

# U.S. Sentencing Commission Final Quarterly Data Report



**Fiscal Year 2013**

## Introduction

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

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

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

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

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

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

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

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

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

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>  
Fiscal Year 2013**

	N	%
<b>TOTAL CASES</b>	<b>78,628</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>40,233</b>	<b>51.2</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,681</b>	<b>2.1</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>531</b>	<b>0.7</b>
Upward Departure From Guideline Range <sup>2</sup>	399	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	132	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>1,150</b>	<b>1.5</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	1,065	1.4
All Remaining Cases Above Guideline Range <sup>5</sup>	85	0.1
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>21,974</b>	<b>27.9</b>
§5K1.1 Substantial Assistance Departure	9,528	12.1
§5K3.1 Early Disposition Program Departure	8,354	10.6
Other Government Sponsored Below Range	4,092	5.2
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>14,740</b>	<b>18.7</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>2,721</b>	<b>3.5</b>
Downward Departure From Guideline Range <sup>2</sup>	2,027	2.6
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	694	0.9
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>12,019</b>	<b>15.3</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	11,519	14.6
All Remaining Cases Below Guideline Range <sup>5</sup>	500	0.6

<sup>1</sup> This table reflects the 80,035 cases sentenced in Fiscal Year 2013. Of these, 1,407 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2013**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>78,628</b>	<b>40,233</b>	<b>51.2</b>	<b>399</b>	<b>0.5</b>	<b>132</b>	<b>0.2</b>	<b>1,065</b>	<b>1.4</b>	<b>85</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>344</b>	<b>112</b>	<b>32.6</b>	<b>3</b>	<b>0.9</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>1.2</b>	<b>0</b>	<b>0.0</b>
District of Columbia	344	112	32.6	3	0.9	0	0.0	4	1.2	0	0.0
<b>FIRST CIRCUIT</b>	<b>2,527</b>	<b>1,453</b>	<b>57.5</b>	<b>23</b>	<b>0.9</b>	<b>7</b>	<b>0.3</b>	<b>108</b>	<b>4.3</b>	<b>15</b>	<b>0.6</b>
Maine	239	91	38.1	4	1.7	0	0.0	1	0.4	0	0.0
Massachusetts	489	193	39.5	7	1.4	1	0.2	3	0.6	0	0.0
New Hampshire	166	77	46.4	0	0.0	1	0.6	3	1.8	0	0.0
Puerto Rico	1,481	1,015	68.5	11	0.7	5	0.3	101	6.8	15	1.0
Rhode Island	152	77	50.7	1	0.7	0	0.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>4,161</b>	<b>1,436</b>	<b>34.5</b>	<b>9</b>	<b>0.2</b>	<b>5</b>	<b>0.1</b>	<b>20</b>	<b>0.5</b>	<b>5</b>	<b>0.1</b>
Connecticut	419	183	43.7	3	0.7	0	0.0	5	1.2	0	0.0
New York											
Eastern	903	226	25.0	1	0.1	3	0.3	3	0.3	2	0.2
Northern	498	193	38.8	2	0.4	2	0.4	1	0.2	1	0.2
Southern	1,525	451	29.6	1	0.1	0	0.0	8	0.5	1	0.1
Western	595	308	51.8	1	0.2	0	0.0	3	0.5	1	0.2
Vermont	221	75	33.9	1	0.5	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,618</b>	<b>1,053</b>	<b>40.2</b>	<b>9</b>	<b>0.3</b>	<b>3</b>	<b>0.1</b>	<b>29</b>	<b>1.1</b>	<b>3</b>	<b>0.1</b>
Delaware	102	41	40.2	0	0.0	0	0.0	2	2.0	1	1.0
New Jersey	776	325	41.9	0	0.0	0	0.0	3	0.4	0	0.0
Pennsylvania											
Eastern	846	278	32.9	4	0.5	2	0.2	16	1.9	1	0.1
Middle	385	145	37.7	4	1.0	0	0.0	2	0.5	0	0.0
Western	458	222	48.5	1	0.2	1	0.2	6	1.3	0	0.0
Virgin Islands	51	42	82.4	0	0.0	0	0.0	0	0.0	1	2.0
<b>FOURTH CIRCUIT</b>	<b>6,195</b>	<b>3,637</b>	<b>58.7</b>	<b>37</b>	<b>0.6</b>	<b>19</b>	<b>0.3</b>	<b>94</b>	<b>1.5</b>	<b>3</b>	<b>0.0</b>
Maryland	847	308	36.4	9	1.1	0	0.0	20	2.4	1	0.1
North Carolina											
Eastern	735	419	57.0	12	1.6	11	1.5	13	1.8	0	0.0
Middle	435	322	74.0	1	0.2	3	0.7	6	1.4	0	0.0
Western	614	356	58.0	3	0.5	1	0.2	13	2.1	0	0.0
South Carolina	811	471	58.1	3	0.4	0	0.0	2	0.2	0	0.0
Virginia											
Eastern	1,697	1,200	70.7	4	0.2	2	0.1	18	1.1	2	0.1
Western	465	230	49.5	4	0.9	0	0.0	13	2.8	0	0.0
West Virginia											
Northern	357	192	53.8	1	0.3	2	0.6	4	1.1	0	0.0
Southern	234	139	59.4	0	0.0	0	0.0	5	2.1	0	0.0



Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>9,528</b>	<b>12.1</b>	<b>8,354</b>	<b>10.6</b>	<b>4,092</b>	<b>5.2</b>	<b>2,027</b>	<b>2.6</b>	<b>694</b>	<b>0.9</b>	<b>11,519</b>	<b>14.6</b>	<b>500</b>	<b>0.6</b>
<b>D.C. CIRCUIT</b>	<b>99</b>	<b>28.8</b>	<b>4</b>	<b>1.2</b>	<b>33</b>	<b>9.6</b>	<b>22</b>	<b>6.4</b>	<b>13</b>	<b>3.8</b>	<b>49</b>	<b>14.2</b>	<b>5</b>	<b>1.5</b>
District of Columbia	99	28.8	4	1.2	33	9.6	22	6.4	13	3.8	49	14.2	5	1.5
<b>FIRST CIRCUIT</b>	<b>250</b>	<b>9.9</b>	<b>26</b>	<b>1.0</b>	<b>239</b>	<b>9.5</b>	<b>56</b>	<b>2.2</b>	<b>15</b>	<b>0.6</b>	<b>318</b>	<b>12.6</b>	<b>17</b>	<b>0.7</b>
Maine	61	25.5	0	0.0	5	2.1	9	3.8	3	1.3	62	25.9	3	1.3
Massachusetts	69	14.1	0	0.0	104	21.3	8	1.6	5	1.0	99	20.2	0	0.0
New Hampshire	27	16.3	3	1.8	18	10.8	13	7.8	2	1.2	22	13.3	0	0.0
Puerto Rico	87	5.9	22	1.5	105	7.1	25	1.7	5	0.3	76	5.1	14	0.9
Rhode Island	6	3.9	1	0.7	7	4.6	1	0.7	0	0.0	59	38.8	0	0.0
<b>SECOND CIRCUIT</b>	<b>810</b>	<b>19.5</b>	<b>58</b>	<b>1.4</b>	<b>159</b>	<b>3.8</b>	<b>182</b>	<b>4.4</b>	<b>96</b>	<b>2.3</b>	<b>1,355</b>	<b>32.6</b>	<b>26</b>	<b>0.6</b>
Connecticut	57	13.6	0	0.0	12	2.9	21	5.0	6	1.4	131	31.3	1	0.2
New York														
Eastern	197	21.8	29	3.2	71	7.9	65	7.2	28	3.1	272	30.1	6	0.7
Northern	139	27.9	1	0.2	2	0.4	14	2.8	9	1.8	131	26.3	3	0.6
Southern	254	16.7	26	1.7	27	1.8	58	3.8	41	2.7	644	42.2	14	0.9
Western	115	19.3	1	0.2	30	5.0	2	0.3	4	0.7	128	21.5	2	0.3
Vermont	48	21.7	1	0.5	17	7.7	22	10.0	8	3.6	49	22.2	0	0.0
<b>THIRD CIRCUIT</b>	<b>716</b>	<b>27.3</b>	<b>13</b>	<b>0.5</b>	<b>127</b>	<b>4.9</b>	<b>34</b>	<b>1.3</b>	<b>33</b>	<b>1.3</b>	<b>578</b>	<b>22.1</b>	<b>20</b>	<b>0.8</b>
Delaware	19	18.6	0	0.0	4	3.9	1	1.0	1	1.0	33	32.4	0	0.0
New Jersey	216	27.8	3	0.4	22	2.8	10	1.3	7	0.9	185	23.8	5	0.6
Pennsylvania														
Eastern	285	33.7	6	0.7	37	4.4	3	0.4	11	1.3	192	22.7	11	1.3
Middle	119	30.9	3	0.8	48	12.5	4	1.0	4	1.0	55	14.3	1	0.3
Western	72	15.7	1	0.2	16	3.5	16	3.5	10	2.2	111	24.2	2	0.4
Virgin Islands	5	9.8	0	0.0	0	0.0	0	0.0	0	0.0	2	3.9	1	2.0
<b>FOURTH CIRCUIT</b>	<b>988</b>	<b>15.9</b>	<b>17</b>	<b>0.3</b>	<b>289</b>	<b>4.7</b>	<b>101</b>	<b>1.6</b>	<b>48</b>	<b>0.8</b>	<b>938</b>	<b>15.1</b>	<b>24</b>	<b>0.4</b>
Maryland	230	27.2	3	0.4	117	13.8	18	2.1	16	1.9	122	14.4	3	0.4
North Carolina														
Eastern	199	27.1	0	0.0	1	0.1	12	1.6	4	0.5	58	7.9	6	0.8
Middle	35	8.0	0	0.0	1	0.2	0	0.0	3	0.7	62	14.3	2	0.5
Western	121	19.7	0	0.0	36	5.9	6	1.0	2	0.3	72	11.7	4	0.7
South Carolina	145	17.9	12	1.5	41	5.1	8	1.0	3	0.4	122	15.0	4	0.5
Virginia														
Eastern	71	4.2	2	0.1	40	2.4	45	2.7	14	0.8	295	17.4	4	0.2
Western	97	20.9	0	0.0	28	6.0	9	1.9	6	1.3	77	16.6	1	0.2
West Virginia														
Northern	72	20.2	0	0.0	24	6.7	3	0.8	0	0.0	59	16.5	0	0.0
Southern	18	7.7	0	0.0	1	0.4	0	0.0	0	0.0	71	30.3	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>17,857</b>	<b>11,990</b>	<b>67.1</b>	<b>89</b>	<b>0.5</b>	<b>46</b>	<b>0.3</b>	<b>228</b>	<b>1.3</b>	<b>12</b>	<b>0.1</b>
Louisiana											
Eastern	322	175	54.3	2	0.6	2	0.6	14	4.3	0	0.0
Middle	192	117	60.9	1	0.5	0	0.0	0	0.0	0	0.0
Western	310	200	64.5	2	0.6	1	0.3	9	2.9	2	0.6
Mississippi											
Northern	202	104	51.5	0	0.0	0	0.0	9	4.5	0	0.0
Southern	359	281	78.3	0	0.0	0	0.0	8	2.2	0	0.0
Texas											
Eastern	942	651	69.1	13	1.4	0	0.0	17	1.8	0	0.0
Northern	1,069	639	59.8	14	1.3	30	2.8	27	2.5	1	0.1
Southern	6,982	4,292	61.5	42	0.6	12	0.2	40	0.6	1	0.0
Western	7,479	5,531	74.0	15	0.2	1	0.0	104	1.4	8	0.1
<b>SIXTH CIRCUIT</b>	<b>5,537</b>	<b>2,620</b>	<b>47.3</b>	<b>18</b>	<b>0.3</b>	<b>9</b>	<b>0.2</b>	<b>70</b>	<b>1.3</b>	<b>4</b>	<b>0.1</b>
Kentucky											
Eastern	476	261	54.8	0	0.0	0	0.0	11	2.3	0	0.0
Western	467	266	57.0	1	0.2	0	0.0	0	0.0	1	0.2
Michigan											
Eastern	897	427	47.6	2	0.2	3	0.3	3	0.3	1	0.1
Western	423	221	52.2	1	0.2	3	0.7	8	1.9	2	0.5
Ohio											
Northern	894	372	41.6	0	0.0	0	0.0	11	1.2	0	0.0
Southern	593	184	31.0	2	0.3	0	0.0	6	1.0	0	0.0
Tennessee											
Eastern	816	444	54.4	4	0.5	0	0.0	9	1.1	0	0.0
Middle	285	107	37.5	5	1.8	3	1.1	16	5.6	0	0.0
Western	686	338	49.3	3	0.4	0	0.0	6	0.9	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>3,054</b>	<b>1,354</b>	<b>44.3</b>	<b>9</b>	<b>0.3</b>	<b>5</b>	<b>0.2</b>	<b>50</b>	<b>1.6</b>	<b>2</b>	<b>0.1</b>
Illinois											
Central	361	191	52.9	1	0.3	0	0.0	10	2.8	0	0.0
Northern	868	323	37.2	1	0.1	1	0.1	5	0.6	0	0.0
Southern	431	290	67.3	2	0.5	2	0.5	10	2.3	2	0.5
Indiana											
Northern	424	222	52.4	2	0.5	1	0.2	12	2.8	0	0.0
Southern	384	187	48.7	1	0.3	0	0.0	6	1.6	0	0.0
Wisconsin											
Eastern	435	79	18.2	0	0.0	0	0.0	4	0.9	0	0.0
Western	151	62	41.1	2	1.3	1	0.7	3	2.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,643</b>	<b>2,472</b>	<b>53.2</b>	<b>32</b>	<b>0.7</b>	<b>8</b>	<b>0.2</b>	<b>61</b>	<b>1.3</b>	<b>2</b>	<b>0.0</b>
Arkansas											
Eastern	413	247	59.8	5	1.2	0	0.0	10	2.4	0	0.0
Western	301	189	62.8	1	0.3	1	0.3	1	0.3	0	0.0
Iowa											
Northern	373	201	53.9	11	2.9	3	0.8	5	1.3	0	0.0
Southern	413	173	41.9	0	0.0	1	0.2	6	1.5	0	0.0
Minnesota	316	81	25.6	3	0.9	1	0.3	5	1.6	0	0.0
Missouri											
Eastern	664	319	48.0	0	0.0	2	0.3	4	0.6	0	0.0
Western	679	362	53.3	1	0.1	0	0.0	22	3.2	0	0.0
Nebraska	611	361	59.1	0	0.0	0	0.0	0	0.0	0	0.0
North Dakota	327	159	48.6	2	0.6	0	0.0	2	0.6	1	0.3
South Dakota	546	380	69.6	9	1.6	0	0.0	6	1.1	1	0.2

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>1,449</b>	<b>8.1</b>	<b>761</b>	<b>4.3</b>	<b>449</b>	<b>2.5</b>	<b>819</b>	<b>4.6</b>	<b>50</b>	<b>0.3</b>	<b>1,796</b>	<b>10.1</b>	<b>168</b>	<b>0.9</b>
Louisiana														
Eastern	48	14.9	0	0.0	12	3.7	7	2.2	4	1.2	56	17.4	2	0.6
Middle	28	14.6	13	6.8	1	0.5	2	1.0	0	0.0	30	15.6	0	0.0
Western	28	9.0	4	1.3	5	1.6	3	1.0	5	1.6	45	14.5	6	1.9
Mississippi														
Northern	61	30.2	0	0.0	2	1.0	1	0.5	1	0.5	24	11.9	0	0.0
Southern	33	9.2	0	0.0	6	1.7	2	0.6	0	0.0	28	7.8	1	0.3
Texas														
Eastern	89	9.4	11	1.2	111	11.8	9	1.0	2	0.2	38	4.0	1	0.1
Northern	176	16.5	7	0.7	40	3.7	12	1.1	5	0.5	117	10.9	1	0.1
Southern	463	6.6	553	7.9	119	1.7	601	8.6	16	0.2	836	12.0	7	0.1
Western	523	7.0	173	2.3	153	2.0	182	2.4	17	0.2	622	8.3	150	2.0
<b>SIXTH CIRCUIT</b>	<b>1,249</b>	<b>22.6</b>	<b>41</b>	<b>0.7</b>	<b>317</b>	<b>5.7</b>	<b>116</b>	<b>2.1</b>	<b>70</b>	<b>1.3</b>	<b>987</b>	<b>17.8</b>	<b>36</b>	<b>0.7</b>
Kentucky														
Eastern	107	22.5	0	0.0	14	2.9	4	0.8	2	0.4	77	16.2	0	0.0
Western	88	18.8	22	4.7	25	5.4	14	3.0	6	1.3	40	8.6	4	0.9
Michigan														
Eastern	158	17.6	5	0.6	34	3.8	9	1.0	10	1.1	244	27.2	1	0.1
Western	73	17.3	6	1.4	5	1.2	12	2.8	5	1.2	84	19.9	3	0.7
Ohio														
Northern	284	31.8	0	0.0	20	2.2	19	2.1	4	0.4	175	19.6	9	1.0
Southern	150	25.3	5	0.8	99	16.7	20	3.4	13	2.2	107	18.0	7	1.2
Tennessee														
Eastern	224	27.5	2	0.2	20	2.5	18	2.2	6	0.7	86	10.5	3	0.4
Middle	43	15.1	0	0.0	46	16.1	13	4.6	8	2.8	42	14.7	2	0.7
Western	122	17.8	1	0.1	54	7.9	7	1.0	16	2.3	132	19.2	7	1.0
<b>SEVENTH CIRCUIT</b>	<b>410</b>	<b>13.4</b>	<b>16</b>	<b>0.5</b>	<b>192</b>	<b>6.3</b>	<b>87</b>	<b>2.8</b>	<b>131</b>	<b>4.3</b>	<b>756</b>	<b>24.8</b>	<b>42</b>	<b>1.4</b>
Illinois														
Central	48	13.3	0	0.0	17	4.7	2	0.6	5	1.4	85	23.5	2	0.6
Northern	102	11.8	9	1.0	25	2.9	43	5.0	88	10.1	251	28.9	20	2.3
Southern	31	7.2	4	0.9	7	1.6	5	1.2	25	5.8	47	10.9	6	1.4
Indiana														
Northern	94	22.2	0	0.0	26	6.1	3	0.7	6	1.4	45	10.6	13	3.1
Southern	53	13.8	0	0.0	30	7.8	10	2.6	1	0.3	95	24.7	1	0.3
Wisconsin														
Eastern	72	16.6	0	0.0	87	20.0	4	0.9	0	0.0	189	43.4	0	0.0
Western	10	6.6	3	2.0	0	0.0	20	13.2	6	4.0	44	29.1	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>640</b>	<b>13.8</b>	<b>110</b>	<b>2.4</b>	<b>299</b>	<b>6.4</b>	<b>80</b>	<b>1.7</b>	<b>52</b>	<b>1.1</b>	<b>869</b>	<b>18.7</b>	<b>18</b>	<b>0.4</b>
Arkansas														
Eastern	42	10.2	0	0.0	17	4.1	3	0.7	8	1.9	79	19.1	2	0.5
Western	58	19.3	5	1.7	1	0.3	3	1.0	0	0.0	41	13.6	1	0.3
Iowa														
Northern	94	25.2	0	0.0	8	2.1	0	0.0	0	0.0	51	13.7	0	0.0
Southern	67	16.2	7	1.7	55	13.3	1	0.2	1	0.2	102	24.7	0	0.0
Minnesota	68	21.5	2	0.6	18	5.7	4	1.3	10	3.2	124	39.2	0	0.0
Missouri														
Eastern	82	12.3	0	0.0	78	11.7	8	1.2	11	1.7	159	23.9	1	0.2
Western	107	15.8	0	0.0	54	8.0	6	0.9	2	0.3	118	17.4	7	1.0
Nebraska	30	4.9	71	11.6	33	5.4	15	2.5	1	0.2	97	15.9	3	0.5
North Dakota	83	25.4	14	4.3	13	4.0	9	2.8	2	0.6	40	12.2	2	0.6
South Dakota	9	1.6	11	2.0	22	4.0	31	5.7	17	3.1	58	10.6	2	0.4

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>18,241</b>	<b>6,466</b>	<b>35.4</b>	<b>127</b>	<b>0.7</b>	<b>14</b>	<b>0.1</b>	<b>250</b>	<b>1.4</b>	<b>21</b>	<b>0.1</b>
Alaska	200	71	35.5	1	0.5	0	0.0	2	1.0	0	0.0
Arizona	6,306	2,827	44.8	95	1.5	7	0.1	143	2.3	2	0.0
California											
Central	1,681	443	26.4	6	0.4	1	0.1	12	0.7	5	0.3
Eastern	985	384	39.0	8	0.8	0	0.0	9	0.9	0	0.0
Northern	703	272	38.7	1	0.1	1	0.1	10	1.4	1	0.1
Southern	4,902	986	20.1	2	0.0	1	0.0	15	0.3	11	0.2
Guam	67	52	77.6	0	0.0	0	0.0	1	1.5	0	0.0
Hawaii	251	104	41.4	0	0.0	0	0.0	3	1.2	0	0.0
Idaho	323	143	44.3	2	0.6	0	0.0	1	0.3	0	0.0
Montana	351	194	55.3	0	0.0	0	0.0	3	0.9	1	0.3
Nevada	633	348	55.0	5	0.8	0	0.0	9	1.4	1	0.2
Northern Mariana Islands	31	25	80.6	1	3.2	0	0.0	1	3.2	0	0.0
Oregon	676	209	30.9	1	0.1	0	0.0	18	2.7	0	0.0
Washington											
Eastern	369	141	38.2	3	0.8	2	0.5	10	2.7	0	0.0
Western	763	267	35.0	2	0.3	2	0.3	13	1.7	0	0.0
<b>TENTH CIRCUIT</b>	<b>6,735</b>	<b>3,786</b>	<b>56.2</b>	<b>28</b>	<b>0.4</b>	<b>4</b>	<b>0.1</b>	<b>57</b>	<b>0.8</b>	<b>3</b>	<b>0.0</b>
Colorado	586	213	36.3	2	0.3	0	0.0	11	1.9	1	0.2
Kansas	673	325	48.3	2	0.3	1	0.1	20	3.0	0	0.0
New Mexico	3,820	2,494	65.3	14	0.4	3	0.1	7	0.2	1	0.0
Oklahoma											
Eastern	116	78	67.2	0	0.0	0	0.0	5	4.3	0	0.0
Northern	250	128	51.2	0	0.0	0	0.0	1	0.4	0	0.0
Western	373	209	56.0	0	0.0	0	0.0	7	1.9	0	0.0
Utah	701	237	33.8	8	1.1	0	0.0	5	0.7	1	0.1
Wyoming	216	102	47.2	2	0.9	0	0.0	1	0.5	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>6,716</b>	<b>3,854</b>	<b>57.4</b>	<b>15</b>	<b>0.2</b>	<b>12</b>	<b>0.2</b>	<b>94</b>	<b>1.4</b>	<b>15</b>	<b>0.2</b>
Alabama											
Middle	236	117	49.6	0	0.0	0	0.0	4	1.7	2	0.8
Northern	495	293	59.2	0	0.0	0	0.0	3	0.6	1	0.2
Southern	351	206	58.7	1	0.3	0	0.0	3	0.9	0	0.0
Florida											
Middle	1,543	687	44.5	5	0.3	2	0.1	13	0.8	3	0.2
Northern	354	204	57.6	0	0.0	4	1.1	2	0.6	0	0.0
Southern	2,326	1,410	60.6	2	0.1	3	0.1	30	1.3	9	0.4
Georgia											
Middle	456	345	75.7	3	0.7	2	0.4	8	1.8	0	0.0
Northern	491	216	44.0	4	0.8	1	0.2	12	2.4	0	0.0
Southern	464	376	81.0	0	0.0	0	0.0	19	4.1	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>1,510</b>	<b>8.3</b>	<b>6,033</b>	<b>33.1</b>	<b>1,403</b>	<b>7.7</b>	<b>376</b>	<b>2.1</b>	<b>99</b>	<b>0.5</b>	<b>1,847</b>	<b>10.1</b>	<b>95</b>	<b>0.5</b>
Alaska	29	14.5	0	0.0	39	19.5	3	1.5	2	1.0	52	26.0	1	0.5
Arizona	219	3.5	2,295	36.4	254	4.0	67	1.1	20	0.3	367	5.8	10	0.2
California														
Central	238	14.2	302	18.0	178	10.6	84	5.0	25	1.5	336	20.0	51	3.0
Eastern	165	16.8	254	25.8	52	5.3	6	0.6	1	0.1	101	10.3	5	0.5
Northern	88	12.5	46	6.5	133	18.9	11	1.6	11	1.6	128	18.2	1	0.1
Southern	330	6.7	2,893	59.0	205	4.2	173	3.5	21	0.4	245	5.0	20	0.4
Guam	6	9.0	0	0.0	3	4.5	0	0.0	1	1.5	4	6.0	0	0.0
Hawaii	65	25.9	0	0.0	4	1.6	0	0.0	2	0.8	72	28.7	1	0.4
Idaho	83	25.7	19	5.9	9	2.8	8	2.5	3	0.9	54	16.7	1	0.3
Montana	50	14.2	0	0.0	8	2.3	1	0.3	4	1.1	90	25.6	0	0.0
Nevada	63	10.0	53	8.4	65	10.3	14	2.2	4	0.6	70	11.1	1	0.2
Northern Mariana Islands	1	3.2	0	0.0	1	3.2	1	3.2	0	0.0	1	3.2	0	0.0
Oregon	107	15.8	73	10.8	147	21.7	1	0.1	1	0.1	117	17.3	2	0.3
Washington														
Eastern	29	7.9	39	10.6	96	26.0	2	0.5	2	0.5	45	12.2	0	0.0
Western	37	4.8	59	7.7	209	27.4	5	0.7	2	0.3	165	21.6	2	0.3
<b>TENTH CIRCUIT</b>	<b>429</b>	<b>6.4</b>	<b>1,185</b>	<b>17.6</b>	<b>370</b>	<b>5.5</b>	<b>80</b>	<b>1.2</b>	<b>31</b>	<b>0.5</b>	<b>744</b>	<b>11.0</b>	<b>18</b>	<b>0.3</b>
Colorado	120	20.5	90	15.4	42	7.2	6	1.0	5	0.9	95	16.2	1	0.2
Kansas	109	16.2	17	2.5	105	15.6	10	1.5	4	0.6	79	11.7	1	0.1
New Mexico	67	1.8	857	22.4	105	2.7	48	1.3	12	0.3	204	5.3	8	0.2
Oklahoma														
Eastern	16	13.8	0	0.0	7	6.0	0	0.0	1	0.9	9	7.8	0	0.0
Northern	46	18.4	5	2.0	5	2.0	7	2.8	3	1.2	55	22.0	0	0.0
Western	24	6.4	0	0.0	2	0.5	2	0.5	0	0.0	128	34.3	1	0.3
Utah	32	4.6	196	28.0	74	10.6	6	0.9	2	0.3	133	19.0	7	1.0
Wyoming	15	6.9	20	9.3	30	13.9	1	0.5	4	1.9	41	19.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>978</b>	<b>14.6</b>	<b>90</b>	<b>1.3</b>	<b>215</b>	<b>3.2</b>	<b>74</b>	<b>1.1</b>	<b>56</b>	<b>0.8</b>	<b>1,282</b>	<b>19.1</b>	<b>31</b>	<b>0.5</b>
Alabama														
Middle	56	23.7	1	0.4	12	5.1	0	0.0	1	0.4	39	16.5	4	1.7
Northern	116	23.4	0	0.0	10	2.0	2	0.4	1	0.2	69	13.9	0	0.0
Southern	60	17.1	0	0.0	2	0.6	4	1.1	0	0.0	74	21.1	1	0.3
Florida														
Middle	327	21.2	43	2.8	28	1.8	22	1.4	11	0.7	395	25.6	7	0.5
Northern	65	18.4	4	1.1	0	0.0	10	2.8	11	3.1	54	15.3	0	0.0
Southern	215	9.2	18	0.8	60	2.6	20	0.9	29	1.2	515	22.1	15	0.6
Georgia														
Middle	44	9.6	22	4.8	4	0.9	0	0.0	0	0.0	26	5.7	2	0.4
Northern	58	11.8	1	0.2	94	19.1	14	2.9	3	0.6	86	17.5	2	0.4
Southern	37	8.0	1	0.2	5	1.1	2	0.4	0	0.0	24	5.2	0	0.0

<sup>1</sup> Of the 80,035 cases, 1,407 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Georgia (10.2%), Arizona (8.6%), Western Louisiana (8.3%), and Eastern North Carolina (6.0%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>78,628</b>	<b>40,233</b>	<b>51.2</b>	<b>399</b>	<b>0.5</b>	<b>132</b>	<b>0.2</b>	<b>1,065</b>	<b>1.4</b>	<b>85</b>	<b>0.1</b>
Murder	89	42	47.2	5	5.6	0	0.0	2	2.2	0	0.0
Manslaughter	63	37	58.7	7	11.1	1	1.6	5	7.9	0	0.0
Kidnapping/Hostage Taking	40	12	30.0	1	2.5	0	0.0	2	5.0	0	0.0
Sexual Abuse	423	238	56.3	11	2.6	1	0.2	20	4.7	0	0.0
Assault	697	409	58.7	16	2.3	3	0.4	24	3.4	2	0.3
Robbery	837	456	54.5	9	1.1	5	0.6	24	2.9	0	0.0
Arson	69	34	49.3	1	1.4	4	5.8	1	1.4	0	0.0
Drugs - Trafficking	22,230	8,624	38.8	78	0.4	17	0.1	134	0.6	13	0.1
Drugs - Communication Facility	413	209	50.6	2	0.5	0	0.0	6	1.5	0	0.0
Drugs - Simple Possession	1,840	1,720	93.5	2	0.1	1	0.1	103	5.6	4	0.2
Firearms	8,052	4,620	57.4	67	0.8	24	0.3	277	3.4	22	0.3
Burglary/B&E	37	22	59.5	1	2.7	0	0.0	0	0.0	0	0.0
Auto Theft	87	51	58.6	2	2.3	0	0.0	6	6.9	0	0.0
Larceny	1,314	895	68.1	6	0.5	1	0.1	7	0.5	4	0.3
Fraud	7,543	3,575	47.4	22	0.3	15	0.2	121	1.6	10	0.1
Embezzlement	338	204	60.4	1	0.3	0	0.0	2	0.6	3	0.9
Forgery/Counterfeiting	728	438	60.2	2	0.3	9	1.2	10	1.4	2	0.3
Bribery	256	96	37.5	1	0.4	0	0.0	2	0.8	0	0.0
Tax	610	214	35.1	0	0.0	0	0.0	2	0.3	0	0.0
Money Laundering	825	280	33.9	5	0.6	0	0.0	6	0.7	0	0.0
Racketeering/Extortion	869	370	42.6	12	1.4	0	0.0	16	1.8	1	0.1
Gambling/Lottery	72	33	45.8	1	1.4	0	0.0	2	2.8	0	0.0
Civil Rights	57	14	24.6	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	24,758	14,073	56.8	114	0.5	34	0.1	191	0.8	18	0.1
Child Pornography	1,922	648	33.7	8	0.4	3	0.2	20	1.0	1	0.1
Prison Offenses	421	297	70.5	4	1.0	3	0.7	11	2.6	1	0.2
Administration of Justice Offenses	1,390	795	57.2	9	0.6	6	0.4	43	3.1	3	0.2
Environmental/Wildlife	164	106	64.6	0	0.0	0	0.0	1	0.6	0	0.0
National Defense	125	42	33.6	1	0.8	0	0.0	1	0.8	0	0.0
Antitrust	16	2	12.5	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	68	49	72.1	0	0.0	0	0.0	1	1.5	0	0.0
Other Miscellaneous Offenses	2,275	1,628	71.6	11	0.5	5	0.2	25	1.1	1	0.0

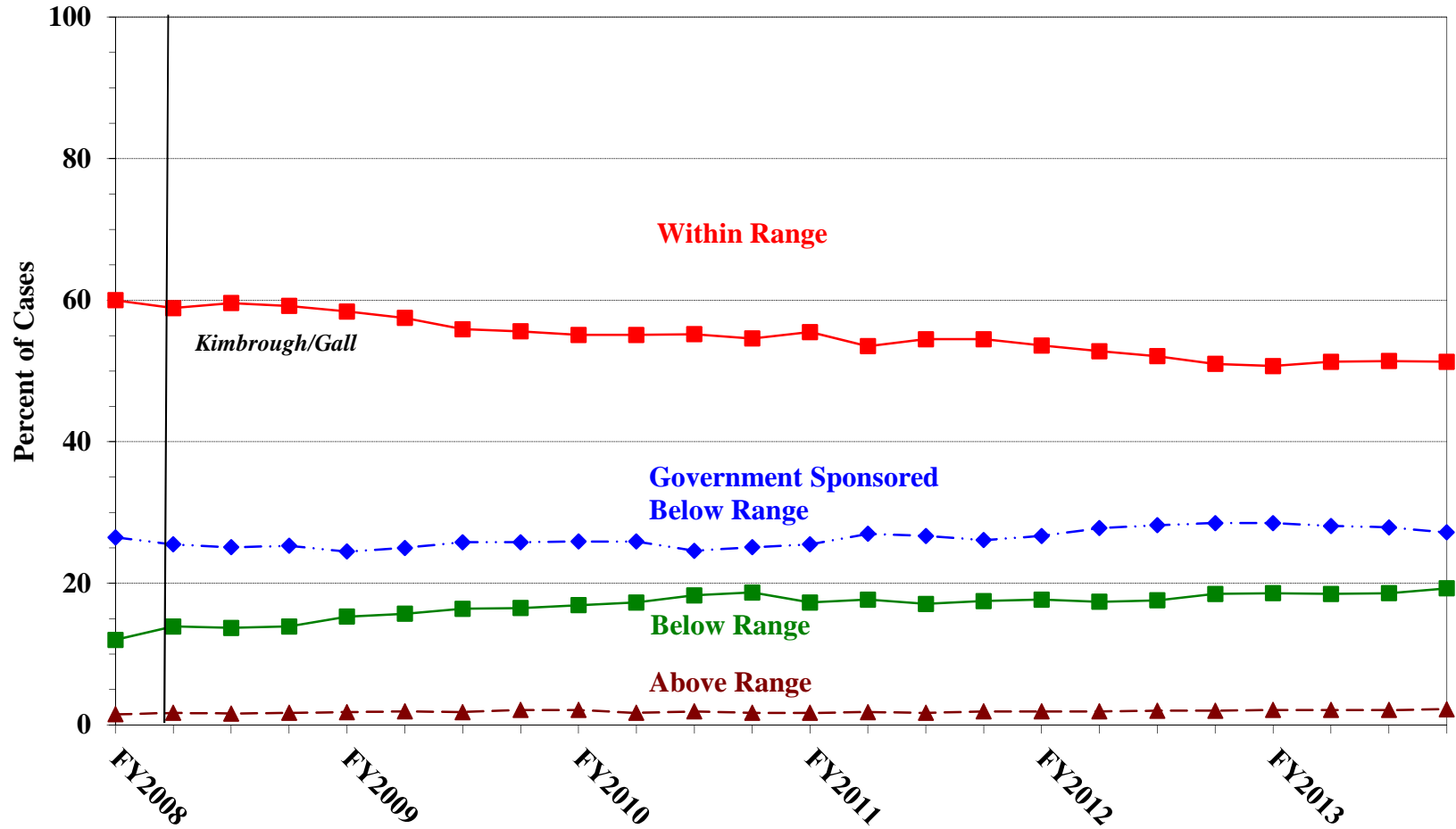
Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>9,528</b>	<b>12.1</b>	<b>8,354</b>	<b>10.6</b>	<b>4,092</b>	<b>5.2</b>	<b>2,027</b>	<b>2.6</b>	<b>694</b>	<b>0.9</b>	<b>11,519</b>	<b>14.6</b>	<b>500</b>	<b>0.6</b>
Murder	17	19.1	2	2.2	11	12.4	1	1.1	0	0.0	9	10.1	0	0.0
Manslaughter	0	0.0	0	0.0	1	1.6	3	4.8	0	0.0	9	14.3	0	0.0
Kidnapping/Hostage Taking	12	30.0	0	0.0	2	5.0	0	0.0	1	2.5	10	25.0	0	0.0
Sexual Abuse	18	4.3	0	0.0	55	13.0	10	2.4	9	2.1	60	14.2	1	0.2
Assault	15	2.2	8	1.1	89	12.8	32	4.6	12	1.7	84	12.1	3	0.4
Robbery	75	9.0	3	0.4	54	6.5	40	4.8	15	1.8	153	18.3	3	0.4
Arson	12	17.4	0	0.0	4	5.8	0	0.0	1	1.4	12	17.4	0	0.0
Drugs - Trafficking	5,751	25.9	1,484	6.7	1,513	6.8	488	2.2	248	1.1	3,770	17.0	110	0.5
Drugs - Communication Facility	54	13.1	10	2.4	46	11.1	7	1.7	0	0.0	74	17.9	5	1.2
Drugs - Simple Possession	1	0.1	0	0.0	2	0.1	1	0.1	0	0.0	5	0.3	1	0.1
Firearms	824	10.2	11	0.1	583	7.2	182	2.3	72	0.9	1,326	16.5	44	0.5
Burglary/B&E	1	2.7	0	0.0	1	2.7	0	0.0	0	0.0	12	32.4	0	0.0
Auto Theft	12	13.8	0	0.0	8	9.2	1	1.1	0	0.0	7	8.0	0	0.0
Larceny	63	4.8	3	0.2	51	3.9	22	1.7	7	0.5	238	18.1	17	1.3
Fraud	1,384	18.3	5	0.1	455	6.0	154	2.0	113	1.5	1,613	21.4	76	1.0
Embezzlement	16	4.7	0	0.0	18	5.3	7	2.1	4	1.2	81	24.0	2	0.6
Forgery/Counterfeiting	77	10.6	0	0.0	29	4.0	11	1.5	8	1.1	133	18.3	9	1.2
Bribery	64	25.0	1	0.4	21	8.2	10	3.9	1	0.4	55	21.5	5	2.0
Tax	80	13.1	0	0.0	42	6.9	25	4.1	10	1.6	234	38.4	3	0.5
Money Laundering	216	26.2	1	0.1	95	11.5	18	2.2	12	1.5	186	22.5	6	0.7
Racketeering/Extortion	157	18.1	0	0.0	108	12.4	29	3.3	10	1.2	160	18.4	6	0.7
Gambling/Lottery	16	22.2	1	1.4	3	4.2	2	2.8	1	1.4	12	16.7	1	1.4
Civil Rights	8	14.0	0	0.0	8	14.0	1	1.8	1	1.8	25	43.9	0	0.0
Immigration	293	1.2	6,812	27.5	281	1.1	867	3.5	83	0.3	1,840	7.4	152	0.6
Child Pornography	56	2.9	1	0.1	297	15.5	44	2.3	43	2.2	781	40.6	20	1.0
Prison Offenses	14	3.3	4	1.0	35	8.3	8	1.9	2	0.5	41	9.7	1	0.2
Administration of Justice Offenses	88	6.3	5	0.4	107	7.7	26	1.9	16	1.2	278	20.0	14	1.0
Environmental/Wildlife	8	4.9	0	0.0	24	14.6	3	1.8	4	2.4	17	10.4	1	0.6
National Defense	41	32.8	0	0.0	9	7.2	5	4.0	2	1.6	24	19.2	0	0.0
Antitrust	9	56.3	0	0.0	0	0.0	0	0.0	0	0.0	5	31.3	0	0.0
Food & Drug	2	2.9	0	0.0	3	4.4	0	0.0	0	0.0	13	19.1	0	0.0
Other Miscellaneous Offenses	144	6.3	3	0.1	137	6.0	30	1.3	19	0.8	252	11.1	20	0.9

<sup>1</sup> Of the 80,035 cases, 1,407 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, 2013 Datafile, USSCFY13.

**Figure A**  
**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2008 - 2013**

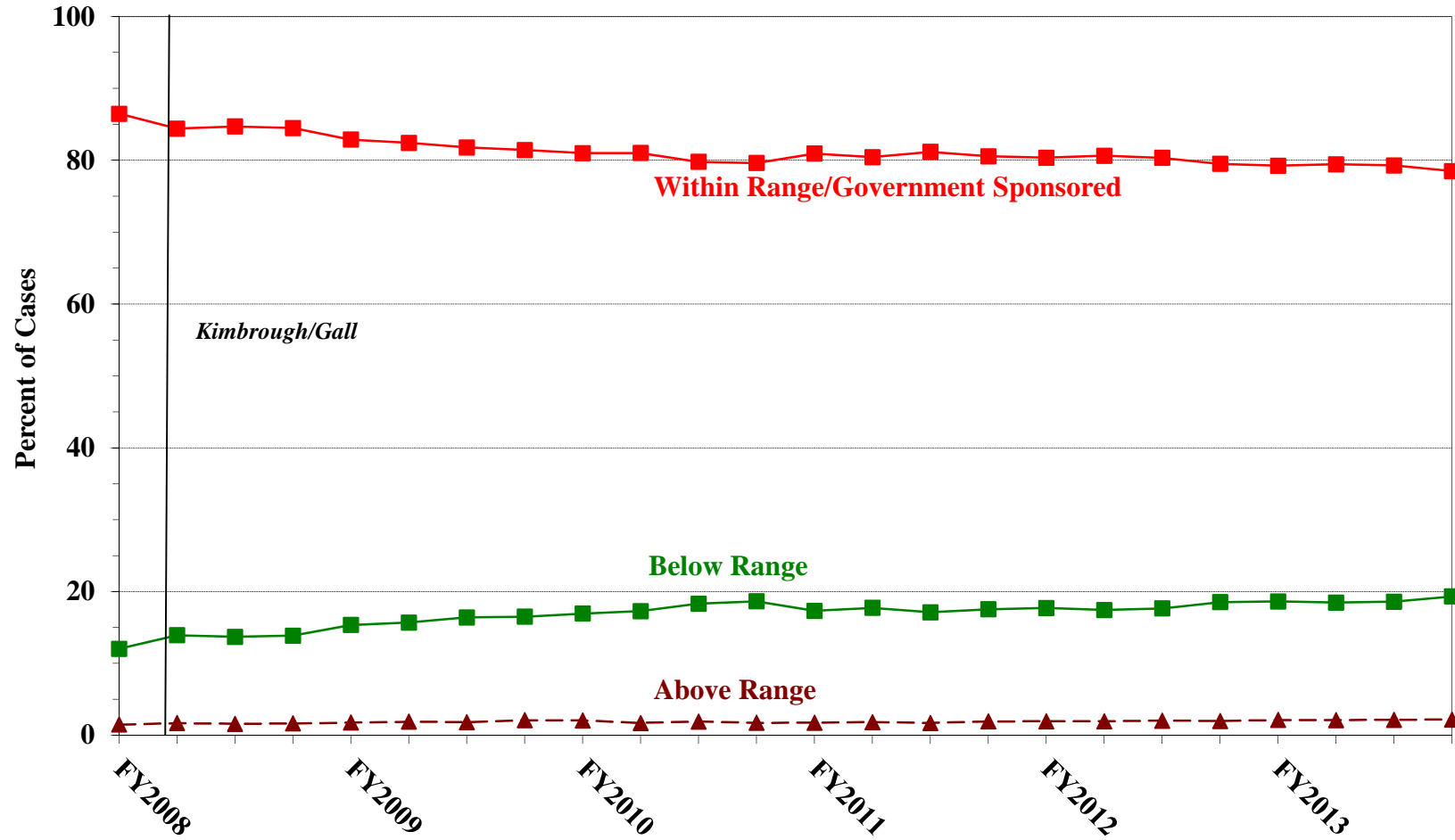


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.



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

Fiscal Years 2008 - 2013



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

Table 4

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2008 - 2013**

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
<b>FY2008</b>				
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
<b>FY2009</b>				
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
<b>FY2010</b>				
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
<b>FY2011</b>				
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
<b>FY2012</b>				
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
<b>FY2013</b>				
1st Quarter	50.7	28.5	18.6	2.1
2ndQuarter	51.3	28.1	18.5	2.1
3rd Quarter	51.4	27.9	18.6	2.1
4th Quarter	51.3	27.2	19.3	2.2

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







Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		§5K1.1	§5K3.1	Other Gov't	Departure		Below Range	
		Gdline Only	with Booker	with Booker	All Others							Gdline Only	with Booker
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	43	43	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	251	177	0	3	4	1	8	5	17	5	0	31	0
§2P1.2	113	81	3	0	6	0	4	0	11	1	0	7	0
§2P1.3	5	0	1	0	0	0	2	0	1	0	1	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	36	13	0	0	0	0	3	0	3	3	3	11	0
§2Q1.3	41	18	0	0	1	0	2	0	7	3	3	6	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	102	68	0	0	0	0	10	0	11	1	0	12	0
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	9	0	0	0	0	0	5	0	0	0	0	4	0
§2S1.1	1,144	323	3	0	10	0	407	2	108	22	20	243	6
§2S1.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	292	130	1	0	2	0	36	0	38	12	3	65	5
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	527	193	0	0	1	0	61	0	42	19	10	197	4
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	151	50	0	0	3	0	44	0	5	6	0	43	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	47	10	0	0	0	0	3	0	6	1	0	27	0
§2T1.7	0	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	0
§2T1.9	10	3	0	0	0	0	2	0	0	1	1	3	0
§2T2.1	3	0	0	0	0	0	0	0	0	0	0	3	0
§2T2.2	1	1	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	15	7	0	0	0	0	3	0	1	1	0	3	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	22	9	0	1	0	0	3	0	2	1	1	5	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	116	44	0	0	6	0	22	0	12	0	0	30	2
§2X4.1	411	224	2	3	7	0	32	4	45	7	4	77	6
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	236	217	0	0	9	0	0	0	3	2	0	4	1
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	1	0	0	0	0	0	0	1	0	0	0	0	0
§2X7.2	4	3	0	0	0	0	0	0	0	0	0	1	0
<b>TOTAL</b>	<b>72,124</b>	<b>34,981</b>	<b>385</b>	<b>130</b>	<b>908</b>	<b>68</b>	<b>9,453</b>	<b>7,723</b>	<b>3,967</b>	<b>1,986</b>	<b>689</b>	<b>11,357</b>	<b>477</b>

<sup>1</sup> Of the 80,035 cases, 7,911 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 (1,407) or missing guideline applied (7,855). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In 933 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 933 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 2,322 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 2,322 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2013**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>38,395</b>	<b>5,923</b>	<b>15.4</b>	<b>7,847</b>	<b>20.4</b>	<b>3,653</b>	<b>9.5</b>	<b>2,391</b>	<b>6.2</b>	<b>261</b>	<b>0.7</b>
<b>Above Range</b>	<b>1,681</b>	<b>6</b>	<b>0.4</b>	<b>18</b>	<b>1.1</b>	<b>305</b>	<b>18.1</b>	<b>151</b>	<b>9.0</b>	<b>3</b>	<b>0.2</b>
Upward Departure From Guideline Range	399	4	1.0	3	0.8	155	38.8	74	18.5	1	0.3
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	132	0	0.0	1	0.8	13	9.8	14	10.6	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	1,065	0	0.0	0	0.0	137	12.9	63	5.9	2	0.2
All Remaining Cases Above Guideline Range	85	2	2.4	14	16.5	0	0.0	0	0.0	0	0.0
<b>Government Sponsored Below Range</b>	<b>21,974</b>	<b>5,917</b>	<b>26.9</b>	<b>7,829</b>	<b>35.6</b>	<b>3,348</b>	<b>15.2</b>	<b>2,240</b>	<b>10.2</b>	<b>258</b>	<b>1.2</b>
§5K1.1 Substantial Assistance Departure	9,528	5,917	62.1	170	1.8	194	2.0	218	2.3	39	0.4
§5K3.1 Early Disposition Program Departure	8,354	0	0.0	7,659	91.7	1,500	18.0	772	9.2	20	0.2
Other Government Sponsored Below Range	4,092	0	0.0	0	0.0	1,654	40.4	1,250	30.5	199	4.9
<b>Non-Government Sponsored Below Range</b>	<b>14,740</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	2,027	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	694	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	11,519	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	500	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>3,348</b>	<b>8.7</b>	<b>208</b>	<b>0.5</b>	<b>1,504</b>	<b>3.9</b>	<b>5,175</b>	<b>13.5</b>	<b>4,832</b>	<b>12.6</b>	<b>5,670</b>	<b>14.8</b>	<b>4,058</b>	<b>10.6</b>
<b>Above Range</b>	<b>3</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>230</b>	<b>13.7</b>	<b>11</b>	<b>0.7</b>	<b>6</b>	<b>0.4</b>	<b>670</b>	<b>39.9</b>	<b>379</b>	<b>22.5</b>
Upward Departure From Guideline Range	0	0.0	0	0.0	58	14.5	4	1.0	1	0.3	112	28.1	37	9.3
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	31	23.5	0	0.0	0	0.0	74	56.1	14	10.6
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	140	13.1	7	0.7	4	0.4	473	44.4	268	25.2
All Remaining Cases Above Guideline Range	3	3.5	0	0.0	1	1.2	0	0.0	1	1.2	11	12.9	60	70.6
<b>Government Sponsored Below Range</b>	<b>3,345</b>	<b>15.2</b>	<b>208</b>	<b>0.9</b>	<b>1,274</b>	<b>5.8</b>	<b>1,174</b>	<b>5.3</b>	<b>834</b>	<b>3.8</b>	<b>809</b>	<b>3.7</b>	<b>744</b>	<b>3.4</b>
§5K1.1 Substantial Assistance Departure	3,345	35.1	10	0.1	312	3.3	607	6.4	368	3.9	490	5.1	187	2.0
§5K3.1 Early Disposition Program Departure	0	0.0	198	2.4	59	0.7	187	2.2	315	3.8	165	2.0	339	4.1
Other Government Sponsored Below Range	0	0.0	0	0.0	903	22.1	380	9.3	151	3.7	154	3.8	218	5.3
<b>Non-Government Sponsored Below Range</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>3,990</b>	<b>27.1</b>	<b>3,992</b>	<b>27.1</b>	<b>4,191</b>	<b>28.4</b>	<b>2,935</b>	<b>19.9</b>
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	913	45.0	330	16.3	522	25.8	304	15.0
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	155	22.3	225	32.4	266	38.3	120	17.3
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,922	25.4	3,434	29.8	3,387	29.4	2,030	17.6
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	3	0.6	16	3.2	481	96.2

<sup>1</sup> Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 5,593 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.



**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>9,200</b>	<b>36</b>	<b>30</b>	<b>50.0</b>
<b>Murder</b>	9	151	84	48.3
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	11	144	88	36.2
<b>Sexual Abuse</b>	15	70	50	41.7
<b>Assault</b>	15	12	15	60.0
<b>Robbery</b>	75	40	24	35.1
<b>Arson</b>	12	33	37	58.6
<b>Drugs - Trafficking</b>	5,577	48	41	45.9
<b>Drugs - Communication Facility</b>	53	7	18	77.3
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	766	50	33	45.0
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	12	64	79	50.8
<b>Larceny</b>	61	0	12	100.0
<b>Fraud</b>	1,352	12	18	70.6
<b>Embezzlement</b>	15	15	12	55.4
<b>Forgery/Counterfeiting</b>	77	7	11	63.4
<b>Bribery</b>	61	8	19	70.0
<b>Tax</b>	78	0	12	100.0
<b>Money Laundering</b>	212	15	24	60.0
<b>Racketeering/Extortion</b>	138	41	34	50.5
<b>Gambling/Lottery</b>	16	0	6	100.0
<b>Civil Rights</b>	7	4	12	77.0
<b>Immigration</b>	289	12	12	49.2
<b>Child Pornography</b>	54	96	91	45.9
<b>Prison Offenses</b>	14	11	7	46.1
<b>Administration of Justice Offenses</b>	85	0	12	100.0
<b>Environmental/Wildlife</b>	8	0	10	100.0
<b>National Defense</b>	39	18	33	67.5
<b>Antitrust</b>	6	4	13	89.7
<b>Food &amp; Drug</b>	1	--	--	--
<b>Other Miscellaneous Offenses</b>	140	8	18	77.9

<sup>1</sup> Of the 80,035 cases, 9,528 received a §5K1.1 substantial assistance departure. Of these, 9,289 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 80 cases were also excluded from this table. Of the remaining 9,209 cases, nine were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>7,572</b>	<b>15</b>	<b>8</b>	<b>35.3</b>
<b>Murder</b>	2	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	6	14	7	22.1
<b>Robbery</b>	2	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	1,388	27	16	39.1
<b>Drugs - Communication Facility</b>	8	35	16	33.0
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	10	7	24	60.0
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	3	0	10	99.4
<b>Fraud</b>	5	0	6	100.0
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	0	--	--	--
<b>Bribery</b>	1	--	--	--
<b>Tax</b>	0	--	--	--
<b>Money Laundering</b>	1	--	--	--
<b>Racketeering/Extortion</b>	0	--	--	--
<b>Gambling/Lottery</b>	1	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	6,133	12	7	35.1
<b>Child Pornography</b>	1	--	--	--
<b>Prison Offenses</b>	4	8	6	46.7
<b>Administration of Justice Offenses</b>	5	4	8	66.7
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	2	--	--	--

<sup>1</sup> Of the 80,035 cases, 8,354 received a §5K3.1 early disposition program departure. Of these, 7,574 cases had complete guideline application information. Of these cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>3,864</b>	<b>37</b>	<b>20</b>	<b>37.8</b>
<b>Murder</b>	8	147	44	21.5
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	2	--	--	--
<b>Sexual Abuse</b>	50	108	65	36.2
<b>Assault</b>	80	15	14	53.2
<b>Robbery</b>	52	59	23	29.2
<b>Arson</b>	4	67	18	16.1
<b>Drugs - Trafficking</b>	1,460	60	27	33.8
<b>Drugs - Communication Facility</b>	45	28	18	43.8
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	558	50	16	28.1
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	7	12	14	70.7
<b>Larceny</b>	48	0	10	100.0
<b>Fraud</b>	437	12	15	61.0
<b>Embezzlement</b>	18	0	10	100.0
<b>Forgery/Counterfeiting</b>	29	12	13	48.5
<b>Bribery</b>	15	0	15	100.0
<b>Tax</b>	40	0	12	100.0
<b>Money Laundering</b>	89	13	15	59.6
<b>Racketeering/Extortion</b>	93	63	31	32.1
<b>Gambling/Lottery</b>	3	0	6	100.0
<b>Civil Rights</b>	8	12	18	62.9
<b>Immigration</b>	248	18	10	34.8
<b>Child Pornography</b>	294	70	50	38.5
<b>Prison Offenses</b>	30	12	5	33.3
<b>Administration of Justice Offenses</b>	98	6	13	68.9
<b>Environmental/Wildlife</b>	17	0	9	100.0
<b>National Defense</b>	7	24	31	47.8
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	3	12	57	86.2
<b>Other Miscellaneous Offenses</b>	119	4	15	88.6

<sup>1</sup> Of the 80,035 cases, 4,092 received an other government sponsored downward departure. Of these, 3,901 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 33 cases were also excluded from this table. Of the remaining 3,868 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>1,943</b>	<b>24</b>	<b>13</b>	<b>34.8</b>
<b>Murder</b>	1	--	--	--
<b>Manslaughter</b>	3	24	6	20.0
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	10	90	11	11.6
<b>Assault</b>	32	12	10	52.9
<b>Robbery</b>	40	42	14	21.8
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	467	46	17	31.4
<b>Drugs - Communication Facility</b>	7	36	23	50.0
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	178	37	10	21.9
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	19	0	12	100.0
<b>Fraud</b>	145	6	12	66.7
<b>Embezzlement</b>	7	0	12	100.0
<b>Forgery/Counterfeiting</b>	10	2	12	85.1
<b>Bribery</b>	7	0	12	100.0
<b>Tax</b>	24	0	12	100.0
<b>Money Laundering</b>	15	18	12	40.0
<b>Racketeering/Extortion</b>	26	79	25	35.8
<b>Gambling/Lottery</b>	2	--	--	--
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	836	24	12	34.8
<b>Child Pornography</b>	44	68	53	47.7
<b>Prison Offenses</b>	8	5	8	55.0
<b>Administration of Justice Offenses</b>	26	10	11	51.7
<b>Environmental/Wildlife</b>	3	0	9	100.0
<b>National Defense</b>	5	24	7	34.1
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	27	0	10	100.0

<sup>1</sup> Of the 80,035 cases, 2,027 received a downward departure from the guideline range. Of these, 1,944 cases had complete guideline application information. Of these cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>667</b>	<b>25</b>	<b>20</b>	<b>42.7</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	9	120	46	30.1
<b>Assault</b>	12	19	13	36.4
<b>Robbery</b>	15	42	27	36.2
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	237	54	25	35.1
<b>Drugs - Communication Facility</b>	0	--	--	--
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	69	25	19	33.3
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	6	4	12	75.7
<b>Fraud</b>	110	14	15	49.4
<b>Embezzlement</b>	3	0	10	100.0
<b>Forgery/Counterfeiting</b>	8	4	10	82.0
<b>Bribery</b>	1	--	--	--
<b>Tax</b>	10	0	15	100.0
<b>Money Laundering</b>	11	6	21	81.8
<b>Racketeering/Extortion</b>	8	16	29	54.9
<b>Gambling/Lottery</b>	1	--	--	--
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	81	20	13	40.1
<b>Child Pornography</b>	42	60	55	47.9
<b>Prison Offenses</b>	2	--	--	--
<b>Administration of Justice Offenses</b>	15	12	12	59.9
<b>Environmental/Wildlife</b>	4	9	25	84.1
<b>National Defense</b>	2	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	19	0	15	100.0

<sup>1</sup> Of the 80,035 cases, 694 received a downward departure from the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 670 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 CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>11,130</b>	<b>24</b>	<b>15</b>	<b>36.8</b>
<b>Murder</b>	9	240	24	20.0
<b>Manslaughter</b>	9	18	12	40.0
<b>Kidnapping/Hostage Taking</b>	8	144	101	29.6
<b>Sexual Abuse</b>	54	84	24	23.4
<b>Assault</b>	79	13	9	36.4
<b>Robbery</b>	152	42	16	26.3
<b>Arson</b>	12	96	15	22.2
<b>Drugs - Trafficking</b>	3,665	48	21	31.0
<b>Drugs - Communication Facility</b>	71	15	17	50.0
<b>Drugs - Simple Possession</b>	5	4	6	50.0
<b>Firearms</b>	1,294	36	13	28.1
<b>Burglary/B&amp;E</b>	12	2	11	87.1
<b>Auto Theft</b>	7	27	16	47.1
<b>Larceny</b>	236	0	10	100.0
<b>Fraud</b>	1,575	12	12	52.9
<b>Embezzlement</b>	79	0	10	96.2
<b>Forgery/Counterfeiting</b>	130	4	9	66.7
<b>Bribery</b>	52	6	12	63.8
<b>Tax</b>	228	4	12	78.5
<b>Money Laundering</b>	176	12	12	49.9
<b>Racketeering/Extortion</b>	155	30	17	35.2
<b>Gambling/Lottery</b>	11	0	6	100.0
<b>Civil Rights</b>	21	10	13	76.6
<b>Immigration</b>	1,706	18	9	34.8
<b>Child Pornography</b>	773	72	48	40.5
<b>Prison Offenses</b>	38	7	9	38.8
<b>Administration of Justice Offenses</b>	272	6	12	63.2
<b>Environmental/Wildlife</b>	17	0	8	100.0
<b>National Defense</b>	24	27	28	53.2
<b>Antitrust</b>	5	0	13	100.0
<b>Food &amp; Drug</b>	13	12	18	83.3
<b>Other Miscellaneous Offenses</b>	242	3	10	75.0

<sup>1</sup> Of the 80,035 cases, 11,519 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 11,193 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 58 cases were also excluded from this table. Of the remaining 11,135 cases, five were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>447</b>	<b>4</b>	<b>6</b>	<b>75.5</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	1	--	--	--
<b>Assault</b>	3	0	6	100.0
<b>Robbery</b>	3	48	28	25.9
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	100	42	10	28.6
<b>Drugs - Communication Facility</b>	5	37	11	22.9
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	38	68	21	27.3
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	15	0	6	100.0
<b>Fraud</b>	72	7	6	69.9
<b>Embezzlement</b>	1	--	--	--
<b>Forgery/Counterfeiting</b>	8	0	6	99.7
<b>Bribery</b>	2	--	--	--
<b>Tax</b>	3	0	12	100.0
<b>Money Laundering</b>	6	0	12	100.0
<b>Racketeering/Extortion</b>	6	37	25	49.6
<b>Gambling/Lottery</b>	1	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	133	0	2	100.0
<b>Child Pornography</b>	19	240	48	42.9
<b>Prison Offenses</b>	0	--	--	--
<b>Administration of Justice Offenses</b>	13	9	9	42.7
<b>Environmental/Wildlife</b>	1	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	16	0	8	100.0

<sup>1</sup> Of the 80,035 cases, 500 were otherwise sentenced below the guideline range. Of these, 454 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 six cases were also excluded from this table. Of the remaining 448 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>375</b>	<b>48</b>	<b>11</b>	<b>33.3</b>
<b>Murder</b>	5	300	90	37.4
<b>Manslaughter</b>	7	96	21	77.8
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	11	132	33	50.0
<b>Assault</b>	16	48	11	31.9
<b>Robbery</b>	9	135	38	46.3
<b>Arson</b>	1	--	--	--
<b>Drugs - Trafficking</b>	74	72	18	29.0
<b>Drugs - Communication Facility</b>	2	--	--	--
<b>Drugs - Simple Possession</b>	2	--	--	--
<b>Firearms</b>	51	100	19	28.2
<b>Burglary/B&amp;E</b>	1	--	--	--
<b>Auto Theft</b>	2	--	--	--
<b>Larceny</b>	5	30	12	22.5
<b>Fraud</b>	22	46	7	24.0
<b>Embezzlement</b>	1	--	--	--
<b>Forgery/Counterfeiting</b>	2	--	--	--
<b>Bribery</b>	1	--	--	--
<b>Tax</b>	0	--	--	--
<b>Money Laundering</b>	5	42	6	41.7
<b>Racketeering/Extortion</b>	12	102	20	20.1
<b>Gambling/Lottery</b>	1	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	112	24	6	33.3
<b>Child Pornography</b>	7	151	30	22.9
<b>Prison Offenses</b>	4	10	3	23.2
<b>Administration of Justice Offenses</b>	9	41	10	33.3
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	1	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	11	46	19	100.0

<sup>1</sup> Of the 80,035 cases, 399 received an upward departure from the guideline range. Of these, 379 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, 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 CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>127</b>	<b>60</b>	<b>18</b>	<b>47.4</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	3	60	14	30.4
<b>Robbery</b>	5	78	12	15.8
<b>Arson</b>	4	135	56	65.0
<b>Drugs - Trafficking</b>	16	120	18	30.0
<b>Drugs - Communication Facility</b>	0	--	--	--
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	22	107	20	25.0
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	1	--	--	--
<b>Fraud</b>	15	63	19	46.3
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	9	60	21	70.0
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	0	--	--	--
<b>Money Laundering</b>	0	--	--	--
<b>Racketeering/Extortion</b>	0	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	34	36	14	70.9
<b>Child Pornography</b>	3	240	52	30.0
<b>Prison Offenses</b>	3	16	6	75.0
<b>Administration of Justice Offenses</b>	6	27	9	71.0
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	5	45	24	71.4

<sup>1</sup> Of the 80,035 cases, 132 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 129 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, one cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553: DEGREE  
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>880</b>	<b>60</b>	<b>14</b>	<b>42.9</b>
Murder	2	--	--	--
Manslaughter	5	120	33	52.2
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	19	96	21	33.3
Assault	23	84	23	46.3
Robbery	24	120	33	33.3
Arson	1	--	--	--
Drugs - Trafficking	128	78	18	29.9
Drugs - Communication Facility	6	42	18	86.0
Drugs - Simple Possession	3	12	6	100.0
Firearms	217	84	18	30.4
Burglary/B&E	0	--	--	--
Auto Theft	6	96	18	33.3
Larceny	7	24	8	55.6
Fraud	113	60	15	46.3
Embezzlement	2	--	--	--
Forgery/Counterfeiting	10	56	20	69.0
Bribery	2	--	--	--
Tax	2	--	--	--
Money Laundering	6	78	20	36.8
Racketeering/Extortion	15	132	32	37.4
Gambling/Lottery	2	--	--	--
Civil Rights	0	--	--	--
Immigration	187	24	8	50.0
Child Pornography	19	188	30	16.7
Prison Offenses	10	36	9	81.8
Administration of Justice Offenses	42	38	16	73.5
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	24	36	15	79.8

<sup>1</sup> Of the 80,035 cases, 1,065 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 892 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, 11 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>45</b>	<b>57</b>	<b>9</b>	<b>25.0</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	1	--	--	--
<b>Robbery</b>	0	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	10	120	18	19.0
<b>Drugs - Communication Facility</b>	0	--	--	--
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	7	88	23	32.4
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	2	--	--	--
<b>Fraud</b>	7	60	18	33.3
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	2	--	--	--
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	0	--	--	--
<b>Money Laundering</b>	0	--	--	--
<b>Racketeering/Extortion</b>	0	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	14	33	5	16.8
<b>Child Pornography</b>	1	--	--	--
<b>Prison Offenses</b>	0	--	--	--
<b>Administration of Justice Offenses</b>	1	--	--	--
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	0	--	--	--

<sup>1</sup> Of the 80,035 cases, 85 were otherwise sentenced above the guideline range. Of these, 66 cases had complete guideline application information. Furthermore, 21 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 CATEGORY<sup>1</sup>**  
**Fiscal Year 2013**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>79,386</b>	<b>71,716</b>	<b>90.3</b>	<b>69,519</b>	<b>87.6</b>	<b>2,197</b>	<b>2.8</b>	<b>7,670</b>	<b>9.7</b>	<b>2,060</b>	<b>2.6</b>	<b>5,610</b>	<b>7.1</b>
Murder	89	89	100.0	87	97.8	2	2.2	0	0.0	0	0.0	0	0.0
Manslaughter	63	61	96.8	58	92.1	3	4.8	2	3.2	2	3.2	0	0.0
Kidnapping/Hostage Taking	40	40	100.0	40	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	423	417	98.6	403	95.3	14	3.3	6	1.4	4	0.9	2	0.5
Assault	718	619	86.2	583	81.2	36	5.0	99	13.8	24	3.3	75	10.4
Robbery	844	820	97.2	799	94.7	21	2.5	24	2.8	11	1.3	13	1.5
Arson	69	66	95.7	64	92.8	2	2.9	3	4.3	1	1.4	2	2.9
Drugs - Trafficking	22,247	21,458	96.5	20,825	93.6	633	2.8	789	3.5	301	1.4	488	2.2
Drugs - Communication Facility	413	335	81.1	327	79.2	8	1.9	78	18.9	26	6.3	52	12.6
Drugs - Simple Possession	2,307	2,048	88.8	2,044	88.6	4	0.2	259	11.2	27	1.2	232	10.1
Firearms	8,057	7,648	94.9	7,437	92.3	211	2.6	409	5.1	147	1.8	262	3.3
Burglary/B&E	37	32	86.5	24	64.9	8	21.6	5	13.5	5	13.5	0	0.0
Auto Theft	87	83	95.4	80	92.0	3	3.4	4	4.6	0	0.0	4	4.6
Larceny	1,274	529	41.5	452	35.5	77	6.0	745	58.5	186	14.6	559	43.9
Fraud	7,788	6,071	78.0	5,567	71.5	504	6.5	1,717	22.0	549	7.0	1,168	15.0
Embezzlement	337	184	54.6	143	42.4	41	12.2	153	45.4	39	11.6	114	33.8
Forgery/Counterfeiting	728	561	77.1	514	70.6	47	6.5	167	22.9	62	8.5	105	14.4
Bribery	255	188	73.7	166	65.1	22	8.6	67	26.3	27	10.6	40	15.7
Tax	613	388	63.3	328	53.5	60	9.8	225	36.7	88	14.4	137	22.3
Money Laundering	829	676	81.5	641	77.3	35	4.2	153	18.5	62	7.5	91	11.0
Racketeering/Extortion	871	833	95.6	803	92.2	30	3.4	38	4.4	19	2.2	19	2.2
Gambling/Lottery	73	32	43.8	27	37.0	5	6.8	41	56.2	17	23.3	24	32.9
Civil Rights	58	40	69.0	35	60.3	5	8.6	18	31.0	9	15.5	9	15.5
Immigration	24,952	23,913	95.8	23,696	95.0	217	0.9	1,039	4.2	130	0.5	909	3.6
Child Pornography	1,920	1,903	99.1	1,872	97.5	31	1.6	17	0.9	7	0.4	10	0.5
Prison Offenses	427	407	95.3	394	92.3	13	3.0	20	4.7	4	0.9	16	3.7
Administration of Justice Offenses	1,393	1,049	75.3	977	70.1	72	5.2	344	24.7	89	6.4	255	18.3
Environmental/Wildlife	168	44	26.2	40	23.8	4	2.4	124	73.8	26	15.5	98	58.3
National Defense	126	116	92.1	114	90.5	2	1.6	10	7.9	2	1.6	8	6.3
Antitrust	16	11	68.8	10	62.5	1	6.3	5	31.3	2	12.5	3	18.8
Food & Drug	69	26	37.7	25	36.2	1	1.4	43	62.3	3	4.3	40	58.0
Other Miscellaneous Offenses	2,095	1,029	49.1	944	45.1	85	4.1	1,066	50.9	191	9.1	875	41.8

<sup>1</sup> Of the 80,035 cases, 649 were excluded due to one or both of the following reasons: the offender received neither imprisonment nor probation (642), or missing sentencing information (7). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

**SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2013**

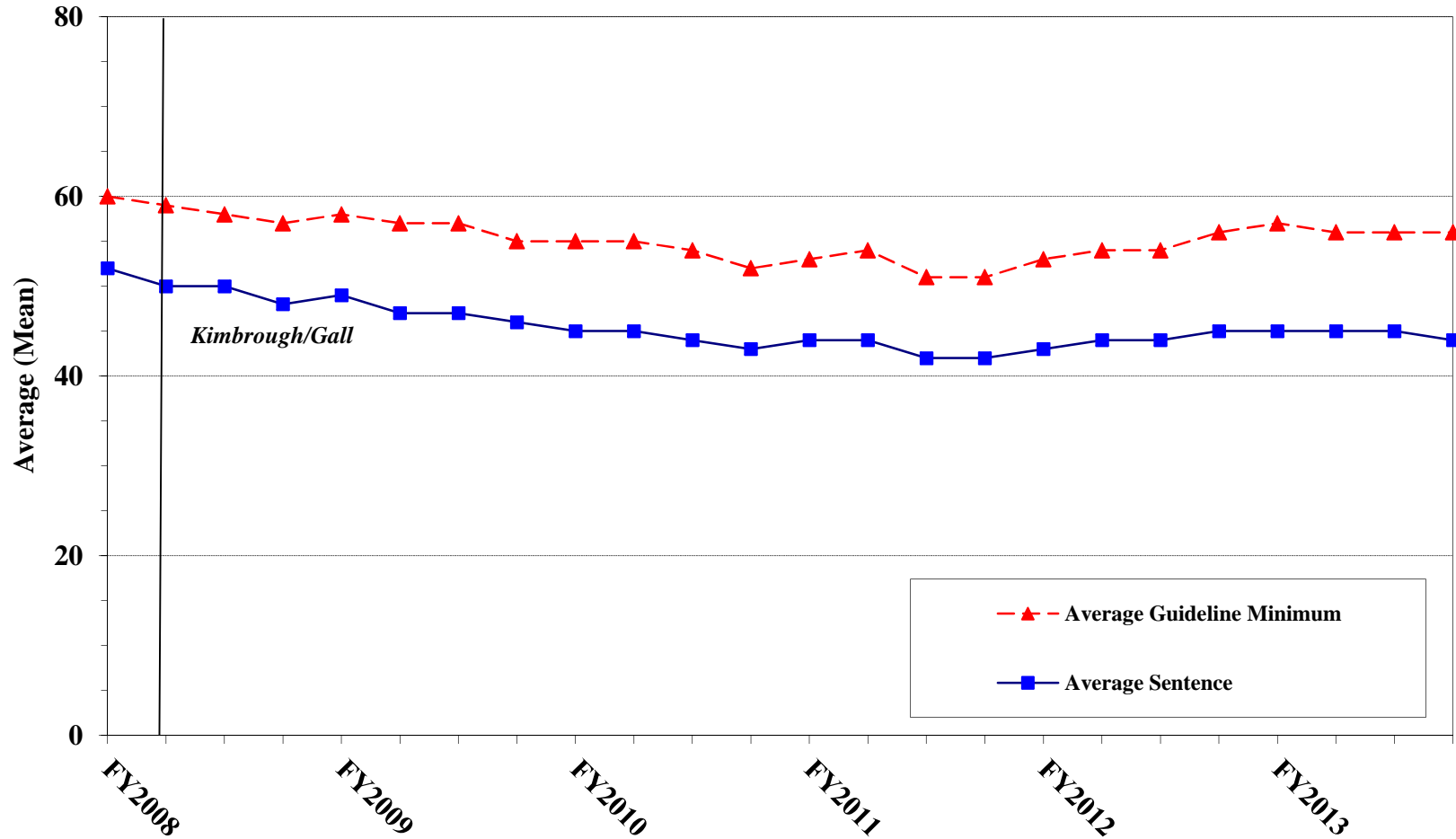
<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>45</b>	<b>24</b>	<b>80,035</b>
<b>Murder</b>	268	240	89
<b>Manslaughter</b>	59	37	63
<b>Kidnapping/Hostage Taking</b>	231	204	40
<b>Sexual Abuse</b>	137	120	423
<b>Assault</b>	33	21	724
<b>Robbery</b>	77	63	844
<b>Arson</b>	93	60	69
<b>Drugs - Trafficking</b>	72	57	22,254
<b>Drugs - Communication Facility</b>	32	30	414
<b>Drugs - Simple Possession</b>	5	6	2,332
<b>Firearms</b>	82	57	8,068
<b>Burglary/B&amp;E</b>	17	10	37
<b>Auto Theft</b>	62	37	87
<b>Larceny</b>	8	0	1,372
<b>Fraud</b>	26	12	7,840
<b>Embezzlement</b>	12	6	341
<b>Forgery/Counterfeiting</b>	18	12	731
<b>Bribery</b>	22	15	256
<b>Tax</b>	14	12	616
<b>Money Laundering</b>	35	20	829
<b>Racketeering/Extortion</b>	90	60	871
<b>Gambling/Lottery</b>	6	6	73
<b>Civil Rights</b>	27	12	58
<b>Immigration</b>	16	10	24,972
<b>Child Pornography</b>	136	96	1,922
<b>Prison Offenses</b>	13	10	427
<b>Administration of Justice Offenses</b>	19	12	1,398
<b>Environmental/Wildlife</b>	4	0	182
<b>National Defense</b>	48	33	126
<b>Antitrust</b>	10	11	16
<b>Food &amp; Drug</b>	5	0	74
<b>Other Miscellaneous Offenses</b>	16	0	2,487

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

Figure C

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

Fiscal Years 2008 - 2013

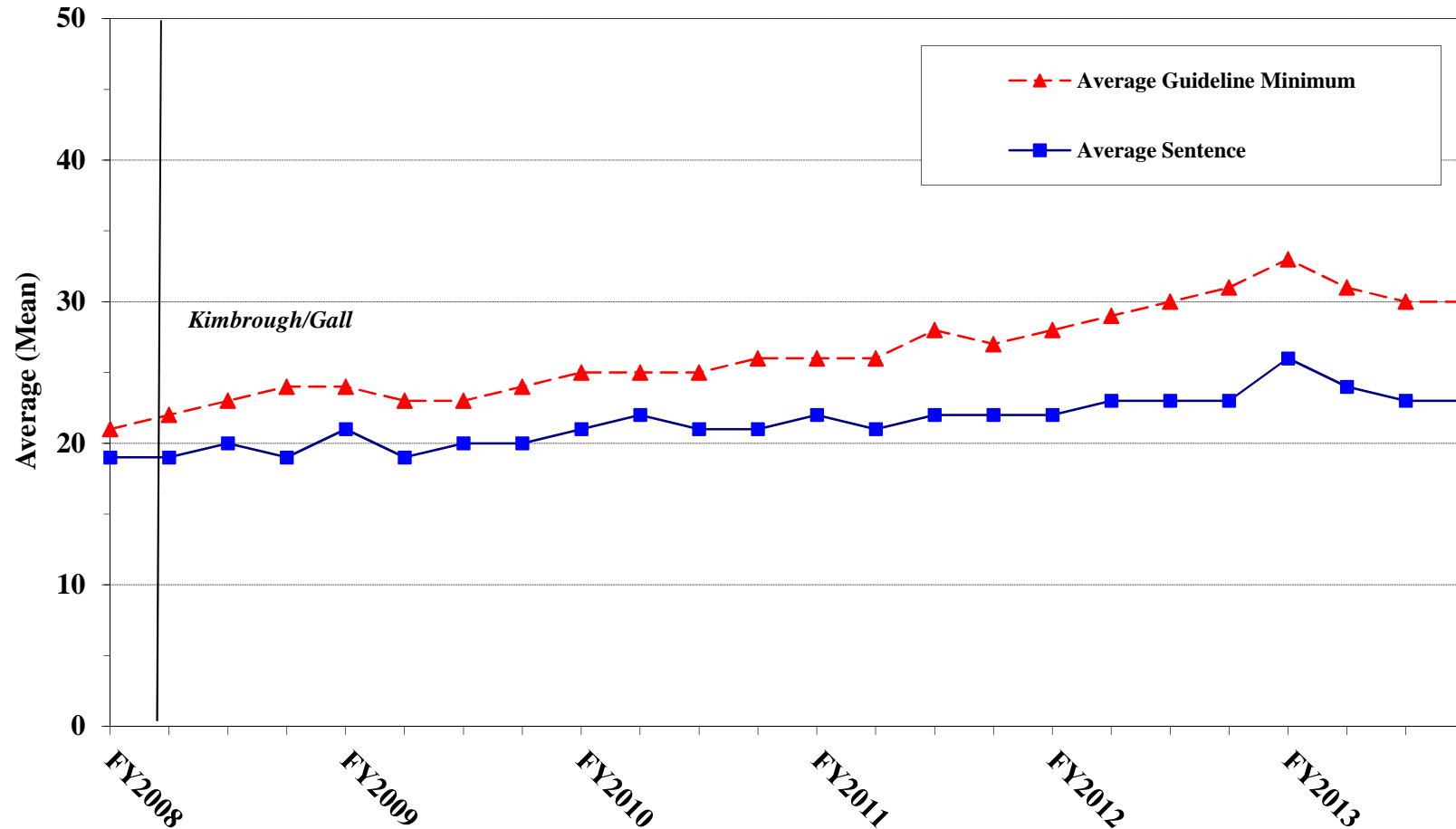


<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations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

Figure D

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

**Fiscal Years 2008 - 2013**

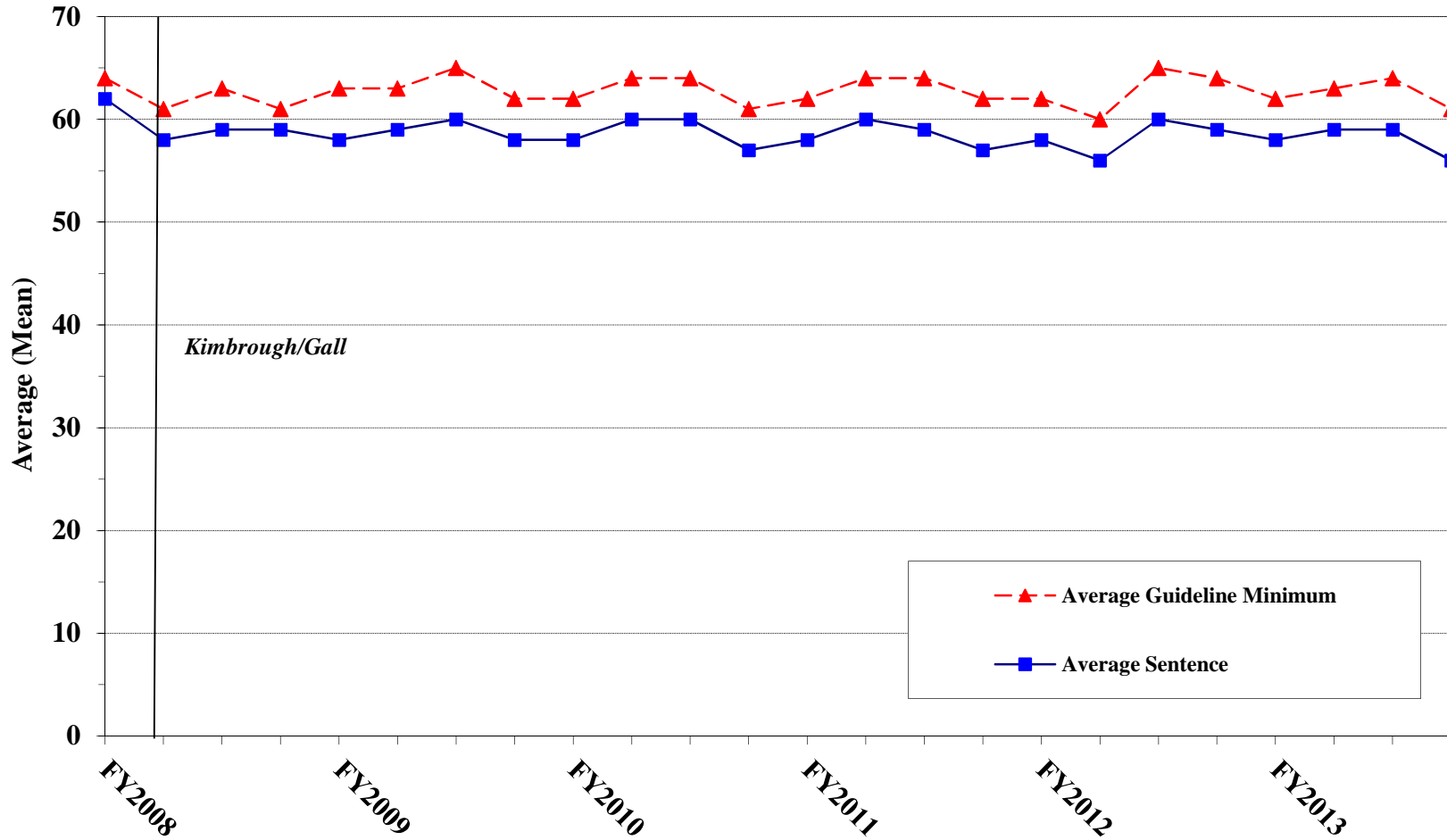


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than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

Figure E

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

Fiscal Years 2008 - 2013



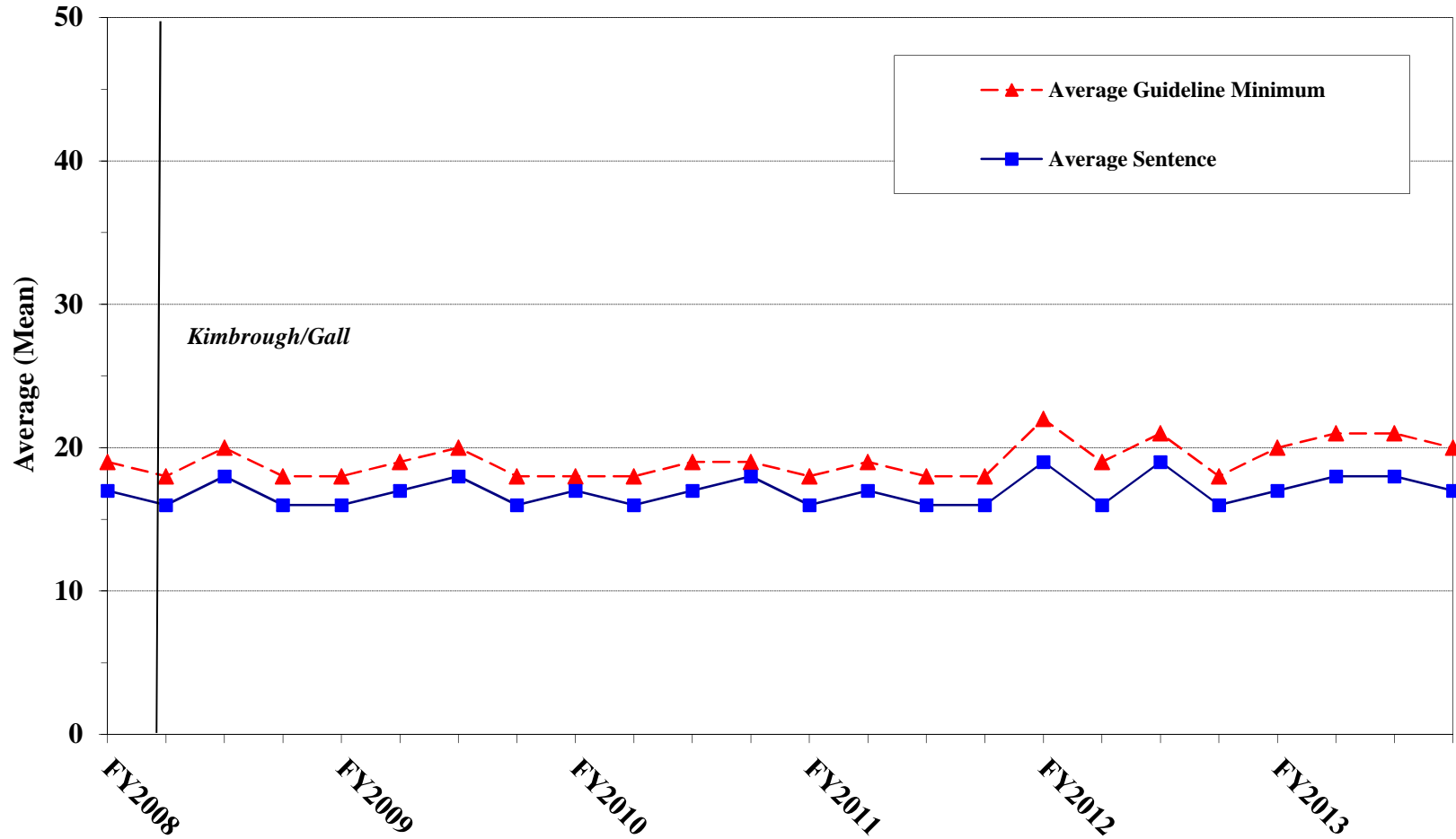
<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline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



Figure F

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

Fiscal Years 2008 - 2013

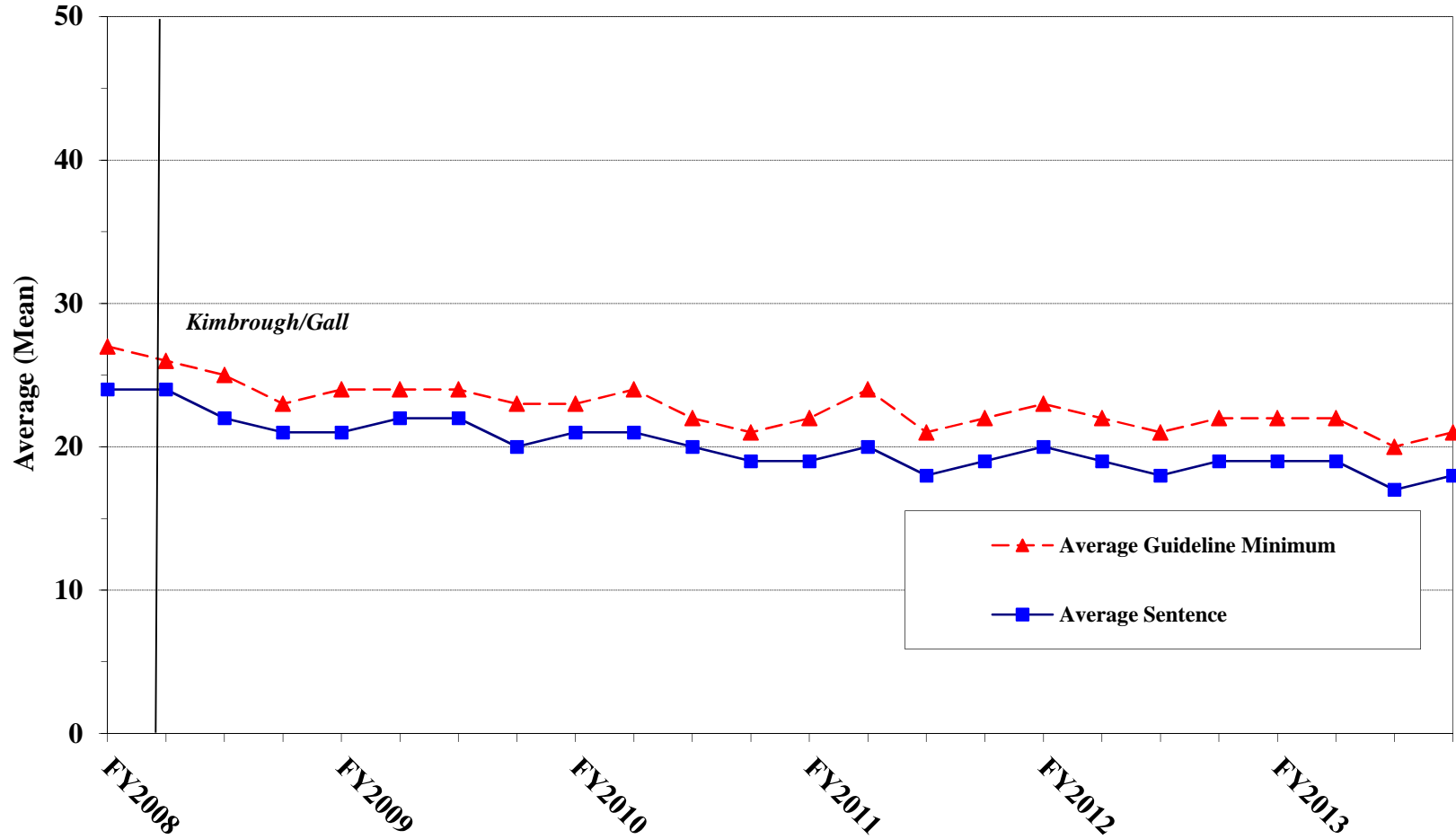


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively.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

Figure G

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

**Fiscal Years 2008 - 2013**

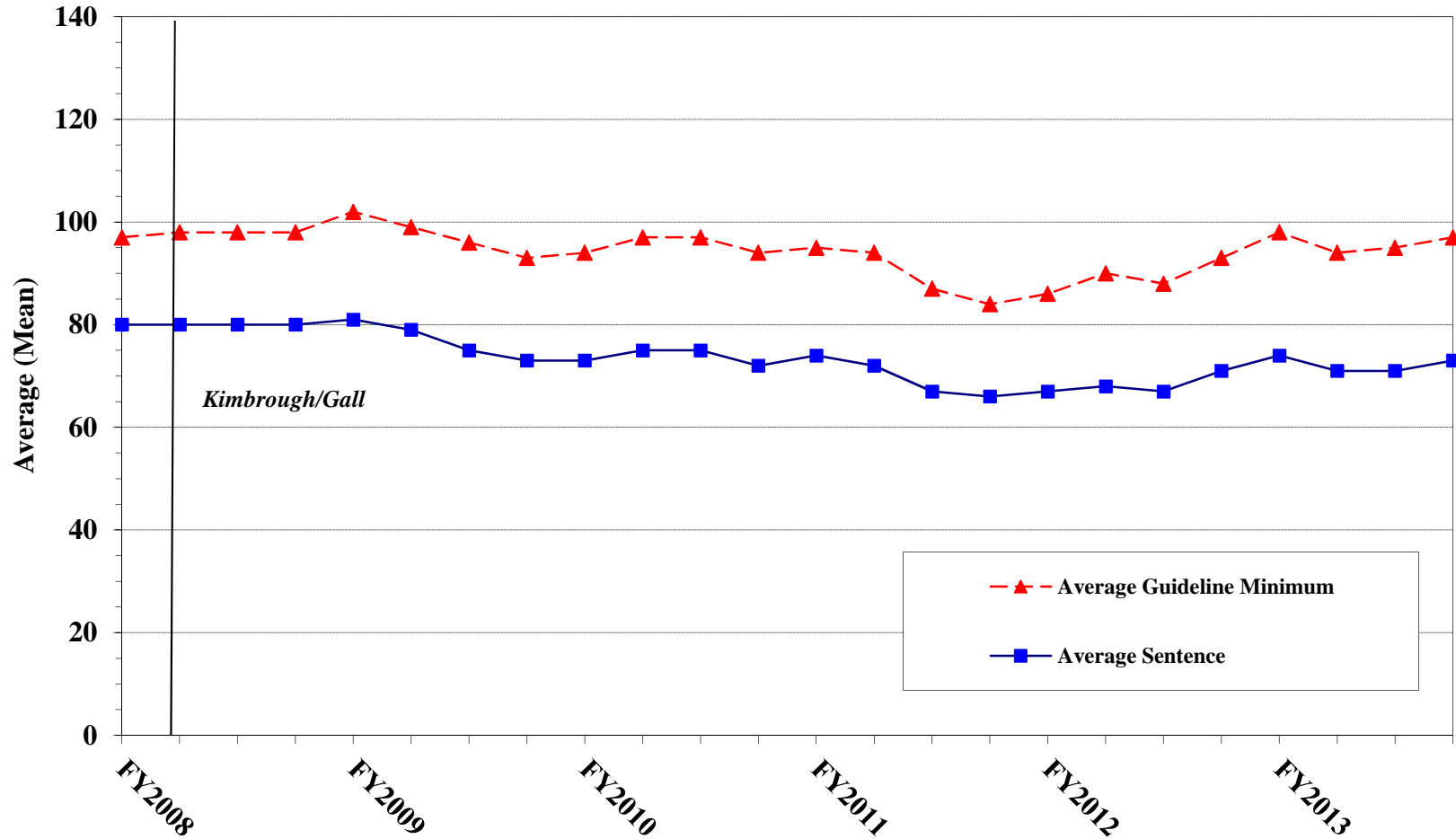


<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater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

Figure H

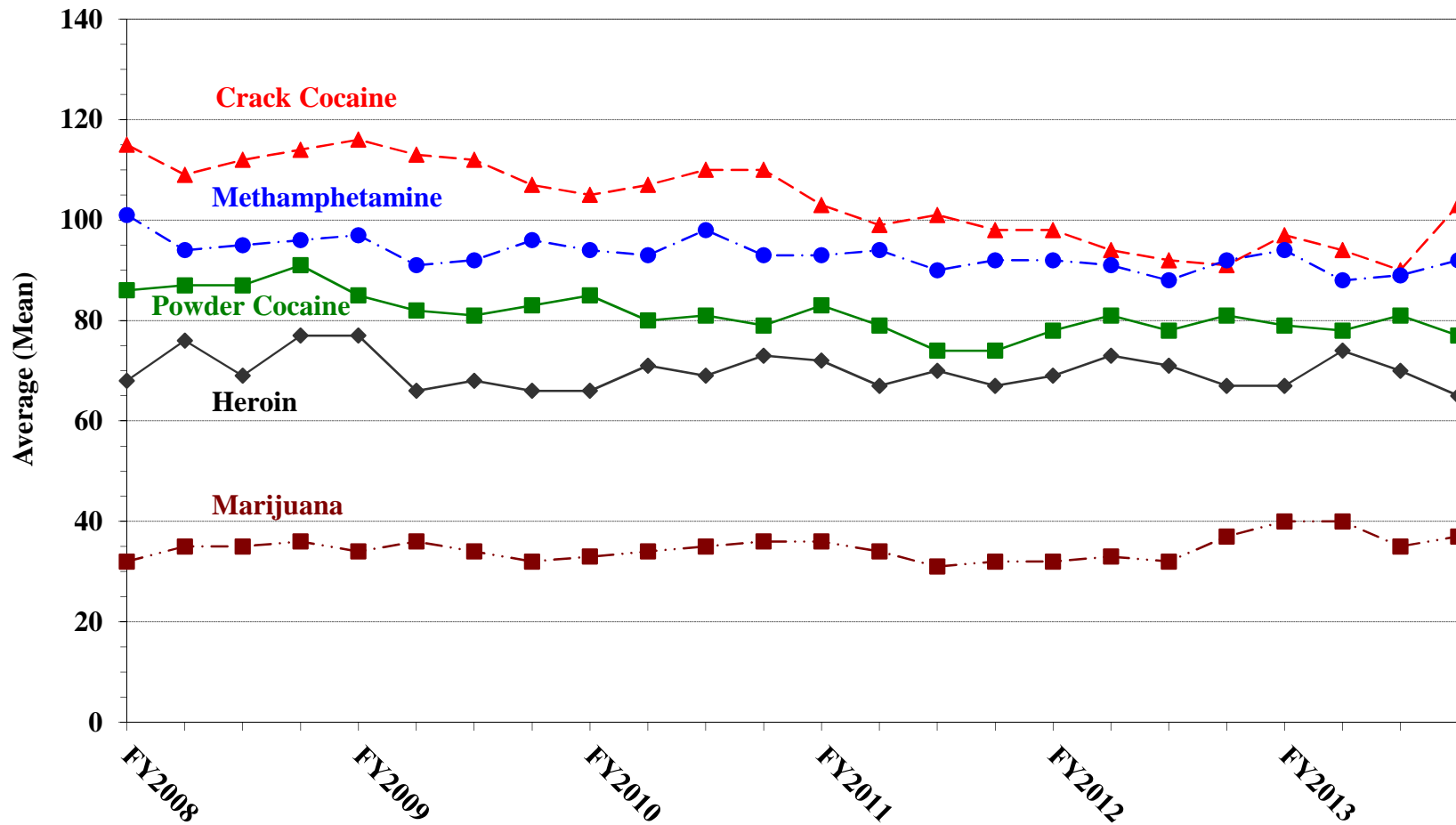
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)<sup>1</sup>**

**Fiscal Years 2008 - 2013**



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

**Figure I**  
**AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE<sup>1</sup>**  
**Fiscal Years 2008 - 2013**



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

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
Fiscal Year 2013**

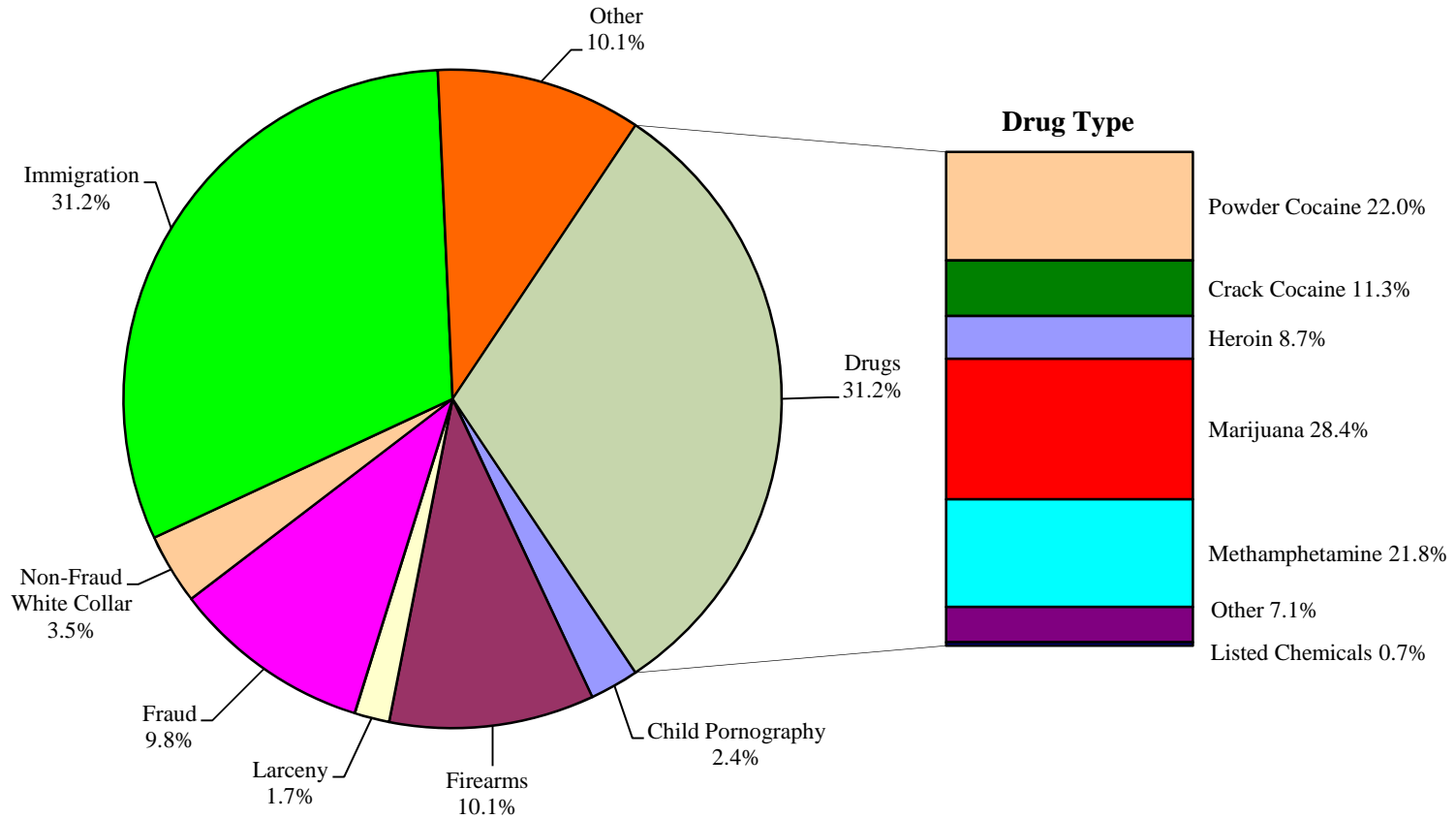
PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>32,484</b>	<b>16,715</b>	<b>51.5</b>	<b>6,806</b>	<b>21.0</b>	<b>2,882</b>	<b>8.9</b>	<b>2,665</b>	<b>8.2</b>	<b>3,416</b>	<b>10.5</b>
Murder	17	2	11.8	4	23.5	1	5.9	3	17.6	7	41.2
Manslaughter	36	12	33.3	5	13.9	4	11.1	5	13.9	10	27.8
Kidnapping/Hostage Taking	9	4	44.4	4	44.4	1	11.1	0	0.0	0	0.0
Sexual Abuse	165	71	43.0	31	18.8	16	9.7	15	9.1	32	19.4
Assault	354	151	42.7	56	15.8	49	13.8	33	9.3	65	18.4
Robbery	432	202	46.8	85	19.7	36	8.3	34	7.9	75	17.4
Arson	21	10	47.6	5	23.8	3	14.3	0	0.0	3	14.3
Drugs - Trafficking	7,811	5,387	69.0	1,040	13.3	486	6.2	373	4.8	525	6.7
Drugs - Communication Facility	94	54	57.4	9	9.6	8	8.5	4	4.3	19	20.2
Drugs - Simple Possession	153	107	69.9	22	14.4	4	2.6	9	5.9	11	7.2
Firearms	4,010	2,124	53.0	603	15.0	402	10.0	323	8.1	558	13.9
Burglary/B&E	18	6	33.3	3	16.7	4	22.2	2	11.1	3	16.7
Auto Theft	48	15	31.3	7	14.6	5	10.4	7	14.6	14	29.2
Larceny	655	482	73.6	75	11.5	31	4.7	23	3.5	44	6.7
Fraud	3,072	1,747	56.9	471	15.3	229	7.5	262	8.5	363	11.8
Embezzlement	182	130	71.4	22	12.1	12	6.6	1	0.5	17	9.3
Forgery/Counterfeiting	423	205	48.5	60	14.2	44	10.4	33	7.8	81	19.1
Bribery	85	59	69.4	11	12.9	3	3.5	4	4.7	8	9.4
Tax	198	124	62.6	21	10.6	16	8.1	11	5.6	26	13.1
Money Laundering	260	158	60.8	45	17.3	15	5.8	14	5.4	28	10.8
Racketeering/Extortion	319	146	45.8	55	17.2	29	9.1	35	11.0	54	16.9
Gambling/Lottery	32	21	65.6	6	18.8	1	3.1	2	6.3	2	6.3
Civil Rights	9	6	66.7	2	22.2	1	11.1	0	0.0	0	0.0
Immigration	11,710	4,049	34.6	3,845	32.8	1,301	11.1	1,333	11.4	1,182	10.1
Child Pornography	485	301	62.1	66	13.6	26	5.4	39	8.0	53	10.9
Prison Offenses	268	118	44.0	51	19.0	33	12.3	21	7.8	45	16.8
Administration of Justice Offenses	723	424	58.6	70	9.7	72	10.0	37	5.1	120	16.6
Environmental/Wildlife	70	57	81.4	6	8.6	5	7.1	2	2.9	0	0.0
National Defense	36	24	66.7	9	25.0	3	8.3	0	0.0	0	0.0
Antitrust	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	40	33	82.5	2	5.0	2	5.0	1	2.5	2	5.0
Other Miscellaneous Offenses	748	485	64.8	115	15.4	40	5.3	39	5.2	69	9.2

<sup>1</sup> Of the 80,035 cases, 40,233 were sentenced within the applicable guideline range. Of those, 34,511 cases had complete guideline application information. An additional 2,027 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 CATEGORY<sup>1</sup>

Fiscal Year 2013



<sup>1</sup> The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 21

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2013**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>80,035</b>	<b>100.0</b>
Murder	89	0.1
Manslaughter	63	0.1
Kidnapping/Hostage Taking	40	0.0
Sexual Abuse	423	0.5
Assault	724	0.9
Robbery	844	1.1
Arson	69	0.1
Drugs - Trafficking	22,254	27.8
Drugs - Communication Facility	414	0.5
Drugs - Simple Possession	2,332	2.9
Firearms	8,068	10.1
Burglary/B&E	37	0.0
Auto Theft	87	0.1
Larceny	1,372	1.7
Fraud	7,840	9.8
Embezzlement	341	0.4
Forgery/Counterfeiting	731	0.9
Bribery	256	0.3
Tax	616	0.8
Money Laundering	829	1.0
Racketeering/Extortion	871	1.1
Gambling/Lottery	73	0.1
Civil Rights	58	0.1
Immigration	24,972	31.2
Child Pornography	1,922	2.4
Prison Offenses	427	0.5
Administration of Justice Offenses	1,398	1.7
Environmental/Wildlife	182	0.2
National Defense	126	0.2
Antitrust	16	0.0
Food & Drug	74	0.1
Other Miscellaneous Offenses	2,487	3.1

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

Table 22

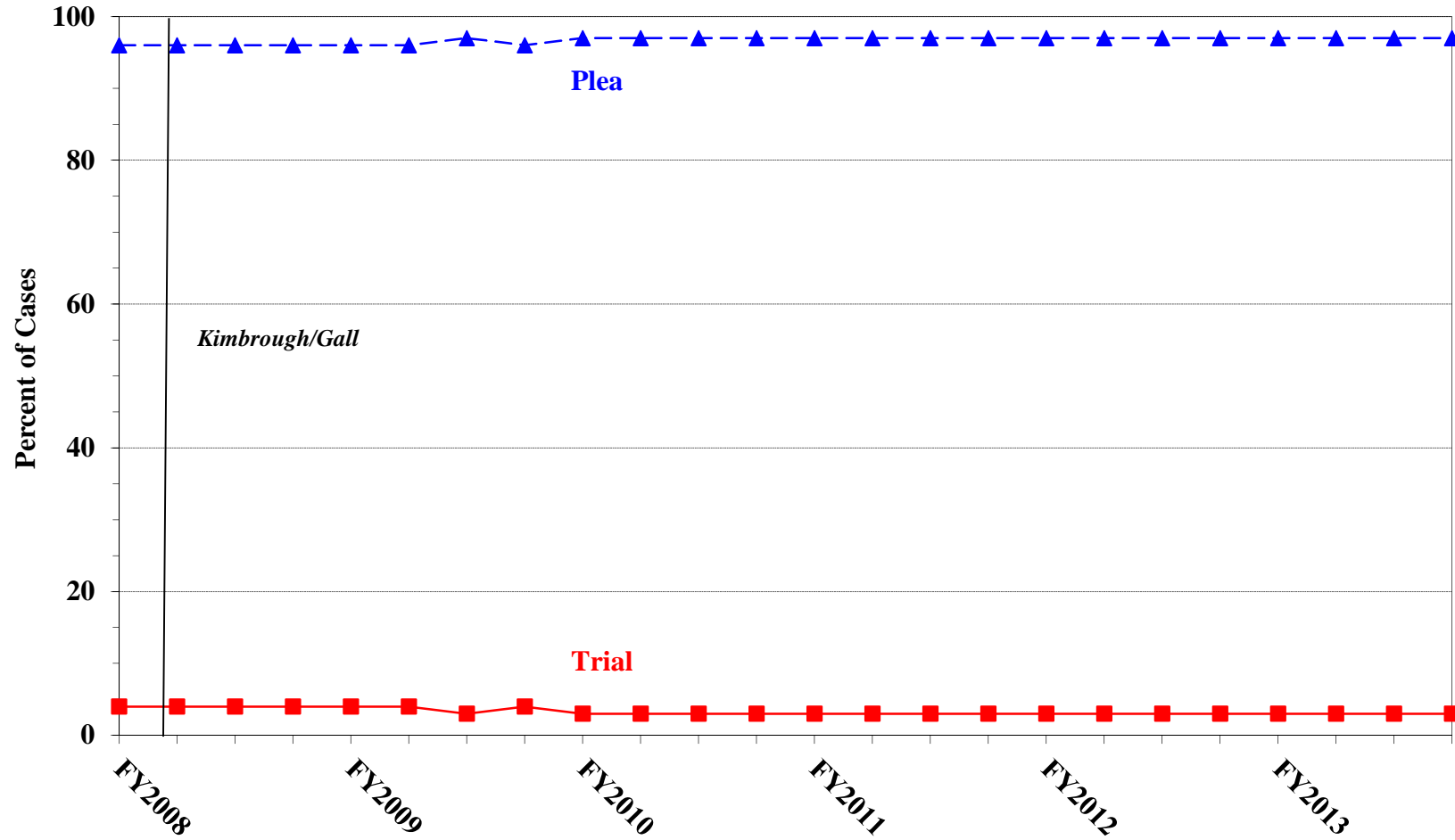
**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2013**

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>80,035</b>	<b>77,567</b>	<b>96.9</b>	<b>2,468</b>	<b>3.1</b>
Murder	89	72	80.9	17	19.1
Manslaughter	63	62	98.4	1	1.6
Kidnapping/Hostage Taking	40	27	67.5	13	32.5
Sexual Abuse	423	366	86.5	57	13.5
Assault	724	671	92.7	53	7.3
Robbery	844	825	97.7	19	2.3
Arson	69	56	81.2	13	18.8
Drugs - Trafficking	22,254	21,544	96.8	710	3.2
Drugs - Communication Facility	414	412	99.5	2	0.5
Drugs - Simple Possession	2,332	2,329	99.9	3	0.1
Firearms	8,068	7,600	94.2	468	5.8
Burglary/B&E	37	35	94.6	2	5.4
Auto Theft	87	83	95.4	4	4.6
Larceny	1,372	1,346	98.1	26	1.9
Fraud	7,840	7,325	93.4	515	6.6
Embezzlement	341	334	97.9	7	2.1
Forgery/Counterfeiting	731	717	98.1	14	1.9
Bribery	256	236	92.2	20	7.8
Tax	616	576	93.5	40	6.5
Money Laundering	829	786	94.8	43	5.2
Racketeering/Extortion	871	825	94.7	46	5.3
Gambling/Lottery	73	73	100.0	0	0.0
Civil Rights	58	44	75.9	14	24.1
Immigration	24,972	24,817	99.4	155	0.6
Child Pornography	1,922	1,851	96.3	71	3.7
Prison Offenses	427	420	98.4	7	1.6
Administration of Justice Offenses	1,398	1,336	95.6	62	4.4
Environmental/Wildlife	182	174	95.6	8	4.4
National Defense	126	119	94.4	7	5.6
Antitrust	16	15	93.8	1	6.3
Food & Drug	74	74	100.0	0	0.0
Other Miscellaneous Offenses	2,487	2,417	97.2	70	2.8

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



**Figure K**  
**QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS<sup>1</sup>**  
**Fiscal Years 2008 - 2013**



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

Table 23

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2013**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>72,171</b>	<b>17,172</b>	<b>23.8</b>	<b>14,895</b>	<b>20.6</b>	<b>37,173</b>	<b>51.5</b>	<b>2,931</b>	<b>4.1</b>
Murder	87	22	25.3	12	13.8	21	24.1	32	36.8
Manslaughter	63	7	11.1	0	0.0	2	3.2	54	85.7
Kidnapping/Hostage Taking	40	13	32.5	6	15.0	17	42.5	4	10.0
Sexual Abuse	423	159	37.6	64	15.1	54	12.8	146	34.5
Assault	655	142	21.7	112	17.1	98	15.0	303	46.3
Robbery	836	407	48.7	297	35.5	91	10.9	41	4.9
Arson	68	44	64.7	7	10.3	7	10.3	10	14.7
Drugs - Trafficking	22,126	5,077	22.9	5,718	25.8	10,646	48.1	685	3.1
Drugs - Communication Facility	410	93	22.7	111	27.1	194	47.3	12	2.9
Drugs - Simple Possession	194	97	50.0	39	20.1	34	17.5	24	12.4
Firearms	8,006	2,080	26.0	3,787	47.3	1,912	23.9	227	2.8
Burglary/B&E	37	9	24.3	2	5.4	2	5.4	24	64.9
Auto Theft	86	16	18.6	26	30.2	41	47.7	3	3.5
Larceny	1,105	522	47.2	335	30.3	167	15.1	81	7.3
Fraud	7,262	3,274	45.1	2,131	29.3	1,395	19.2	462	6.4
Embezzlement	320	180	56.3	76	23.8	33	10.3	31	9.7
Forgery/Counterfeiting	721	278	38.6	307	42.6	90	12.5	46	6.4
Bribery	246	86	35.0	57	23.2	82	33.3	21	8.5
Tax	597	368	61.6	120	20.1	58	9.7	51	8.5
Money Laundering	819	300	36.6	125	15.3	339	41.4	55	6.7
Racketeering/Extortion	864	224	25.9	289	33.4	288	33.3	63	7.3
Gambling/Lottery	71	49	69.0	2	2.8	1	1.4	19	26.8
Civil Rights	55	38	69.1	12	21.8	3	5.5	2	3.6
Immigration	21,647	494	2.3	348	1.6	20,662	95.4	143	0.7
Child Pornography	1,920	1,604	83.5	73	3.8	211	11.0	32	1.7
Prison Offenses	390	100	25.6	141	36.2	103	26.4	46	11.8
Administration of Justice Offenses	1,342	586	43.7	355	26.5	285	21.2	116	8.6
Environmental/Wildlife	130	91	70.0	6	4.6	13	10.0	20	15.4
National Defense	125	51	40.8	7	5.6	47	37.6	20	16.0
Antitrust	12	5	41.7	0	0.0	1	8.3	6	50.0
Food & Drug	64	45	70.3	0	0.0	8	12.5	11	17.2
Other Miscellaneous Offenses	1,450	711	49.0	330	22.8	268	18.5	141	9.7

<sup>1</sup> Of the 80,035 cases, 7,864 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 CATEGORY<sup>1</sup>**  
**Fiscal Year 2013**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>76,981</b>	<b>66,600</b>	<b>86.5</b>	<b>10,381</b>	<b>13.5</b>
Murder	88	82	93.2	6	6.8
Manslaughter	63	53	84.1	10	15.9
Kidnapping/Hostage Taking	40	33	82.5	7	17.5
Sexual Abuse	423	403	95.3	20	4.7
Assault	707	631	89.3	76	10.7
Robbery	842	762	90.5	80	9.5
Arson	69	66	95.7	3	4.3
Drugs - Trafficking	22,234	18,970	85.3	3,264	14.7
Drugs - Communication Facility	414	318	76.8	96	23.2
Drugs - Simple Possession	1,298	1,131	87.1	167	12.9
Firearms	8,051	7,716	95.8	335	4.2
Burglary/B&E	37	33	89.2	4	10.8
Auto Theft	87	82	94.3	5	5.7
Larceny	1,239	752	60.7	487	39.3
Fraud	7,789	5,297	68.0	2,492	32.0
Embezzlement	338	145	42.9	193	57.1
Forgery/Counterfeiting	726	545	75.1	181	24.9
Bribery	256	195	76.2	61	23.8
Tax	613	461	75.2	152	24.8
Money Laundering	828	628	75.8	200	24.2
Racketeering/Extortion	866	772	89.1	94	10.9
Gambling/Lottery	72	69	95.8	3	4.2
Civil Rights	57	50	87.7	7	12.3
Immigration	23,569	22,051	93.6	1,518	6.4
Child Pornography	1,922	1,897	98.7	25	1.3
Prison Offenses	410	363	88.5	47	11.5
Administration of Justice Offenses	1,386	1,075	77.6	311	22.4
Environmental/Wildlife	163	155	95.1	8	4.9
National Defense	125	111	88.8	14	11.2
Antitrust	16	16	100.0	0	0.0
Food & Drug	74	60	81.1	14	18.9
Other Miscellaneous Offenses	2,179	1,678	77.0	501	23.0

<sup>1</sup> Of the 80,035 cases, 3,054 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

**AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>**  
**Fiscal Year 2013**

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
<b>Males</b>	<b>13,848</b>	<b>100.0</b>	<b>12,800</b>	<b>100.0</b>	<b>33,558</b>	<b>100.0</b>	<b>2,329</b>	<b>100.0</b>
<b>Under 21</b>	182	1.3	268	2.1	1,190	3.5	87	3.7
<b>21 - 25</b>	1,169	8.4	2,022	15.8	4,678	13.9	345	14.8
<b>26 - 30</b>	1,854	13.4	2,541	19.9	6,648	19.8	376	16.1
<b>31 - 35</b>	2,078	15.0	2,694	21.0	6,762	20.2	372	16.0
<b>36 - 40</b>	1,791	12.9	1,983	15.5	5,560	16.6	329	14.1
<b>41 - 50</b>	3,326	24.0	2,252	17.6	6,345	18.9	500	21.5
<b>Over 50</b>	3,448	24.9	1,040	8.1	2,375	7.1	320	13.7
<b>Females</b>	<b>3,323</b>	<b>100.0</b>	<b>2,094</b>	<b>100.0</b>	<b>3,612</b>	<b>100.0</b>	<b>601</b>	<b>100.0</b>
<b>Under 21</b>	59	1.8	38	1.8	172	4.8	10	1.7
<b>21 - 25</b>	353	10.6	260	12.4	622	17.2	74	12.3
<b>26 - 30</b>	473	14.2	364	17.4	613	17.0	103	17.1
<b>31 - 35</b>	506	15.2	336	16.0	631	17.5	94	15.6
<b>36 - 40</b>	480	14.4	301	14.4	490	13.6	77	12.8
<b>41 - 50</b>	741	22.3	487	23.3	738	20.4	130	21.6
<b>Over 50</b>	711	21.4	308	14.7	346	9.6	113	18.8

<sup>1</sup> Of the 80,035 cases, 7,870 were excluded due to one or more of the following reasons: missing information on offender's race (7,864), missing information on offender's gender (3,054), or missing information on offender's age (219). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.

Table 26

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2013**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>78,022</b>	<b>42,976</b>	<b>55.1</b>	<b>35,046</b>	<b>44.9</b>
Murder	87	79	90.8	8	9.2
Manslaughter	63	63	100.0	0	0.0
Kidnapping/Hostage Taking	40	28	70.0	12	30.0
Sexual Abuse	422	394	93.4	28	6.6
Assault	676	597	88.3	79	11.7
Robbery	841	809	96.2	32	3.8
Arson	69	66	95.7	3	4.3
Drugs - Trafficking	22,196	16,231	73.1	5,965	26.9
Drugs - Communication Facility	412	322	78.2	90	21.8
Drugs - Simple Possession	2,014	287	14.3	1,727	85.7
Firearms	8,038	7,420	92.3	618	7.7
Burglary/B&E	37	37	100.0	0	0.0
Auto Theft	86	83	96.5	3	3.5
Larceny	1,150	1,037	90.2	113	9.8
Fraud	7,693	6,034	78.4	1,659	21.6
Embezzlement	330	318	96.4	12	3.6
Forgery/Counterfeiting	725	667	92.0	58	8.0
Bribery	253	216	85.4	37	14.6
Tax	600	549	91.5	51	8.5
Money Laundering	826	563	68.2	263	31.8
Racketeering/Extortion	864	743	86.0	121	14.0
Gambling/Lottery	71	64	90.1	7	9.9
Civil Rights	57	56	98.2	1	1.8
Immigration	24,796	1,300	5.2	23,496	94.8
Child Pornography	1,921	1,844	96.0	77	4.0
Prison Offenses	401	362	90.3	39	9.7
Administration of Justice Offenses	1,351	1,187	87.9	164	12.1
Environmental/Wildlife	142	121	85.2	21	14.8
National Defense	126	62	49.2	64	50.8
Antitrust	14	7	50.0	7	50.0
Food & Drug	66	58	87.9	8	12.1
Other Miscellaneous Offenses	1,655	1,372	82.9	283	17.1

<sup>1</sup> Of the 80,035 cases, 2,013 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 DISTRICT<sup>1</sup>**  
**Fiscal Year 2013**

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>TOTAL</b>	<b>80,035</b>	<b>370,822</b>	<b>80,035</b>	<b>78,681</b>	<b>59,065</b>	<b>20,908</b>	<b>80,020</b>	<b>73,021</b>	<b>7,012</b>
<b>D.C. CIRCUIT</b>	<b>344</b>	<b>1,686</b>	<b>344</b>	<b>344</b>	<b>315</b>	<b>29</b>	<b>344</b>	<b>339</b>	<b>5</b>
District of Columbia	344	1,686	344	344	315	29	344	339	5
<b>FIRST CIRCUIT</b>	<b>2,537</b>	<b>12,016</b>	<b>2,537</b>	<b>2,531</b>	<b>1,971</b>	<b>566</b>	<b>2,537</b>	<b>2,440</b>	<b>97</b>
Maine	239	1,079	239	239	123	116	239	239	0
Massachusetts	492	2,216	492	492	263	229	492	477	15
New Hampshire	166	819	166	166	155	11	166	166	0
Puerto Rico	1,488	7,197	1,488	1,482	1,333	155	1,488	1,406	82
Rhode Island	152	705	152	152	97	55	152	152	0
<b>SECOND CIRCUIT</b>	<b>4,208</b>	<b>20,076</b>	<b>4,208</b>	<b>4,153</b>	<b>3,438</b>	<b>766</b>	<b>4,205</b>	<b>4,072</b>	<b>136</b>
Connecticut	421	2,071	421	419	392	29	421	418	3
New York									
Eastern	903	4,414	903	903	802	101	903	903	0
Northern	519	2,391	519	498	398	121	519	457	62
Southern	1,548	7,235	1,548	1,517	1,089	455	1,545	1,536	12
Western	596	2,894	596	595	557	39	596	550	46
Vermont	221	1,071	221	221	200	21	221	208	13
<b>THIRD CIRCUIT</b>	<b>2,631</b>	<b>12,562</b>	<b>2,631</b>	<b>2,619</b>	<b>2,110</b>	<b>521</b>	<b>2,631</b>	<b>2,571</b>	<b>60</b>
Delaware	102	504	102	102	97	5	102	101	1
New Jersey	787	3,821	787	777	702	85	787	768	19
Pennsylvania									
Eastern	848	4,012	848	846	630	218	848	840	8
Middle	385	1,878	385	385	338	47	385	385	0
Western	458	2,104	458	458	304	154	458	426	32
Virgin Islands	51	243	51	51	39	12	51	51	0
<b>FOURTH CIRCUIT</b>	<b>6,290</b>	<b>28,798</b>	<b>6,290</b>	<b>6,203</b>	<b>4,521</b>	<b>1,765</b>	<b>6,290</b>	<b>5,494</b>	<b>796</b>
Maryland	875	4,184	875	852	753	122	875	829	46
North Carolina									
Eastern	782	3,521	782	731	522	260	782	704	78
Middle	436	2,147	436	435	405	28	436	435	1
Western	614	2,875	614	614	419	195	614	614	0
South Carolina	813	3,806	813	811	558	255	813	811	2
Virginia									
Eastern	1,707	7,064	1,707	1,698	896	810	1,707	1,056	651
Western	470	2,294	470	469	421	49	470	464	6
West Virginia									
Northern	358	1,753	358	358	332	26	358	347	11
Southern	235	1,154	235	235	215	20	235	234	1

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>FIFTH CIRCUIT</b>	<b>18,215</b>	<b>80,035</b>	<b>18,215</b>	<b>17,863</b>	<b>9,188</b>	<b>9,023</b>	<b>18,214</b>	<b>16,555</b>	<b>1,660</b>
Louisiana									
Eastern	323	1,505	323	322	216	107	323	321	2
Middle	194	925	194	192	153	41	194	192	2
Western	338	1,583	338	309	289	49	338	309	29
Mississippi									
Northern	202	1,004	202	202	198	4	202	200	2
Southern	362	1,784	362	360	342	20	362	358	4
Texas									
Eastern	943	4,655	943	942	889	54	943	938	5
Northern	1,069	5,015	1,069	1,069	747	322	1,069	1,061	8
Southern	6,992	31,565	6,992	6,989	3,746	3,246	6,991	6,847	145
Western	7,792	31,999	7,792	7,478	2,608	5,180	7,792	6,329	1,463
<b>SIXTH CIRCUIT</b>	<b>5,559</b>	<b>26,577</b>	<b>5,559</b>	<b>5,542</b>	<b>4,579</b>	<b>949</b>	<b>5,558</b>	<b>5,339</b>	<b>219</b>
Kentucky									
Eastern	476	2,331	476	476	430	46	476	473	3
Western	467	2,109	467	467	390	77	467	318	149
Michigan									
Eastern	903	4,359	903	902	765	137	902	887	15
Western	423	1,983	423	423	301	122	423	413	10
Ohio									
Northern	895	4,253	895	894	681	214	895	888	7
Southern	593	2,929	593	591	567	26	593	585	8
Tennessee									
Eastern	817	3,935	817	816	674	143	817	811	6
Middle	296	1,373	296	285	216	50	296	280	16
Western	689	3,305	689	688	555	134	689	684	5
<b>SEVENTH CIRCUIT</b>	<b>3,070</b>	<b>14,759</b>	<b>3,070</b>	<b>3,056</b>	<b>2,515</b>	<b>554</b>	<b>3,069</b>	<b>3,049</b>	<b>21</b>
Illinois									
Central	367	1,669	367	362	212	155	367	361	6
Northern	870	4,184	870	869	714	156	869	862	8
Southern	433	2,019	433	433	289	144	433	431	2
Indiana									
Northern	427	2,097	427	420	397	30	427	426	1
Southern	385	1,886	385	385	347	37	385	384	1
Wisconsin									
Eastern	435	2,149	435	435	412	23	435	432	3
Western	153	755	153	152	144	9	153	153	0
<b>EIGHTH CIRCUIT</b>	<b>4,655</b>	<b>22,362</b>	<b>4,655</b>	<b>4,641</b>	<b>3,782</b>	<b>873</b>	<b>4,655</b>	<b>4,629</b>	<b>26</b>
Arkansas									
Eastern	413	1,990	413	413	339	74	413	412	1
Western	305	1,498	305	303	285	20	305	300	5
Iowa									
Northern	373	1,708	373	373	216	157	373	373	0
Southern	414	1,935	414	414	280	134	414	413	1
Minnesota	316	1,542	316	316	280	36	316	314	2
Missouri									
Eastern	664	3,286	664	664	630	34	664	664	0
Western	684	3,190	684	676	465	219	684	681	3
Nebraska	612	2,916	612	608	478	134	612	606	6
North Dakota	327	1,594	327	327	287	40	327	326	1
South Dakota	547	2,703	547	547	522	25	547	540	7

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
<b>NINTH CIRCUIT</b>	<b>18,883</b>	<b>88,832</b>	<b>18,883</b>	<b>18,251</b>	<b>17,430</b>	<b>1,440</b>	<b>18,874</b>	<b>15,394</b>	<b>3,488</b>
Alaska	200	956	200	200	169	31	200	187	13
Arizona	6,903	31,318	6,903	6,300	6,479	423	6,903	4,733	2,170
California									
Central	1,684	8,204	1,684	1,682	1,507	177	1,684	1,647	37
Eastern	994	4,861	994	985	913	71	987	982	12
Northern	706	3,379	706	703	601	105	706	663	43
Southern	4,905	23,388	4,905	4,903	4,736	168	4,903	3,941	964
Guam	68	316	68	68	47	21	68	65	3
Hawaii	252	1,124	252	251	130	122	252	239	13
Idaho	323	1,567	323	323	275	48	323	323	0
Montana	353	1,686	353	351	278	75	353	351	1
Nevada	633	3,053	633	632	523	110	633	632	1
Northern Mariana Islands	31	148	31	31	25	6	31	30	1
Oregon	689	3,324	689	680	671	18	689	595	94
Washington									
Eastern	369	1,803	369	369	345	23	369	351	18
Western	773	3,705	773	773	731	42	773	655	118
<b>TENTH CIRCUIT</b>	<b>6,754</b>	<b>31,094</b>	<b>6,754</b>	<b>6,735</b>	<b>4,273</b>	<b>2,479</b>	<b>6,754</b>	<b>6,578</b>	<b>176</b>
Colorado	588	2,882	588	587	558	30	588	561	27
Kansas	686	3,328	686	674	619	67	686	663	23
New Mexico	3,822	17,120	3,822	3,817	1,844	1,977	3,822	3,815	7
Oklahoma									
Eastern	116	507	116	116	43	73	116	116	0
Northern	250	1,163	250	250	164	86	250	249	1
Western	373	1,643	373	373	198	174	373	326	47
Utah	702	3,406	702	702	654	48	702	646	56
Wyoming	217	1,045	217	216	193	24	217	202	15
<b>ELEVENTH CIRCUIT</b>	<b>6,889</b>	<b>32,025</b>	<b>6,889</b>	<b>6,743</b>	<b>4,943</b>	<b>1,943</b>	<b>6,889</b>	<b>6,561</b>	<b>328</b>
Alabama									
Middle	236	1,146	236	236	202	34	236	236	0
Northern	506	2,375	506	495	408	98	506	460	46
Southern	351	1,708	351	351	307	44	351	348	3
Florida									
Middle	1,545	7,204	1,545	1,543	1,031	513	1,545	1,540	5
Northern	357	1,681	357	357	275	82	357	335	22
Southern	2,407	11,113	2,407	2,322	1,655	752	2,407	2,322	85
Georgia									
Middle	508	2,253	508	483	308	199	508	446	62
Northern	515	2,453	515	492	442	73	515	489	26
Southern	464	2,092	464	464	315	148	464	385	79

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

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

SOURCE: U.S. Sentencing Commission, 2013 Datafile, USSCFY13.



**Table 28**  
**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM**  
**BY EACH CIRCUIT AND DISTRICT**  
**Fiscal Year 2013**

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>TOTAL</b>	<b>80,035</b>	<b>75,487</b>	<b>94.3</b>	<b>3,208</b>	<b>4.0</b>	<b>1,340</b>	<b>1.7</b>
<b>D.C. CIRCUIT</b>	<b>344</b>	<b>344</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	344	344	100.0	0	0.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>2,537</b>	<b>2,532</b>	<b>99.8</b>	<b>0</b>	<b>0.0</b>	<b>5</b>	<b>0.2</b>
Maine	239	239	100.0	0	0.0	0	0.0
Massachusetts	492	492	100.0	0	0.0	0	0.0
New Hampshire	166	166	100.0	0	0.0	0	0.0
Puerto Rico	1,488	1,483	99.7	0	0.0	5	0.3
Rhode Island	152	152	100.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>4,208</b>	<b>4,095</b>	<b>97.3</b>	<b>58</b>	<b>1.4</b>	<b>55</b>	<b>1.3</b>
Connecticut	421	419	99.5	0	0.0	2	0.5
New York							
Eastern	903	847	93.8	56	6.2	0	0.0
Northern	519	498	96.0	0	0.0	21	4.0
Southern	1,548	1,516	97.9	1	0.1	31	2.0
Western	596	595	99.8	0	0.0	1	0.2
Vermont	221	220	99.5	1	0.5	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,631</b>	<b>2,618</b>	<b>99.5</b>	<b>1</b>	<b>0.0</b>	<b>12</b>	<b>0.5</b>
Delaware	102	102	100.0	0	0.0	0	0.0
New Jersey	787	777	98.7	0	0.0	10	1.3
Pennsylvania							
Eastern	848	846	99.8	0	0.0	2	0.2
Middle	385	385	100.0	0	0.0	0	0.0
Western	458	457	99.8	1	0.2	0	0.0
Virgin Islands	51	51	100.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>6,290</b>	<b>6,127</b>	<b>97.4</b>	<b>86</b>	<b>1.4</b>	<b>77</b>	<b>1.2</b>
Maryland	875	860	98.3	2	0.2	13	1.5
North Carolina							
Eastern	782	731	93.5	0	0.0	51	6.5
Middle	436	435	99.8	0	0.0	1	0.2
Western	614	614	100.0	0	0.0	0	0.0
South Carolina	813	811	99.8	0	0.0	2	0.2
Virginia							
Eastern	1,707	1,614	94.6	84	4.9	9	0.5
Western	470	469	99.8	0	0.0	1	0.2
West Virginia							
Northern	358	358	100.0	0	0.0	0	0.0
Southern	235	235	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>18,215</b>	<b>15,816</b>	<b>86.8</b>	<b>2,047</b>	<b>11.2</b>	<b>352</b>	<b>1.9</b>
Louisiana							
Eastern	323	322	99.7	0	0.0	1	0.3
Middle	194	192	99.0	0	0.0	2	1.0
Western	338	251	74.3	58	17.2	29	8.6
Mississippi							
Northern	202	202	100.0	0	0.0	0	0.0
Southern	362	360	99.4	0	0.0	2	0.6
Texas							
Eastern	943	941	99.8	1	0.1	1	0.1
Northern	1,069	1,069	100.0	0	0.0	0	0.0
Southern	6,992	6,989	100.0	0	0.0	3	0.0
Western	7,792	5,490	70.5	1,988	25.5	314	4.0
<b>SIXTH CIRCUIT</b>	<b>5,559</b>	<b>5,393</b>	<b>97.0</b>	<b>149</b>	<b>2.7</b>	<b>17</b>	<b>0.3</b>
Kentucky							
Eastern	476	476	100.0	0	0.0	0	0.0
Western	467	467	100.0	0	0.0	0	0.0
Michigan							
Eastern	903	901	99.8	1	0.1	1	0.1
Western	423	422	99.8	1	0.2	0	0.0
Ohio							
Northern	895	894	99.9	0	0.0	1	0.1
Southern	593	560	94.4	31	5.2	2	0.3
Tennessee							
Eastern	817	816	99.9	0	0.0	1	0.1
Middle	296	211	71.3	74	25.0	11	3.7
Western	689	646	93.8	42	6.1	1	0.1
<b>SEVENTH CIRCUIT</b>	<b>3,070</b>	<b>2,963</b>	<b>96.5</b>	<b>93</b>	<b>3.0</b>	<b>14</b>	<b>0.5</b>
Illinois							
Central	367	362	98.6	0	0.0	5	1.4
Northern	870	869	99.9	0	0.0	1	0.1
Southern	433	433	100.0	0	0.0	0	0.0
Indiana							
Northern	427	415	97.2	5	1.2	7	1.6
Southern	385	385	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	435	347	79.8	88	20.2	0	0.0
Western	153	152	99.3	0	0.0	1	0.7
<b>EIGHTH CIRCUIT</b>	<b>4,655</b>	<b>4,603</b>	<b>98.9</b>	<b>38</b>	<b>0.8</b>	<b>14</b>	<b>0.3</b>
Arkansas							
Eastern	413	413	100.0	0	0.0	0	0.0
Western	305	303	99.3	0	0.0	2	0.7
Iowa							
Northern	373	373	100.0	0	0.0	0	0.0
Southern	414	414	100.0	0	0.0	0	0.0
Minnesota	316	278	88.0	38	12.0	0	0.0
Missouri							
Eastern	664	664	100.0	0	0.0	0	0.0
Western	684	676	98.8	0	0.0	8	1.2
Nebraska	612	608	99.3	0	0.0	4	0.7
North Dakota	327	327	100.0	0	0.0	0	0.0
South Dakota	547	547	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>18,883</b>	<b>17,583</b>	<b>93.1</b>	<b>670</b>	<b>3.5</b>	<b>630</b>	<b>3.3</b>
Alaska	200	200	100.0	0	0.0	0	0.0
Arizona	6,903	6,301	91.3	0	0.0	602	8.7
California							
Central	1,684	1,682	99.9	0	0.0	2	0.1
Eastern	994	985	99.1	0	0.0	9	0.9
Northern	706	703	99.6	0	0.0	3	0.4
Southern	4,905	4,903	100.0	0	0.0	2	0.0
Guam	68	68	100.0	0	0.0	0	0.0
Hawaii	252	239	94.8	12	4.8	1	0.4
Idaho	323	323	100.0	0	0.0	0	0.0
Montana	353	351	99.4	0	0.0	2	0.6
Nevada	633	633	100.0	0	0.0	0	0.0
Northern Mariana Islands	31	31	100.0	0	0.0	0	0.0
Oregon	689	22	3.2	658	95.5	9	1.3
Washington							
Eastern	369	369	100.0	0	0.0	0	0.0
Western	773	773	100.0	0	0.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>6,754</b>	<b>6,690</b>	<b>99.1</b>	<b>46</b>	<b>0.7</b>	<b>18</b>	<b>0.3</b>
Colorado	588	585	99.5	2	0.3	1	0.2
Kansas	686	673	98.1	2	0.3	11	1.6
New Mexico	3,822	3,817	99.9	0	0.0	5	0.1
Oklahoma							
Eastern	116	116	100.0	0	0.0	0	0.0
Northern	250	250	100.0	0	0.0	0	0.0
Western	373	373	100.0	0	0.0	0	0.0
Utah	702	660	94.0	42	6.0	0	0.0
Wyoming	217	216	99.5	0	0.0	1	0.5
<b>ELEVENTH CIRCUIT</b>	<b>6,889</b>	<b>6,723</b>	<b>97.6</b>	<b>20</b>	<b>0.3</b>	<b>146</b>	<b>2.1</b>
Alabama							
Middle	236	236	100.0	0	0.0	0	0.0
Northern	506	495	97.8	0	0.0	11	2.2
Southern	351	351	100.0	0	0.0	0	0.0
Florida							
Middle	1,545	1,543	99.9	0	0.0	2	0.1
Northern	357	357	100.0	0	0.0	0	0.0
Southern	2,407	2,322	96.5	0	0.0	85	3.5
Georgia							
Middle	508	483	95.1	0	0.0	25	4.9
Northern	515	472	91.7	20	3.9	23	4.5
Southern	464	464	100.0	0	0.0	0	0.0

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

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

## Appendix A

### Descriptions of Datafiles and Variables

#### Introduction

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

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

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

#### Variables

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The following section describes the variables used in this report.

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

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

##### **Age**

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

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

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

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

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

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

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

**Circuit**

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

**Citizenship Status**

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

**Degree of Decrease**

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

**Degree of Increase**

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

**District**

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

**Document Submission Rates**

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

**Downward Departure From Guideline Range**

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

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

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

### **Drug Offense Guideline**

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

### **Drug Type**

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

### **Education**

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

### **Gender**

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

### **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 FY13 *Sourcebook* Number/Letter**

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

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