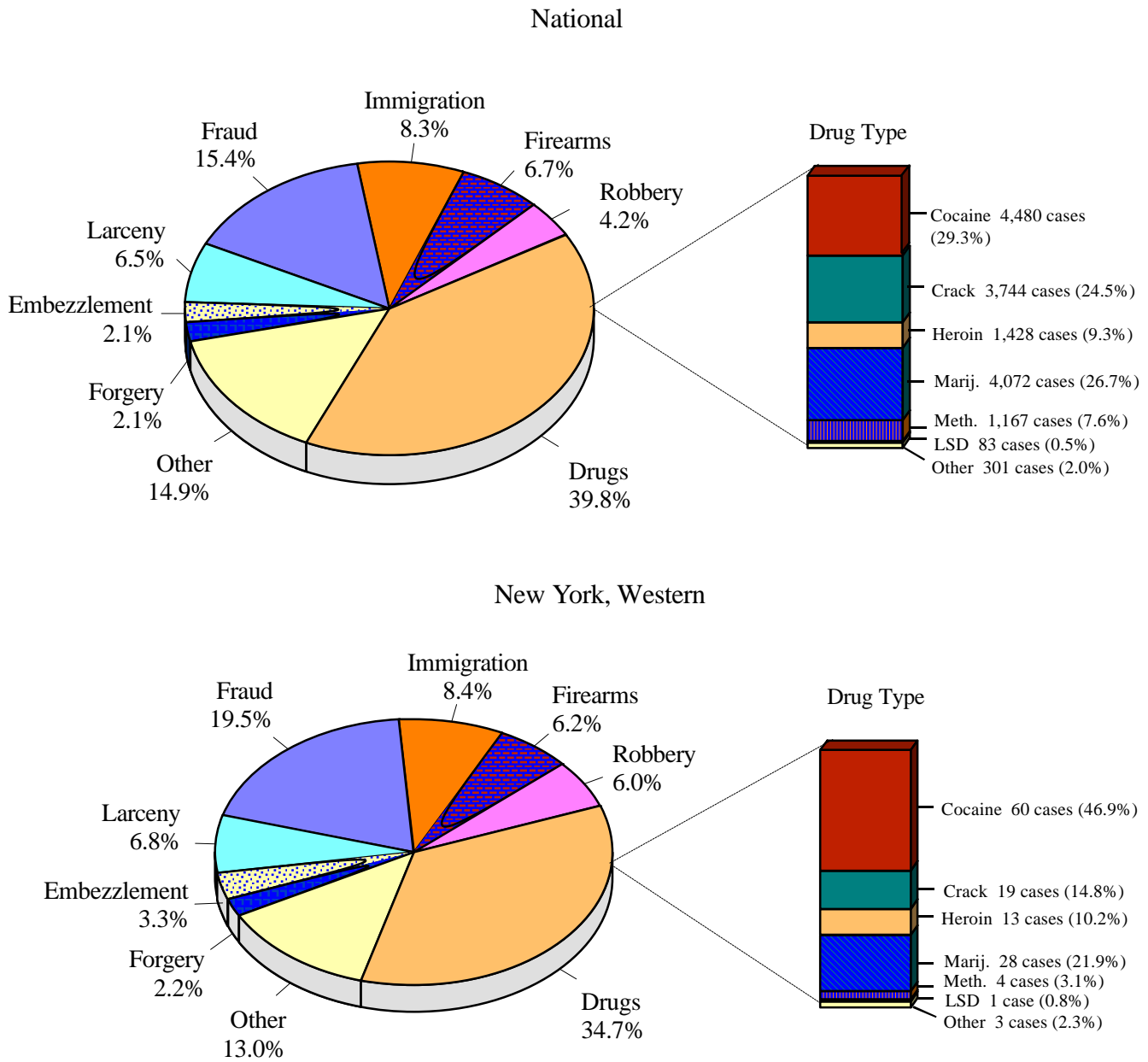


**Figure A**

**GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**



<sup>1</sup>Of the 38,500 guideline cases, 123 cases with missing primary offense category were excluded. Of the 15,288 drug cases (including trafficking, use of a communication facility, and simple possession), 13 cases with missing drug type were excluded from the bar chart.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	National		New York, Western	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,377</b>	<b>100.0</b>	<b>369</b>	<b>100.0</b>
Murder	85	0.2	0	0.0
Manslaughter	48	0.1	0	0.0
Kidnapping/Hostage Taking	62	0.2	0	0.0
Sexual Abuse	177	0.5	0	0.0
Assault	390	1.0	4	1.1
Robbery	1,603	4.2	22	6.0
Arson	97	0.3	0	0.0
Drugs - Trafficking	14,183	37.0	112	30.4
Drugs - Communication Facility	332	0.9	3	0.8
Drugs - Simple Possession	773	2.0	13	3.5
Firearms	2,573	6.7	23	6.2
Burglary/B&E	66	0.2	0	0.0
Auto Theft	149	0.4	0	0.0
Larceny	2,492	6.5	25	6.8
Fraud	5,909	15.4	72	19.5
Embezzlement	815	2.1	12	3.3
Forgery/Counterfeiting	790	2.1	8	2.2
Bribery	303	0.8	4	1.1
Tax	744	1.9	12	3.3
Money Laundering	832	2.2	6	1.6
Racketeering/Extortion	414	1.1	8	2.2
Gambling/Lottery	218	0.6	2	0.5
Civil Rights	102	0.3	0	0.0
Immigration	3,170	8.3	31	8.4
Pornography/Prostitution	96	0.3	2	0.5
Prison Offenses	373	1.0	1	0.3
Administration of Justice Offenses	723	1.9	4	1.1
Environmental/Wildlife	127	0.3	0	0.0
National Defense	35	0.1	0	0.0
Antitrust	18	0.0	0	0.0
Food & Drug	60	0.2	2	0.5
Other Miscellaneous Offenses	618	1.6	3	0.8

Of the 38,500 guideline cases, 123 cases were excluded due to missing information on primary offense category.

Of the 370 guideline cases from the District of New York, Western, one case was excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
(October 1, 1994, through September 30, 1995)

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,443</b>	<b>35,319</b>	<b>91.9</b>	<b>3,124</b>	<b>8.1</b>
<b>D.C. CIRCUIT</b>	416	373	89.7	43	10.3
District of Columbia	416	373	89.7	43	10.3
<b>FIRST CIRCUIT</b>	1,233	1,128	91.5	105	8.5
Maine	137	123	89.8	14	10.2
Massachusetts	383	336	87.7	47	12.3
New Hampshire	119	116	97.5	3	2.5
Puerto Rico	481	455	94.6	26	5.4
Rhode Island	113	98	86.7	15	13.3
<b>SECOND CIRCUIT</b>	3,620	3,381	93.4	239	6.6
Connecticut	217	199	91.7	18	8.3
New York					
Eastern	1,450	1,353	93.3	97	6.7
Northern	441	413	93.7	28	6.3
Southern	1,032	957	92.7	75	7.3
Western	370	354	95.7	16	4.3
Vermont	110	105	95.5	5	4.5
<b>THIRD CIRCUIT</b>	2,100	1,920	91.4	180	8.6
Delaware	67	60	89.6	7	10.4
New Jersey	521	496	95.2	25	4.8
Pennsylvania					
Eastern	758	674	88.9	84	11.1
Middle	300	276	92.0	24	8.0
Western	327	291	89.0	36	11.0
Virgin Islands	127	123	96.9	4	3.1
<b>FOURTH CIRCUIT</b>	4,165	3,744	89.9	421	10.1
Maryland	394	356	90.4	38	9.6
North Carolina					
Eastern	542	488	90.0	54	10.0
Middle	336	295	87.8	41	12.2
Western	552	525	95.1	27	4.9
South Carolina	710	680	95.8	30	4.2
Virginia					
Eastern	932	785	84.2	147	15.8
Western	349	300	86.0	49	14.0
West Virginia					
Northern	155	133	85.8	22	14.2
Southern	195	182	93.3	13	6.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	5,322	4,892	91.9	430	8.1
Louisiana					
Eastern	362	345	95.3	17	4.7
Middle	71	64	90.1	7	9.9
Western	257	228	88.7	29	11.3
Mississippi					
Northern	160	132	82.5	28	17.5
Southern	200	178	89.0	22	11.0
Texas					
Eastern	422	375	88.9	47	11.1
Northern	881	831	94.3	50	5.7
Southern	1,491	1,362	91.3	129	8.7
Western	1,478	1,377	93.2	101	6.8
<b>SIXTH CIRCUIT</b>	3,806	3,484	91.5	322	8.5
Kentucky					
Eastern	311	277	89.1	34	10.9
Western	335	296	88.4	39	11.6
Michigan					
Eastern	880	822	93.4	58	6.6
Western	337	301	89.3	36	10.7
Ohio					
Northern	649	609	93.8	40	6.2
Southern	325	312	96.0	13	4.0
Tennessee					
Eastern	402	357	88.8	45	11.2
Middle	194	178	91.8	16	8.2
Western	373	332	89.0	41	11.0
<b>SEVENTH CIRCUIT</b>	1,839	1,649	89.7	190	10.3
Illinois					
Central	192	177	92.2	15	7.8
Northern	677	601	88.8	76	11.2
Southern	270	239	88.5	31	11.5
Indiana					
Northern	199	185	93.0	14	7.0
Southern	198	178	89.9	20	10.1
Wisconsin					
Eastern	204	178	87.3	26	12.7
Western	99	91	91.9	8	8.1
<b>EIGHTH CIRCUIT</b>	2,292	2,070	90.3	222	9.7
Arkansas					
Eastern	248	221	89.1	27	10.9
Western	99	87	87.9	12	12.1
Iowa					
Northern	103	93	90.3	10	9.7
Southern	144	120	83.3	24	16.7
Minnesota	386	338	87.6	48	12.4
Missouri					
Eastern	384	345	89.8	39	10.2
Western	392	363	92.6	29	7.4
Nebraska	176	167	94.9	9	5.1
North Dakota	160	154	96.3	6	3.8
South Dakota	200	182	91.0	18	9.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	7,422	7,082	95.4	340	4.6
Alaska	112	98	87.5	14	12.5
Arizona	990	960	97.0	30	3.0
California					
Central	1,214	1,169	96.3	45	3.7
Eastern	656	617	94.1	39	5.9
Northern	398	372	93.5	26	6.5
Southern	1,838	1,790	97.4	48	2.6
Guam	121	117	96.7	4	3.3
Hawaii	228	208	91.2	20	8.8
Idaho	83	74	89.2	9	10.8
Montana	188	175	93.1	13	6.9
Nevada	416	381	91.6	35	8.4
Northern Mariana Islands	8	8	100.0	0	0.0
Oregon	506	483	95.5	23	4.5
Washington					
Eastern	271	263	97.0	8	3.0
Western	393	367	93.4	26	6.6
<b>TENTH CIRCUIT</b>	2,062	1,943	94.2	119	5.8
Colorado	334	324	97.0	10	3.0
Kansas	326	295	90.5	31	9.5
New Mexico	656	639	97.4	17	2.6
Oklahoma					
Eastern	61	59	96.7	2	3.3
Northern	170	147	86.5	23	13.5
Western	199	178	89.4	21	10.6
Utah	211	205	97.2	6	2.8
Wyoming	105	96	91.4	9	8.6
<b>ELEVENTH CIRCUIT</b>	4,166	3,653	87.7	513	12.3
Alabama					
Middle	180	145	80.6	35	19.4
Northern	269	252	93.7	17	6.3
Southern	273	233	85.3	40	14.7
Florida					
Middle	820	709	86.5	111	13.5
Northern	329	274	83.3	55	16.7
Southern	1,224	1,063	86.8	161	13.2
Georgia					
Middle	330	310	93.9	20	6.1
Northern	533	488	91.6	45	8.4
Southern	208	179	86.1	29	13.9

Of the 38,500 guideline cases, 57 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	National				New York, Western			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>38,325</b>	<b>35,208</b>	<b>91.9</b>	<b>3,117</b>	<b>8.1</b>	<b>353</b>	<b>95.7</b>	<b>16</b>	<b>4.3</b>
Murder	84	57	67.9	27	32.1	0	--	0	--
Manslaughter	48	45	93.8	3	6.3	0	--	0	--
Kidnapping/Hostage Taking	62	49	79.0	13	21.0	0	--	0	--
Sexual Abuse	177	157	88.7	20	11.3	0	--	0	--
Assault	389	312	80.2	77	19.8	4	100.0	0	0.0
Robbery	1,600	1,437	89.8	163	10.2	21	95.5	1	4.5
Arson	96	84	87.5	12	12.5	0	--	0	--
Drugs - Trafficking	14,164	12,652	89.3	1,512	10.7	105	93.8	7	6.3
Drugs - Communication Facility	332	326	98.2	6	1.8	3	100.0	0	0.0
Drugs - Simple Possession	770	751	97.5	19	2.5	13	100.0	0	0.0
Firearms	2,568	2,249	87.6	319	12.4	22	95.7	1	4.3
Burglary/B&E	66	64	97.0	2	3.0	0	--	0	--
Auto Theft	149	142	95.3	7	4.7	0	--	0	--
Larceny	2,490	2,385	95.8	105	4.2	23	92.0	2	8.0
Fraud	5,905	5,554	94.1	351	5.9	72	100.0	0	0.0
Embezzlement	815	799	98.0	16	2.0	11	91.7	1	8.3
Forgery/Counterfeiting	790	756	95.7	34	4.3	8	100.0	0	0.0
Bribery	302	261	86.4	41	13.6	3	75.0	1	25.0
Tax	742	696	93.8	46	6.2	11	91.7	1	8.3
Money Laundering	832	772	92.8	60	7.2	6	100.0	0	0.0
Racketeering/Extortion	412	345	83.7	67	16.3	7	87.5	1	12.5
Gambling/Lottery	217	212	97.7	5	2.3	2	100.0	0	0.0
Civil Rights	102	93	91.2	9	8.8	0	--	0	--
Immigration	3,168	3,107	98.1	61	1.9	30	96.8	1	3.2
Pornography/Prostitution	96	89	92.7	7	7.3	2	100.0	0	0.0
Prison Offenses	373	347	93.0	26	7.0	1	100.0	0	0.0
Administration of Justice Offenses	722	677	93.8	45	6.2	4	100.0	0	0.0
Environmental/Wildlife	127	121	95.3	6	4.7	0	--	0	--
National Defense	35	28	80.0	7	20.0	0	--	0	--
Antitrust	18	17	94.4	1	5.6	0	--	0	--
Food & Drug	60	58	96.7	2	3.3	2	100.0	0	0.0
Other Miscellaneous Offenses	614	566	92.2	48	7.8	3	100.0	0	0.0

Of the 38,500 guideline cases, 175 cases were excluded due to one or both of the following reasons: missing primary offense category (123) or missing mode of conviction (57). Of the 370 guideline cases from the District of New York, Western, one case was excluded due to missing information on the primary offense category.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

**National**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,114</b>	<b>28,290</b>	<b>74.2</b>	<b>1,692</b>	<b>4.4</b>	<b>2,967</b>	<b>7.8</b>	<b>5,165</b>	<b>13.6</b>
Murder	85	81	95.3	0	0.0	3	3.5	1	1.2
Manslaughter	47	38	80.9	5	10.6	3	6.4	1	2.1
Kidnapping/Hostage Taking	62	61	98.4	0	0.0	1	1.6	0	0.0
Sexual Abuse	177	160	90.4	6	3.4	5	2.8	6	3.4
Assault	388	306	78.9	12	3.1	25	6.4	45	11.6
Robbery	1,594	1,530	96.0	43	2.7	8	0.5	13	0.8
Arson	97	83	85.6	2	2.1	7	7.2	5	5.2
Drugs - Trafficking	14,116	13,126	93.0	255	1.8	346	2.5	389	2.8
Drugs - Communication Facility	331	257	77.6	13	3.9	20	6.0	41	12.4
Drugs - Simple Possession	759	363	47.8	30	4.0	61	8.0	305	40.2
Firearms	2,566	2,258	88.0	94	3.7	95	3.7	119	4.6
Burglary/B&E	66	57	86.4	2	3.0	6	9.1	1	1.5
Auto Theft	147	105	71.4	4	2.7	17	11.6	21	14.3
Larceny	2,443	798	32.7	147	6.0	429	17.6	1,069	43.8
Fraud	5,864	3,090	52.7	556	9.5	911	15.5	1,307	22.3
Embezzlement	809	282	34.9	175	21.6	106	13.1	246	30.4
Forgery/Counterfeiting	787	401	51.0	41	5.2	115	14.6	230	29.2
Bribery	302	146	48.3	34	11.3	59	19.5	63	20.9
Tax	737	207	28.1	59	8.0	260	35.3	211	28.6
Money Laundering	831	572	68.8	40	4.8	83	10.0	136	16.4
Racketeering/Extortion	413	363	87.9	9	2.2	19	4.6	22	5.3
Gambling/Lottery	217	40	18.4	14	6.5	80	36.9	83	38.2
Civil Rights	102	54	52.9	1	1.0	15	14.7	32	31.4
Immigration	3,160	2,819	89.2	44	1.4	59	1.9	238	7.5
Pornography/Prostitution	95	70	73.7	3	3.2	9	9.5	13	13.7
Prison Offenses	373	328	87.9	21	5.6	8	2.1	16	4.3
Administration of Justice Offenses	717	433	60.4	40	5.6	87	12.1	157	21.9
Environmental/Wildlife	114	27	23.7	9	7.9	20	17.5	58	50.9
National Defense	35	29	82.9	2	5.7	1	2.9	3	8.6
Antitrust	18	12	66.7	0	0.0	4	22.2	2	11.1
Food & Drug	60	12	20.0	2	3.3	11	18.3	35	58.3
Other Miscellaneous Offenses	602	182	30.2	29	4.8	94	15.6	297	49.3

Of the 38,500 guideline cases, 386 cases were excluded due to one or more of the following reasons: missing sentencing information (152), missing primary offense category (123), or cases in which defendant received no imprisonment or probation (113).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**(October 1, 1994, through September 30, 1995)**

New York, Western

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>366</b>	<b>232</b>	<b>63.4</b>	<b>12</b>	<b>3.3</b>	<b>49</b>	<b>13.4</b>	<b>73</b>	<b>19.9</b>
Murder	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	0	0	--	0	--	0	--	0	--
Assault	4	4	100.0	0	0.0	0	0.0	0	0.0
Robbery	22	21	95.5	0	0.0	1	4.5	0	0.0
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	112	94	83.9	1	0.9	10	8.9	7	6.3
Drugs - Communication Facility	3	2	66.7	0	0.0	0	0.0	1	33.3
Drugs - Simple Possession	13	8	61.5	0	0.0	0	0.0	5	38.5
Firearms	23	17	73.9	1	4.3	3	13.0	2	8.7
Burglary/B&E	0	0	--	0	--	0	--	0	--
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	24	8	33.3	0	0.0	6	25.0	10	41.7
Fraud	71	31	43.7	8	11.3	14	19.7	18	25.4
Embezzlement	12	1	8.3	1	8.3	6	50.0	4	33.3
Forgery/Counterfeiting	8	1	12.5	0	0.0	0	0.0	7	87.5
Bribery	4	2	50.0	1	25.0	0	0.0	1	25.0
Tax	11	3	27.3	0	0.0	1	9.1	7	63.6
Money Laundering	6	2	33.3	0	0.0	3	50.0	1	16.7
Racketeering/Extortion	8	6	75.0	0	0.0	1	12.5	1	12.5
Gambling/Lottery	2	0	0.0	0	0.0	0	0.0	2	100.0
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	31	28	90.3	0	0.0	0	0.0	3	9.7
Pornography/Prostitution	2	2	100.0	0	0.0	0	0.0	0	0.0
Prison Offenses	1	1	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	4	1	25.0	0	0.0	2	50.0	1	25.0
Environmental/Wildlife	0	0	--	0	--	0	--	0	--
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	2	0	0.0	0	0.0	0	0.0	2	100.0
Other Miscellaneous Offenses	3	0	0.0	0	0.0	2	66.7	1	33.3

Of the 370 guideline cases from the District of New York, Western, four cases were excluded due to one or more of the following reasons: missing primary offense category (1), or cases in which defendant received no imprisonment or probation (4).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	National				New York, Western			
	Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>2,816</b>	<b>33.6</b>	<b>5,570</b>	<b>66.4</b>	<b>29</b>	<b>23.4</b>	<b>95</b>	<b>76.6</b>
<b>Fraud</b>	702	31.3	1,543	68.7	13	32.5	27	67.5
<b>Larceny</b>	335	20.6	1,288	79.4	3	15.8	16	84.2
<b>Immigration</b>	743	75.3	244	24.7	6	66.7	3	33.3
<b>Embezzlement</b>	187	42.6	252	57.4	1	11.1	8	88.9
<b>Drugs - Trafficking</b>	142	39.8	215	60.2	2	18.2	9	81.8
<b>Drugs - Simple Possession</b>	146	35.5	265	64.5	2	28.6	5	71.4
<b>Firearms</b>	48	35.0	89	65.0	0	0.0	1	100.0
<b>Forgery/Counterfeiting</b>	120	31.2	265	68.8	0	0.0	7	100.0
<b>Other Miscellaneous Offenses</b>	393	21.8	1,409	78.2	2	9.5	19	90.5

Of the 38,500 guideline cases, 30,114 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (30,044), missing sentencing information (152), or missing primary offense category (123).

Of the 370 guideline cases from the District of New York, Western, 246 cases were excluded due to one of the following reasons: defendant ineligible for non-prison alternatives (245) or missing primary offense category (1).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	National			New York, Western		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>63.1</b>	<b>33.0</b>	<b>29,912</b>	<b>45.8</b>	<b>24.0</b>	<b>243</b>
<b>Murder</b>	253.2	210.0	81	--	--	0
<b>Manslaughter</b>	45.7	41.0	43	--	--	0
<b>Kidnapping/Hostage Taking</b>	183.3	130.0	61	--	--	0
<b>Sexual Abuse</b>	81.4	38.5	166	--	--	0
<b>Assault</b>	54.9	33.0	316	34.0	24.0	3
<b>Robbery</b>	108.6	78.0	1,573	48.2	37.0	21
<b>Arson</b>	58.7	34.0	85	--	--	0
<b>Drugs - Trafficking</b>	89.7	60.0	13,367	68.7	51.0	95
<b>Drugs - Communication Facility</b>	38.2	41.0	269	51.5	--	2
<b>Drugs - Simple Possession</b>	12.0	6.0	391	13.4	12.0	8
<b>Firearms</b>	79.8	48.0	2,352	52.9	21.0	18
<b>Burglary/B&amp;E</b>	33.5	24.0	59	--	--	0
<b>Auto Theft</b>	23.2	18.0	109	--	--	0
<b>Larceny</b>	13.5	10.0	945	21.9	14.0	8
<b>Fraud</b>	18.3	12.0	3,639	12.9	9.0	39
<b>Embezzlement</b>	7.6	5.0	454	4.0	--	2
<b>Forgery/Counterfeiting</b>	14.4	12.0	442	12.0	--	1
<b>Bribery</b>	18.4	12.0	180	9.0	9.0	3
<b>Tax</b>	15.0	12.0	266	19.3	14.0	3
<b>Money Laundering</b>	40.0	33.0	609	14.5	--	2
<b>Racketeering/Extortion</b>	83.4	57.0	371	138.2	74.5	6
<b>Gambling/Lottery</b>	15.1	12.0	54	--	--	0
<b>Civil Rights</b>	43.7	27.0	55	--	--	0
<b>Immigration</b>	21.7	21.0	2,830	20.8	24.0	28
<b>Pornography/Prostitution</b>	41.3	24.0	73	24.0	--	2
<b>Prison Offenses</b>	22.1	18.0	349	15.0	--	1
<b>Administration of Justice Offenses</b>	21.0	18.0	469	36.0	--	1
<b>Environmental/Wildlife</b>	13.4	8.5	36	--	--	0
<b>National Defense</b>	20.8	15.0	31	--	--	0
<b>Antitrust</b>	9.2	7.0	12	--	--	0
<b>Food &amp; Drug</b>	32.6	14.0	14	--	--	0
<b>Other Miscellaneous Offenses</b>	15.9	8.0	211	--	--	0

Of the 38,500 guideline cases, 8,306 cases with zero months prison ordered were excluded. In addition, 282 cases were excluded due to one or both of the following reasons: missing primary offense category (63) or missing or indeterminable sentencing information (225).

Of the 370 guideline cases from the District of New York, Western, 127 cases were excluded due to the following reasons: missing primary offense category (1) or zero prison months ordered (126).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
(October 1, 1994, through September 30, 1995)**

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>36,975</b>	<b>26,259</b>	<b>71.0</b>	<b>7,271</b>	<b>19.7</b>	<b>3,110</b>	<b>8.4</b>	<b>335</b>	<b>0.9</b>
<b>D.C. CIRCUIT</b>	408	283	69.4	80	19.6	38	9.3	7	1.7
District of Columbia	408	283	69.4	80	19.6	38	9.3	7	1.7
<b>FIRST CIRCUIT</b>	1,223	890	72.8	215	17.6	98	8.0	20	1.6
Maine	137	99	72.3	32	23.4	3	2.2	3	2.2
Massachusetts	381	253	66.4	62	16.3	53	13.9	13	3.4
New Hampshire	118	51	43.2	64	54.2	1	0.8	2	1.7
Puerto Rico	475	382	80.4	57	12.0	34	7.2	2	0.4
Rhode Island	112	105	93.8	0	0.0	7	6.3	0	0.0
<b>SECOND CIRCUIT</b>	3,268	2,079	63.6	641	19.6	528	16.2	20	0.6
Connecticut	215	113	52.6	32	14.9	64	29.8	6	2.8
New York									
Eastern	1,144	633	55.3	226	19.8	283	24.7	2	0.2
Northern	437	287	65.7	111	25.4	37	8.5	2	0.5
Southern	993	710	71.5	179	18.0	99	10.0	5	0.5
Western	370	262	70.8	73	19.7	33	8.9	2	0.5
Vermont	109	74	67.9	20	18.3	12	11.0	3	2.8
<b>THIRD CIRCUIT</b>	2,036	1,273	62.5	621	30.5	121	5.9	21	1.0
Delaware	65	52	80.0	10	15.4	3	4.6	0	0.0
New Jersey	519	334	64.4	149	28.7	29	5.6	7	1.3
Pennsylvania									
Eastern	709	364	51.3	298	42.0	44	6.2	3	0.4
Middle	295	188	63.7	87	29.5	18	6.1	2	0.7
Western	322	225	69.9	67	20.8	26	8.1	4	1.2
Virgin Islands	126	110	87.3	10	7.9	1	0.8	5	4.0
<b>FOURTH CIRCUIT</b>	4,038	2,847	70.5	989	24.5	157	3.9	45	1.1
Maryland	391	231	59.1	105	26.9	48	12.3	7	1.8
North Carolina									
Eastern	529	334	63.1	171	32.3	17	3.2	7	1.3
Middle	336	240	71.4	79	23.5	9	2.7	8	2.4
Western	515	258	50.1	242	47.0	14	2.7	1	0.2
South Carolina	687	488	71.0	181	26.3	16	2.3	2	0.3
Virginia									
Eastern	885	801	90.5	53	6.0	26	2.9	5	0.6
Western	348	207	59.5	117	33.6	16	4.6	8	2.3
West Virginia									
Northern	157	121	77.1	28	17.8	5	3.2	3	1.9
Southern	190	167	87.9	13	6.8	6	3.2	4	2.1

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	5,234	3,909	74.7	1,000	19.1	266	5.1	59	1.1
Louisiana									
Eastern	359	280	78.0	65	18.1	13	3.6	1	0.3
Middle	71	55	77.5	9	12.7	6	8.5	1	1.4
Western	255	225	88.2	22	8.6	5	2.0	3	1.2
Mississippi									
Northern	160	100	62.5	49	30.6	8	5.0	3	1.9
Southern	197	155	78.7	36	18.3	4	2.0	2	1.0
Texas									
Eastern	419	335	80.0	49	11.7	27	6.4	8	1.9
Northern	865	650	75.1	162	18.7	45	5.2	8	0.9
Southern	1,484	1,102	74.3	315	21.2	58	3.9	9	0.6
Western	1,424	1,007	70.7	293	20.6	100	7.0	24	1.7
<b>SIXTH CIRCUIT</b>	3,727	2,730	73.2	792	21.3	180	4.8	25	0.7
Kentucky									
Eastern	310	244	78.7	59	19.0	6	1.9	1	0.3
Western	312	278	89.1	22	7.1	11	3.5	1	0.3
Michigan									
Eastern	873	584	66.9	218	25.0	65	7.4	6	0.7
Western	334	252	75.4	75	22.5	6	1.8	1	0.3
Ohio									
Northern	644	496	77.0	101	15.7	46	7.1	1	0.2
Southern	320	222	69.4	81	25.3	14	4.4	3	0.9
Tennessee									
Eastern	398	252	63.3	133	33.4	10	2.5	3	0.8
Middle	166	133	80.1	26	15.7	6	3.6	1	0.6
Western	370	269	72.7	77	20.8	16	4.3	8	2.2
<b>SEVENTH CIRCUIT</b>	1,773	1,409	79.5	302	17.0	50	2.8	12	0.7
Illinois									
Central	192	131	68.2	55	28.6	3	1.6	3	1.6
Northern	629	485	77.1	115	18.3	24	3.8	5	0.8
Southern	270	223	82.6	39	14.4	8	3.0	0	0.0
Indiana									
Northern	191	153	80.1	34	17.8	3	1.6	1	0.5
Southern	192	149	77.6	37	19.3	6	3.1	0	0.0
Wisconsin									
Eastern	200	176	88.0	18	9.0	4	2.0	2	1.0
Western	99	92	92.9	4	4.0	2	2.0	1	1.0
<b>EIGHTH CIRCUIT</b>	2,277	1,658	72.8	472	20.7	127	5.6	20	0.9
Arkansas									
Eastern	248	194	78.2	39	15.7	14	5.6	1	0.4
Western	98	91	92.9	4	4.1	2	2.0	1	1.0
Iowa									
Northern	104	81	77.9	18	17.3	3	2.9	2	1.9
Southern	142	93	65.5	39	27.5	9	6.3	1	0.7
Minnesota	380	247	65.0	90	23.7	36	9.5	7	1.8
Missouri									
Eastern	379	296	78.1	70	18.5	13	3.4	0	0.0
Western	392	253	64.5	126	32.1	11	2.8	2	0.5
Nebraska	174	114	65.5	49	28.2	10	5.7	1	0.6
North Dakota	160	117	73.1	26	16.3	16	10.0	1	0.6
South Dakota	200	172	86.0	11	5.5	13	6.5	4	2.0

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	6,828	4,653	68.1	971	14.2	1,148	16.8	56	0.8
Alaska	100	65	65.0	14	14.0	21	21.0	0	0.0
Arizona	973	442	45.4	121	12.4	404	41.5	6	0.6
California									
Central	888	793	89.3	57	6.4	34	3.8	4	0.5
Eastern	635	486	76.5	82	12.9	65	10.2	2	0.3
Northern	370	270	73.0	51	13.8	43	11.6	6	1.6
Southern	1,740	1,085	62.4	272	15.6	366	21.0	17	1.0
Guam	121	104	86.0	15	12.4	0	0.0	2	1.7
Hawaii	224	160	71.4	51	22.8	13	5.8	0	0.0
Idaho	81	58	71.6	18	22.2	3	3.7	2	2.5
Montana	184	118	64.1	41	22.3	24	13.0	1	0.5
Nevada	414	291	70.3	71	17.1	47	11.4	5	1.2
Northern Mariana Islands	8	4	50.0	4	50.0	0	0.0	0	0.0
Oregon	442	326	73.8	62	14.0	51	11.5	3	0.7
Washington									
Eastern	262	193	73.7	23	8.8	44	16.8	2	0.8
Western	386	258	66.8	89	23.1	33	8.5	6	1.6
<b>TENTH CIRCUIT</b>	2,033	1,550	76.2	247	12.1	222	10.9	14	0.7
Colorado	331	219	66.2	76	23.0	36	10.9	0	0.0
Kansas	321	259	80.7	40	12.5	20	6.2	2	0.6
New Mexico	650	496	76.3	32	4.9	119	18.3	3	0.5
Oklahoma									
Eastern	60	53	88.3	3	5.0	3	5.0	1	1.7
Northern	167	145	86.8	15	9.0	5	3.0	2	1.2
Western	191	165	86.4	20	10.5	4	2.1	2	1.0
Utah	208	142	68.3	35	16.8	28	13.5	3	1.4
Wyoming	105	71	67.6	26	24.8	7	6.7	1	1.0
<b>ELEVENTH CIRCUIT</b>	4,130	2,978	72.1	941	22.8	175	4.2	36	0.9
Alabama									
Middle	170	140	82.4	24	14.1	4	2.4	2	1.2
Northern	267	199	74.5	57	21.3	10	3.7	1	0.4
Southern	269	178	66.2	80	29.7	7	2.6	4	1.5
Florida									
Middle	821	511	62.2	268	32.6	40	4.9	2	0.2
Northern	328	198	60.4	118	36.0	8	2.4	4	1.2
Southern	1,213	972	80.1	168	13.8	67	5.5	6	0.5
Georgia									
Middle	325	238	73.2	71	21.8	8	2.5	8	2.5
Northern	531	403	75.9	104	19.6	20	3.8	4	0.8
Southern	206	139	67.5	51	24.8	11	5.3	5	2.4

Of the 38,500 guideline cases, 253 with no analogous guidelines were excluded from the table. Of the remaining 38,247 cases, 1,272 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Central California (26.9%), Eastern New York (21.3%), Oregon (9.6%), Northern California (7.5%), Northern Illinois (7.4%), Eastern Pennsylvania (7.0%), Alaska (6.5%), Western North Carolina (5.7%), and Southern California (5.4%).

Descriptions of variables used in this table are provided in Appendix A of the 1995 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
(October 1, 1994, through September 30, 1995)**

**National**

PRIMARY OFFENSE	TOTAL	SENTENCED		SUBSTANTIAL		OTHER		UPWARD	
		WITHIN		ASSISTANCE		DOWNWARD		DEPARTURE	
		GUIDELINE RANGE		DEPARTURE		DEPARTURE		DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>36,868</b>	<b>26,169</b>	<b>71.0</b>	<b>7,263</b>	<b>19.7</b>	<b>3,102</b>	<b>8.4</b>	<b>334</b>	<b>0.9</b>
Robbery	1,541	1,142	74.1	196	12.7	164	10.6	39	2.5
Drugs - Trafficking	13,784	7,920	57.5	4,627	33.6	1,207	8.8	30	0.2
Drugs - Simple Possession	729	689	94.5	18	2.5	10	1.4	12	1.6
Firearms	2,440	1,860	76.2	306	12.5	225	9.2	49	2.0
Larceny	2,415	2,150	89.0	147	6.1	90	3.7	28	1.2
Fraud	5,664	4,384	77.4	850	15.0	381	6.7	49	0.9
Embezzlement	784	661	84.3	43	5.5	79	10.1	1	0.1
Forgery/Counterfeiting	771	651	84.4	83	10.8	31	4.0	6	0.8
Immigration	3,018	2,518	83.4	65	2.2	402	13.3	33	1.1
Other Miscellaneous Offenses	5,722	4,194	73.3	928	16.2	513	9.0	87	1.5

**New York, Western**

PRIMARY OFFENSE	TOTAL	SENTENCED		SUBSTANTIAL		OTHER		UPWARD	
		WITHIN		ASSISTANCE		DOWNWARD		DEPARTURE	
		GUIDELINE RANGE		DEPARTURE		DEPARTURE		DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>369</b>	<b>261</b>	<b>70.7</b>	<b>73</b>	<b>19.8</b>	<b>33</b>	<b>8.9</b>	<b>2</b>	<b>0.5</b>
Robbery	22	14	63.6	6	27.3	2	9.1	0	0.0
Drugs - Trafficking	112	69	61.6	33	29.5	10	8.9	0	0.0
Drugs - Simple Possession	13	13	100.0	0	0.0	0	0.0	0	0.0
Firearms	23	11	47.8	6	26.1	6	26.1	0	0.0
Larceny	25	21	84.0	2	8.0	2	8.0	0	0.0
Fraud	72	57	79.2	10	13.9	4	5.6	1	1.4
Embezzlement	12	9	75.0	0	0.0	3	25.0	0	0.0
Forgery/Counterfeiting	8	7	87.5	1	12.5	0	0.0	0	0.0
Immigration	31	30	96.8	1	3.2	0	0.0	0	0.0
Other Miscellaneous Offenses	51	30	58.8	14	27.5	6	11.8	1	2.0

Of the 38,500 guideline cases, 1,632 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (1,525) or missing primary offense category (123).

Of the 370 guideline cases from the District of New York, Western, one case was excluded due to missing information on the primary offense category.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.