	53	9.1	1	0.2
SEVENTH CIRCUIT	3,171	3,014	95.0	139	4.4	18	0.6
Illinois							
Central	417	416	99.8	0	0.0	1	0.2
Northern	845	839	99.3	0	0.0	6	0.7
Southern	413	413	100.0	0	0.0	0	0.0
Indiana							
Northern	407	394	96.8	2	0.5	11	2.7
Southern	433	433	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	500	363	72.6	137	27.4	0	0.0
Western	156	156	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	4,909	4,877	99.3	7	0.1	25	0.5
Arkansas							
Eastern	397	396	99.7	0	0.0	1	0.3
Western	328	327	99.7	0	0.0	1	0.3
Iowa							
Northern	390	390	100.0	0	0.0	0	0.0
Southern	426	426	100.0	0	0.0	0	0.0
Minnesota	446	439	98.4	7	1.6	0	0.0
Missouri							
Eastern	790	788	99.7	0	0.0	2	0.3
Western	783	766	97.8	0	0.0	17	2.2
Nebraska	602	600	99.7	0	0.0	2	0.3
North Dakota	288	286	99.3	0	0.0	2	0.7
South Dakota	459	459	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	21,325	20,219	94.8	645	3.0	461	2.2
Alaska	211	210	99.5	0	0.0	1	0.5
Arizona	8,919	8,490	95.2	6	0.1	423	4.7
California							
Central	1,798	1,796	99.9	0	0.0	2	0.1
Eastern	1,035	1,034	99.9	0	0.0	1	0.1
Northern	752	747	99.3	0	0.0	5	0.7
Southern	5,309	5,304	99.9	1	0.0	4	0.1
Guam	59	59	100.0	0	0.0	0	0.0
Hawaii	242	231	95.5	10	4.1	1	0.4
Idaho	285	282	98.9	0	0.0	3	1.1
Montana	390	390	100.0	0	0.0	0	0.0
Nevada	621	620	99.8	0	0.0	1	0.2
Northern Mariana Islands	15	15	100.0	0	0.0	0	0.0
Oregon	651	6	0.9	627	96.3	18	2.8
Washington							
Eastern	305	304	99.7	0	0.0	1	0.3
Western	733	731	99.7	1	0.1	1	0.1
TENTH CIRCUIT	6,105	6,033	98.8	58	1.0	14	0.2
Colorado	567	565	99.6	1	0.2	1	0.2
Kansas	722	709	98.2	6	0.8	7	1.0
New Mexico	3,052	3,050	99.9	0	0.0	2	0.1
Oklahoma							
Eastern	92	92	100.0	0	0.0	0	0.0
Northern	203	203	100.0	0	0.0	0	0.0
Western	518	515	99.4	0	0.0	3	0.6
Utah	675	625	92.6	50	7.4	0	0.0
Wyoming	276	274	99.3	1	0.4	1	0.4
ELEVENTH CIRCUIT	6,982	6,844	98.0	33	0.5	105	1.5
Alabama							
Middle	211	211	100.0	0	0.0	0	0.0
Northern	449	437	97.3	0	0.0	12	2.7
Southern	452	450	99.6	2	0.4	0	0.0
Florida							
Middle	1,691	1,687	99.8	1	0.1	3	0.2
Northern	358	354	98.9	0	0.0	4	1.1
Southern	2,175	2,114	97.2	2	0.1	59	2.7
Georgia							
Middle	454	453	99.8	0	0.0	1	0.2
Northern	665	613	92.2	28	4.2	24	3.6
Southern	527	525	99.6	0	0.0	2	0.4

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

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); an outdated version of Form AO 245B was submitted; or a unique, district created, or modified form was submitted.

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

Age

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

All Remaining Cases Above Guideline Range

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

All Remaining Cases Below Guideline Range

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

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

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

Circuit

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

Citizenship Status

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

Degree of Decrease

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

Degree of Increase

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

District

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

Document Submission Rates

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

Downward Departure From Guideline Range

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

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

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

Drug Offense Guideline

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

Drug Type

Information on *Drug Type* is obtained from the Presentence Report. 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 (for example ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the “other” drug category. However, cases involving listed chemicals and sentenced under USSG §2D1.11 are not included in tables or figures displaying drug type.

Education

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

Gender

Gender of the defendant is obtained from the Presentence Report.

Government Sponsored Below Range

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons for below range cases. The SOR form has specific check-boxes to indicate the origins of the departure, but cases that do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that because the USSC reviews the reasons on a yearly basis, this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with USSG §5K3.1 Early Disposition Program (EDP) departures and USSG §5K1.1 substantial assistance departures.

Guideline Offenders Sentenced

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

Guideline Sentencing Range

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

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

Mode of Conviction

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

Outside of the Range Attribution Categories

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

Position of Sentence

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

Primary Offense Category

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

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

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

Manslaughter includes both involuntary and voluntary manslaughter.

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

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

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

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

Arson also includes damage by explosives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Race

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

Sentence Length

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

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

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

Type of Guideline Sentence Imposed

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

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

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

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

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

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

Upward Departure From Guideline Range

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

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

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

Year

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

Zone

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

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

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

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

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

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

**Appendix B:
List of Quarterly Report Tables and Figures
and Comparable FY12 *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