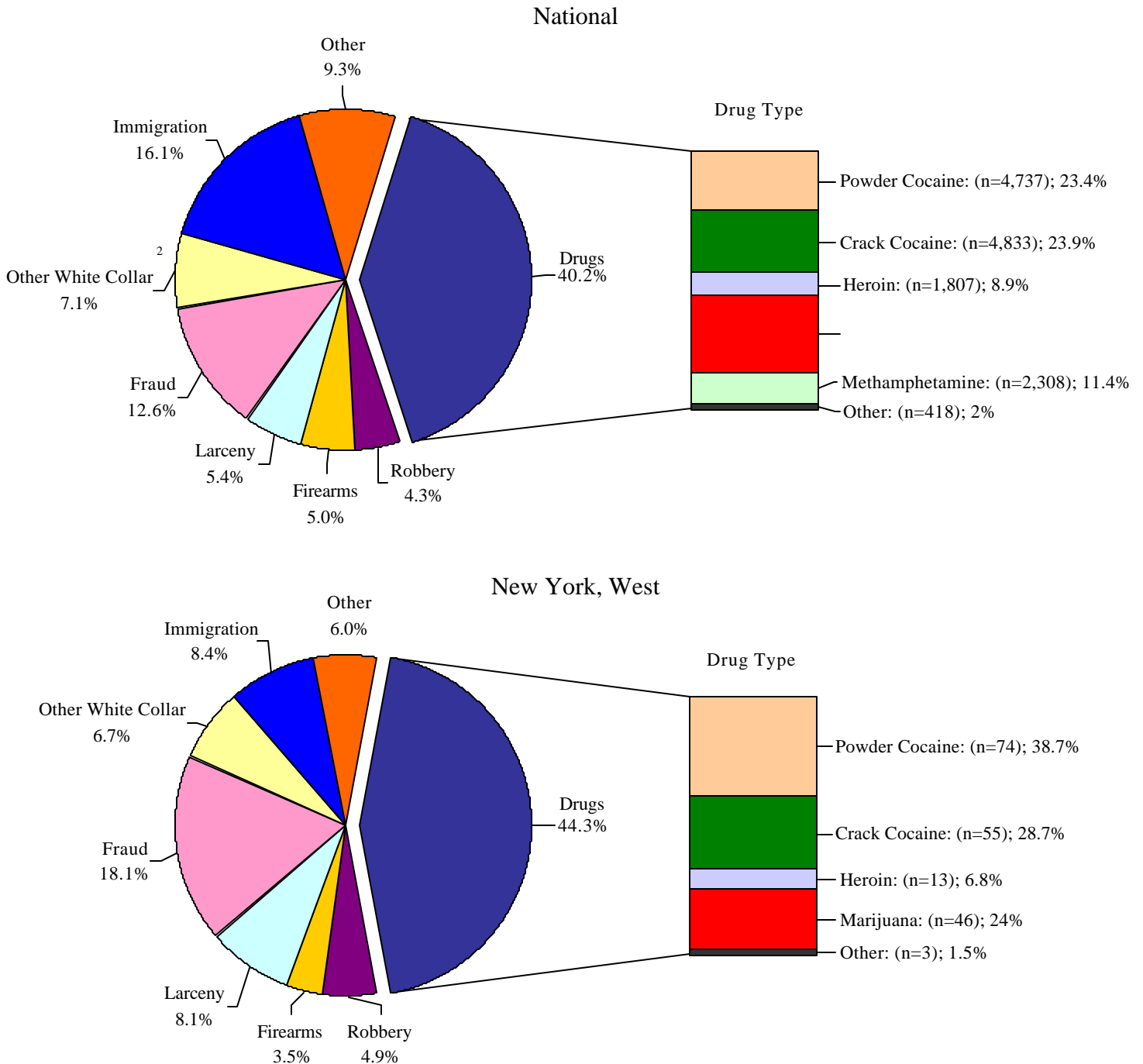


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT  
PRIMARY OFFENSE CATEGORY<sup>1</sup>  
FISCAL YEAR 1998**



<sup>1</sup>Of the 50,754 guideline cases, 603 cases were excluded due to one of the following reasons: missing primary offense category (149) or missing drug type(454).

<sup>2</sup>The Other White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

PRIMARY OFFENSE	National		New York, West	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>50,605</b>	<b>100.0</b>	<b>432</b>	<b>100.0</b>
<b>Murder</b>	109	0.2	0	0.0
<b>Manslaughter</b>	58	0.1	0	0.0
<b>Kidnapping/Hostage Taking</b>	79	0.2	1	0.2
<b>Sexual Abuse</b>	225	0.4	2	0.5
<b>Assault</b>	512	1.0	0	0.0
<b>Robbery</b>	2,138	4.2	21	4.9
<b>Arson</b>	102	0.2	0	0.0
<b>Drugs - Trafficking</b>	19,615	38.8	173	40.0
<b>Drugs - Communication Facility</b>	402	0.8	15	3.5
<b>Drugs - Simple Possession</b>	601	1.2	4	0.9
<b>Firearms</b>	2,496	4.9	15	3.5
<b>Burglary/B&amp;E</b>	71	0.1	0	0.0
<b>Auto Theft</b>	141	0.3	0	0.0
<b>Larceny</b>	2,705	5.3	35	8.1
<b>Fraud</b>	6,330	12.5	78	18.1
<b>Embezzlement</b>	770	1.5	6	1.4
<b>Forgery/Counterfeiting</b>	776	1.5	3	0.7
<b>Bribery</b>	252	0.5	0	0.0
<b>Tax</b>	859	1.7	12	2.8
<b>Money Laundering</b>	913	1.8	8	1.9
<b>Racketeering/Extortion</b>	639	1.3	3	0.7
<b>Gambling/Lottery</b>	152	0.3	2	0.5
<b>Civil Rights</b>	105	0.2	0	0.0
<b>Immigration</b>	8,062	15.9	36	8.3
<b>Pornography/Prostitution</b>	332	0.7	5	1.2
<b>Prison Offenses</b>	294	0.6	2	0.5
<b>Administration of Justice Offenses</b>	790	1.6	4	0.9
<b>Environmental/Wildlife</b>	104	0.2	0	0.0
<b>National Defense</b>	19	0.0	0	0.0
<b>Antitrust</b>	11	0.0	2	0.5
<b>Food &amp; Drug</b>	46	0.1	0	0.0
<b>Other Miscellaneous Offenses</b>	897	1.8	5	1.2

Of the 50,754 guideline cases, 149 cases were excluded due to missing information on primary offense category.

Of the 433 guideline cases from the Western District of New York, one case was excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 2**  
**MODE OF CONVICTION BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1998**

<b>CIRCUIT</b> <b>District</b>	<b>TOTAL</b>	<b>PLEA</b>		<b>TRIAL</b>	
		<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>50,547</b>	<b>47,294</b>	<b>93.6</b>	<b>3,253</b>	<b>6.4</b>
<b>D.C. CIRCUIT</b>	470	444	94.5	26	5.5
District of Columbia	470	444	94.5	26	5.5
<b>FIRST CIRCUIT</b>	1,207	1,094	90.6	113	9.4
Maine	146	133	91.1	13	8.9
Massachusetts	492	451	91.7	41	8.3
New Hampshire	137	126	92.0	11	8.0
Puerto Rico	318	284	89.3	34	10.7
Rhode Island	114	100	87.7	14	12.3
<b>SECOND CIRCUIT</b>	4,178	3,972	95.1	206	4.9
Connecticut	300	277	92.3	23	7.7
New York					
Eastern	1,480	1,422	96.1	58	3.9
Northern	372	352	94.6	20	5.4
Southern	1,482	1,400	94.5	82	5.5
Western	433	414	95.6	19	4.4
Vermont	111	107	96.4	4	3.6
<b>THIRD CIRCUIT</b>	2,410	2,242	93.0	168	7.0
Delaware	126	122	96.8	4	3.2
New Jersey	685	652	95.2	33	4.8
Pennsylvania					
Eastern	914	824	90.2	90	9.8
Middle	294	275	93.5	19	6.5
Western	281	269	95.7	12	4.3
Virgin Islands	110	100	90.9	10	9.1
<b>FOURTH CIRCUIT</b>	4,643	4,241	91.3	402	8.7
Maryland	425	353	83.1	72	16.9
North Carolina					
Eastern	437	415	95.0	22	5.0
Middle	320	290	90.6	30	9.4
Western	477	451	94.5	26	5.5
South Carolina	832	794	95.4	38	4.6
Virginia					
Eastern	1,308	1,178	90.1	130	9.9
Western	406	347	85.5	59	14.5
West Virginia					
Northern	167	156	93.4	11	6.6
Southern	271	257	94.8	14	5.2

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	8,957	8,499	94.9	458	5.1
Louisiana					
Eastern	396	391	98.7	5	1.3
Middle	117	107	91.5	10	8.5
Western	287	259	90.2	28	9.8
Mississippi					
Northern	143	133	93.0	10	7.0
Southern	238	224	94.1	14	5.9
Texas					
Eastern	551	506	91.8	45	8.2
Northern	1,038	980	94.4	58	5.6
Southern	2,799	2,644	94.5	155	5.5
Western	3,388	3,255	96.1	133	3.9
<b>SIXTH CIRCUIT</b>	3,898	3,637	93.3	261	6.7
Kentucky					
Eastern	382	353	92.4	29	7.6
Western	340	302	88.8	38	11.2
Michigan					
Eastern	761	714	93.8	47	6.2
Western	291	265	91.1	26	8.9
Ohio					
Northern	761	736	96.7	25	3.3
Southern	466	454	97.4	12	2.6
Tennessee					
Eastern	337	318	94.4	19	5.6
Middle	178	162	91.0	16	9.0
Western	382	333	87.2	49	12.8
<b>SEVENTH CIRCUIT</b>	1,812	1,616	89.2	196	10.8
Illinois					
Central	229	211	92.1	18	7.9
Northern	485	408	84.1	77	15.9
Southern	278	249	89.6	29	10.4
Indiana					
Northern	270	241	89.3	29	10.7
Southern	220	200	90.9	20	9.1
Wisconsin					
Eastern	200	184	92.0	16	8.0
Western	130	123	94.6	7	5.4
<b>EIGHTH CIRCUIT</b>	2,909	2,661	91.5	248	8.5
Arkansas					
Eastern	290	267	92.1	23	7.9
Western	115	109	94.8	6	5.2
Iowa					
Northern	162	141	87.0	21	13.0
Southern	237	221	93.2	16	6.8
Minnesota	358	313	87.4	45	12.6
Missouri					
Eastern	532	505	94.9	27	5.1
Western	425	390	91.8	35	8.2
Nebraska	274	252	92.0	22	8.0
North Dakota	171	160	93.6	11	6.4
South Dakota	345	303	87.8	42	12.2

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	11,447	11,009	96.2	438	3.8
Alaska	186	170	91.4	16	8.6
Arizona	2,268	2,245	99.0	23	1.0
California					
Central	1,324	1,261	95.2	63	4.8
Eastern	906	849	93.7	57	6.3
Northern	580	552	95.2	28	4.8
Southern	3,442	3,357	97.5	85	2.5
Guam	240	230	95.8	10	4.2
Hawaii	269	248	92.2	21	7.8
Idaho	96	75	78.1	21	21.9
Montana	229	205	89.5	24	10.5
Nevada	523	484	92.5	39	7.5
Northern Mariana Islands	21	20	95.2	1	4.8
Oregon	574	559	97.4	15	2.6
Washington					
Eastern	270	260	96.3	10	3.7
Western	519	494	95.2	25	4.8
<b>TENTH CIRCUIT</b>	2,792	2,640	94.6	152	5.4
Colorado	432	418	96.8	14	3.2
Kansas	419	385	91.9	34	8.1
New Mexico	846	801	94.7	45	5.3
Oklahoma					
Eastern	66	63	95.5	3	4.5
Northern	192	179	93.2	13	6.8
Western	246	232	94.3	14	5.7
Utah	466	443	95.1	23	4.9
Wyoming	125	119	95.2	6	4.8
<b>ELEVENTH CIRCUIT</b>	5,824	5,239	90.0	585	10.0
Alabama					
Middle	226	195	86.3	31	13.7
Northern	340	320	94.1	20	5.9
Southern	381	338	88.7	43	11.3
Florida					
Middle	1,480	1,370	92.6	110	7.4
Northern	399	333	83.5	66	16.5
Southern	1,701	1,506	88.5	195	11.5
Georgia					
Middle	389	350	90.0	39	10.0
Northern	600	573	95.5	27	4.5
Southern	308	254	82.5	54	17.5

Of the 50,754 guideline cases, 207 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

PRIMARY OFFENSE	TOTAL	National				New York, West			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>50,415</b>	<b>47,170</b>	<b>93.6</b>	<b>3,245</b>	<b>6.4</b>	<b>413</b>	<b>95.6</b>	<b>19</b>	<b>4.4</b>
Murder	109	81	74.3	28	25.7	0	--	0	--
Manslaughter	58	54	93.1	4	6.9	0	--	0	--
Kidnapping/Hostage Taking	79	57	72.2	22	27.8	1	100.0	0	0.0
Sexual Abuse	224	199	88.8	25	11.2	2	100.0	0	0.0
Assault	510	446	87.5	64	12.5	0	--	0	--
Robbery	2,126	1,926	90.6	200	9.4	21	100.0	0	0.0
Arson	101	80	79.2	21	20.8	0	--	0	--
Drugs - Trafficking	19,547	18,016	92.2	1,531	7.8	167	96.5	6	3.5
Drugs - Communication Facility	402	397	98.8	5	1.2	14	93.3	1	6.7
Drugs - Simple Possession	590	558	94.6	32	5.4	4	100.0	0	0.0
Firearms	2,488	2,244	90.2	244	9.8	15	100.0	0	0.0
Burglary/B&E	71	68	95.8	3	4.2	0	--	0	--
Auto Theft	141	121	85.8	20	14.2	0	--	0	--
Larceny	2,692	2,613	97.1	79	2.9	35	100.0	0	0.0
Fraud	6,306	5,955	94.4	351	5.6	70	89.7	8	10.3
Embezzlement	770	750	97.4	20	2.6	6	100.0	0	0.0
Forgery/Counterfeiting	775	749	96.6	26	3.4	3	100.0	0	0.0
Bribery	251	234	93.2	17	6.8	0	--	0	--
Tax	857	790	92.2	67	7.8	12	100.0	0	0.0
Money Laundering	906	809	89.3	97	10.7	8	100.0	0	0.0
Racketeering/Extortion	635	559	88.0	76	12.0	2	66.7	1	33.3
Gambling/Lottery	151	145	96.0	6	4.0	2	100.0	0	0.0
Civil Rights	105	84	80.0	21	20.0	0	--	0	--
Immigration	8,039	7,904	98.3	135	1.7	35	97.2	1	2.8
Pornography/Prostitution	331	312	94.3	19	5.7	5	100.0	0	0.0
Prison Offenses	293	286	97.6	7	2.4	1	50.0	1	50.0
Administration of Justice Offense:	789	736	93.3	53	6.7	4	100.0	0	0.0
Environmental/Wildlife	104	103	99.0	1	1.0	0	--	0	--
National Defense	19	16	84.2	3	15.8	0	--	0	--
Antitrust	11	10	90.9	1	9.1	1	50.0	1	50.0
Food & Drug	46	44	95.7	2	4.3	0	--	0	--
Other Miscellaneous Offenses	889	824	92.7	65	7.3	5	100.0	0	0.0

Of the 50,754 guideline cases, 339 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing mode of conviction (207). Of the 433 guideline cases from the Western District of New York, 1 case was excluded due to missing primary offense category.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

**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>50,076</b>	<b>39,354</b>	<b>78.6</b>	<b>2,128</b>	<b>4.2</b>	<b>3,116</b>	<b>6.2</b>	<b>5,478</b>	<b>10.9</b>
Murder	108	105	97.2	2	1.9	0	0.0	1	0.9
Manslaughter	58	48	82.8	5	8.6	4	6.9	1	1.7
Kidnapping/Hostage Taking	79	75	94.9	2	2.5	1	1.3	1	1.3
Sexual Abuse	223	200	89.7	7	3.1	8	3.6	8	3.6
Assault	502	379	75.5	19	3.8	28	5.6	76	15.1
Robbery	2,128	2,060	96.8	35	1.6	14	0.7	19	0.9
Arson	101	87	86.1	3	3.0	6	5.9	5	5.0
Drugs - Trafficking	19,489	18,261	93.7	447	2.3	360	1.8	421	2.2
Drugs - Communication Facility	402	331	82.3	12	3.0	26	6.5	33	8.2
Drugs - Simple Possession	575	185	32.2	11	1.9	40	7.0	339	59.0
Firearms	2,481	2,158	87.0	87	3.5	113	4.6	123	5.0
Burglary/B&E	71	60	84.5	4	5.6	4	5.6	3	4.2
Auto Theft	140	103	73.6	10	7.1	16	11.4	11	7.9
Larceny	2,633	921	35.0	168	6.4	461	17.5	1,083	41.1
Fraud	6,257	3,395	54.3	661	10.6	958	15.3	1,243	19.9
Embezzlement	755	262	34.7	189	25.0	91	12.1	213	28.2
Forgery/Counterfeiting	774	446	57.6	58	7.5	123	15.9	147	19.0
Bribery	248	116	46.8	30	12.1	51	20.6	51	20.6
Tax	850	272	32.0	116	13.6	227	26.7	235	27.6
Money Laundering	898	646	71.9	43	4.8	88	9.8	121	13.5
Racketeering/Extortion	633	559	88.3	16	2.5	20	3.2	38	6.0
Gambling/Lottery	152	32	21.1	14	9.2	61	40.1	45	29.6
Civil Rights	103	58	56.3	7	6.8	7	6.8	31	30.1
Immigration	7,996	7,322	91.6	71	0.9	90	1.1	513	6.4
Pornography/Prostitution	328	256	78.0	19	5.8	31	9.5	22	6.7
Prison Offenses	287	255	88.9	10	3.5	9	3.1	13	4.5
Administration of Justice Offense	787	438	55.7	38	4.8	114	14.5	197	25.0
Environmental/Wildlife	97	18	18.6	6	6.2	30	30.9	43	44.3
National Defense	19	11	57.9	1	5.3	2	10.5	5	26.3
Antitrust	9	2	22.2	2	22.2	4	44.4	1	11.1
Food & Drug	43	6	14.0	2	4.7	7	16.3	28	65.1
Other Miscellaneous Offenses	850	287	33.8	33	3.9	122	14.4	408	48.0

Of the 50,754 guideline cases, 678 cases were excluded due to one or more of the following reasons: missing sentencing information (372), missing primary offense category (149), or cases in which defendant received neither imprisonment nor probation (177).

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 5**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

**New York, West**

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>432</b>	<b>273</b>	<b>63.2</b>	<b>28</b>	<b>6.5</b>	<b>46</b>	<b>10.6</b>	<b>85</b>	<b>19.7</b>
Murder	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	1	1	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	2	2	100.0	0	0.0	0	0.0	0	0.0
Assault	0	0	--	0	--	0	--	0	--
Robbery	21	21	100.0	0	0.0	0	0.0	0	0.0
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	173	143	82.7	10	5.8	9	5.2	11	6.4
Drugs - Communication Facility	15	5	33.3	1	6.7	3	20.0	6	40.0
Drugs - Simple Possession	4	1	25.0	0	0.0	1	25.0	2	50.0
Firearms	15	9	60.0	4	26.7	1	6.7	1	6.7
Burglary/B&E	0	0	--	0	--	0	--	0	--
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	35	6	17.1	2	5.7	6	17.1	21	60.0
Fraud	78	38	48.7	8	10.3	16	20.5	16	20.5
Embezzlement	6	3	50.0	1	16.7	0	0.0	2	33.3
Forgery/Counterfeiting	3	2	66.7	0	0.0	1	33.3	0	0.0
Bribery	0	0	--	0	--	0	--	0	--
Tax	12	3	25.0	0	0.0	5	41.7	4	33.3
Money Laundering	8	3	37.5	1	12.5	1	12.5	3	37.5
Racketeering/Extortion	3	2	66.7	0	0.0	0	0.0	1	33.3
Gambling/Lottery	2	0	0.0	0	0.0	0	0.0	2	100.0
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	36	23	63.9	0	0.0	2	5.6	11	30.6
Pornography/Prostitution	5	4	80.0	1	20.0	0	0.0	0	0.0
Prison Offenses	2	2	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offense	4	4	100.0	0	0.0	0	0.0	0	0.0
Environmental/Wildlife	0	0	--	0	--	0	--	0	--
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	2	0	0.0	0	0.0	1	50.0	1	50.0
Food & Drug	0	0	--	0	--	0	--	0	--
Other Miscellaneous Offenses	5	1	20.0	0	0.0	0	0.0	4	80.0

Of the 433 guideline cases from the Western District of New York, 1 case was excluded due to missing primary offense category.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

PRIMARY OFFENSE	National				New York, West			
	Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>3,732</b>	<b>39.6</b>	<b>5,700</b>	<b>60.4</b>	<b>20</b>	<b>19.6</b>	<b>82</b>	<b>80.4</b>
<b>Fraud</b>	734	32.0	1,558	68.0	11	36.7	19	63.3
<b>Larceny</b>	310	19.4	1,290	80.6	2	8.3	22	91.7
<b>Immigration</b>	1,690	77.8	482	22.2	4	28.6	10	71.4
<b>Embezzlement</b>	215	47.5	238	52.5	0	0.0	2	100.0
<b>Drugs - Trafficking</b>	156	44.2	197	55.8	1	12.5	7	87.5
<b>Drugs - Simple Possession</b>	103	27.5	272	72.5	0	0.0	2	100.0
<b>Firearms</b>	24	19.8	97	80.2	0	--	0	--
<b>Forgery/Counterfeiting</b>	111	34.6	210	65.4	0	0.0	1	100.0
<b>Other Miscellaneous Offenses</b>	389	22.3	1,356	77.7	2	9.5	19	90.5

Of the 50,754 guideline cases, 41,332 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (41,299), missing primary offense category (149), or missing sentencing information (372).

Of the 433 guideline cases from the Western District of New York, 331 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison alternatives (331), missing primary offense category (1).

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

PRIMARY OFFENSE	National			New York, West		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>57.7</b>	<b>30.0</b>	<b>41,180</b>	<b>40.0</b>	<b>30.0</b>	<b>298</b>
<b>Murder</b>	249.6	210.0	107	--	--	0
<b>Manslaughter</b>	48.0	21.0	53	--	--	0
<b>Kidnapping/Hostage Taking</b>	165.1	96.0	75	30.0	--	1
<b>Sexual Abuse</b>	75.7	34.0	207	65.0	--	2
<b>Assault</b>	39.1	27.0	392	--	--	0
<b>Robbery</b>	114.8	78.0	2,095	59.4	44.0	21
<b>Arson</b>	65.2	58.5	90	--	--	0
<b>Drugs - Trafficking</b>	79.2	57.0	18,654	48.6	37.0	153
<b>Drugs - Communication Facility</b>	45.5	48.0	342	52.2	48.0	6
<b>Drugs - Simple Possession</b>	19.0	6.0	182	84.0	--	1
<b>Firearms</b>	68.8	41.0	2,244	40.2	34.0	13
<b>Burglary/B&amp;E</b>	26.3	24.0	64	--	--	0
<b>Auto Theft</b>	28.1	24.0	112	--	--	0
<b>Larceny</b>	14.0	12.0	1,083	15.6	12.0	8
<b>Fraud</b>	18.0	13.0	4,022	20.6	16.0	46
<b>Embezzlement</b>	6.4	4.0	447	9.3	10.0	4
<b>Forgery/Counterfeiting</b>	14.7	12.0	502	10.0	--	2
<b>Bribery</b>	19.1	12.0	145	--	--	0
<b>Tax</b>	14.1	12.0	387	24.0	--	2
<b>Money Laundering</b>	40.2	33.0	686	21.5	20.0	4
<b>Racketeering/Extortion</b>	97.3	60.0	573	54.0	--	2
<b>Gambling/Lottery</b>	14.9	12.0	46	--	--	0
<b>Civil Rights</b>	51.9	30.0	65	--	--	0
<b>Immigration</b>	24.4	22.0	7,231	23.5	24.0	21
<b>Pornography/Prostitution</b>	46.1	27.0	275	38.4	30.0	5
<b>Prison Offenses</b>	19.4	15.0	265	18.5	--	2
<b>Administration of Justice Offenses</b>	21.1	15.0	473	16.5	15.0	4
<b>Environmental/Wildlife</b>	9.4	7.0	24	--	--	0
<b>National Defense</b>	17.3	18.0	12	--	--	0
<b>Antitrust</b>	9.3	9.5	4	--	--	0
<b>Food &amp; Drug</b>	28.9	30.0	8	--	--	0
<b>Other Miscellaneous Offenses</b>	14.2	8.0	315	12.0	--	1

Of the 50,754 guideline cases, 8,803 cases with zero months prison ordered were excluded. In addition, 771 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing or indeterminable sentencing information (677).

Of the 433 guideline cases from the Western District of New York, 131 cases with zero months prison ordered were excluded. In addition, 600 cases were excluded due to one or both of the following reasons: missing primary offense category (1) or missing or indeterminable sentencing information (3).

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

**Table 8**  
**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1998**

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>47,896</b>	<b>31,772</b>	<b>66.3</b>	<b>9,224</b>	<b>19.3</b>	<b>6,509</b>	<b>13.6</b>	<b>391</b>	<b>0.8</b>
<b>D.C. CIRCUIT</b>	463	338	73.0	83	17.9	40	8.6	2	0.4
District of Columbia	463	338	73.0	83	17.9	40	8.6	2	0.4
<b>FIRST CIRCUIT</b>	1,178	782	66.4	253	21.5	120	10.2	23	2.0
Maine	146	104	71.2	31	21.2	9	6.2	2	1.4
Massachusetts	473	265	56.0	116	24.5	83	17.5	9	1.9
New Hampshire	137	71	51.8	58	42.3	4	2.9	4	2.9
Puerto Rico	309	255	82.5	39	12.6	14	4.5	1	0.3
Rhode Island	113	87	77.0	9	8.0	10	8.8	7	6.2
<b>SECOND CIRCUIT</b>	3,908	2,030	51.9	934	23.9	916	23.4	28	0.7
Connecticut	288	144	50.0	46	16.0	93	32.3	5	1.7
New York									
Eastern	1,361	589	43.3	287	21.1	477	35.0	8	0.6
Northern	333	165	49.5	125	37.5	42	12.6	1	0.3
Southern	1,383	803	58.1	322	23.3	250	18.1	8	0.6
Western	432	264	61.1	132	30.6	31	7.2	5	1.2
Vermont	111	65	58.6	22	19.8	23	20.7	1	0.9
<b>THIRD CIRCUIT</b>	2,383	1,395	58.5	750	31.5	214	9.0	24	1.0
Delaware	126	103	81.7	15	11.9	7	5.6	1	0.8
New Jersey	684	453	66.2	180	26.3	47	6.9	4	0.6
Pennsylvania									
Eastern	902	424	47.0	385	42.7	81	9.0	12	1.3
Middle	293	171	58.4	88	30.0	31	10.6	3	1.0
Western	271	157	57.9	73	26.9	38	14.0	3	1.1
Virgin Islands	107	87	81.3	9	8.4	10	9.3	1	0.9
<b>FOURTH CIRCUIT</b>	4,165	3,081	74.0	888	21.3	152	3.6	44	1.1
Maryland	413	239	57.9	115	27.8	56	13.6	3	0.7
North Carolina									
Eastern	427	287	67.2	129	30.2	7	1.6	4	0.9
Middle	319	245	76.8	63	19.7	4	1.3	7	2.2
Western	440	232	52.7	192	43.6	13	3.0	3	0.7
South Carolina	826	634	76.8	162	19.6	21	2.5	9	1.1
Virginia									
Eastern	902	803	89.0	74	8.2	17	1.9	8	0.9
Western	400	275	68.8	101	25.3	18	4.5	6	1.5
West Virginia									
Northern	167	147	88.0	13	7.8	3	1.8	4	2.4
Southern	271	219	80.8	39	14.4	13	4.8	0	0.0

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	8,749	6,322	72.3	1,476	16.9	889	10.2	62	0.7
Louisiana									
Eastern	391	285	72.9	70	17.9	33	8.4	3	0.8
Middle	116	93	80.2	17	14.7	5	4.3	1	0.9
Western	285	205	71.9	67	23.5	10	3.5	3	1.1
Mississippi									
Northern	143	91	63.6	33	23.1	17	11.9	2	1.4
Southern	235	172	73.2	45	19.1	14	6.0	4	1.7
Texas									
Eastern	549	441	80.3	75	13.7	30	5.5	3	0.5
Northern	1,031	749	72.6	203	19.7	71	6.9	8	0.8
Southern	2,718	1,679	61.8	624	23.0	397	14.6	18	0.7
Western	3,281	2,607	79.5	342	10.4	312	9.5	20	0.6
<b>SIXTH CIRCUIT</b>	3,853	2,537	65.8	1,045	27.1	247	6.4	24	0.6
Kentucky									
Eastern	381	272	71.4	100	26.2	7	1.8	2	0.5
Western	328	293	89.3	22	6.7	13	4.0	0	0.0
Michigan									
Eastern	758	517	68.2	192	25.3	46	6.1	3	0.4
Western	283	179	63.3	81	28.6	21	7.4	2	0.7
Ohio									
Northern	760	489	64.3	169	22.2	101	13.3	1	0.1
Southern	458	233	50.9	192	41.9	28	6.1	5	1.1
Tennessee									
Eastern	338	188	55.6	141	41.7	7	2.1	2	0.6
Middle	167	116	69.5	44	26.3	6	3.6	1	0.6
Western	380	250	65.8	104	27.4	18	4.7	8	2.1
<b>SEVENTH CIRCUIT</b>	1,771	1,299	73.3	364	20.6	85	4.8	23	1.3
Illinois									
Central	225	132	58.7	77	34.2	15	6.7	1	0.4
Northern	465	328	70.5	109	23.4	27	5.8	1	0.2
Southern	275	240	87.3	25	9.1	6	2.2	4	1.5
Indiana									
Northern	267	221	82.8	29	10.9	12	4.5	5	1.9
Southern	211	120	56.9	75	35.5	11	5.2	5	2.4
Wisconsin									
Eastern	200	155	77.5	34	17.0	11	5.5	0	0.0
Western	128	103	80.5	15	11.7	3	2.3	7	5.5
<b>EIGHTH CIRCUIT</b>	2,885	1,982	68.7	660	22.9	223	7.7	20	0.7
Arkansas									
Eastern	286	249	87.1	29	10.1	5	1.7	3	1.0
Western	115	92	80.0	16	13.9	7	6.1	0	0.0
Iowa									
Northern	162	95	58.6	46	28.4	19	11.7	2	1.2
Southern	236	151	64.0	59	25.0	24	10.2	2	0.8
Minnesota	356	230	64.6	77	21.6	48	13.5	1	0.3
Missouri									
Eastern	523	365	69.8	131	25.0	27	5.2	0	0.0
Western	422	214	50.7	182	43.1	23	5.5	3	0.7
Nebraska	275	171	62.2	82	29.8	20	7.3	2	0.7
North Dakota	168	123	73.2	15	8.9	28	16.7	2	1.2
South Dakota	342	292	85.4	23	6.7	22	6.4	5	1.5

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	10,265	5,999	58.4	1,155	11.3	3,037	29.6	74	0.7
Alaska	181	151	83.4	3	1.7	26	14.4	1	0.6
Arizona	2,195	684	31.2	154	7.0	1,340	61.0	17	0.8
California									
Central	811	703	86.7	56	6.9	51	6.3	1	0.1
Eastern	884	679	76.8	122	13.8	81	9.2	2	0.2
Northern	554	329	59.4	65	11.7	143	25.8	17	3.1
Southern	3,152	1,767	56.1	299	9.5	1,073	34.0	13	0.4
Guam	184	117	63.6	64	34.8	2	1.1	1	0.5
Hawaii	259	165	63.7	77	29.7	17	6.6	0	0.0
Idaho	95	66	69.5	14	14.7	13	13.7	2	2.1
Montana	226	158	69.9	32	14.2	34	15.0	2	0.9
Nevada	522	377	72.2	90	17.2	50	9.6	5	1.0
Northern Mariana Islands	19	14	73.7	5	26.3	0	0.0	0	0.0
Oregon	483	356	73.7	65	13.5	56	11.6	6	1.2
Washington									
Eastern	267	159	59.6	33	12.4	74	27.7	1	0.4
Western	433	274	63.3	76	17.6	77	17.8	6	1.4
<b>TENTH CIRCUIT</b>	2,668	1,964	73.6	383	14.4	294	11.0	27	1.0
Colorado	371	220	59.3	114	30.7	31	8.4	6	1.6
Kansas	401	294	73.3	77	19.2	29	7.2	1	0.2
New Mexico	828	582	70.3	80	9.7	161	19.4	5	0.6
Oklahoma									
Eastern	64	46	71.9	6	9.4	12	18.8	0	0.0
Northern	185	147	79.5	26	14.1	7	3.8	5	2.7
Western	236	211	89.4	16	6.8	5	2.1	4	1.7
Utah	458	379	82.8	33	7.2	40	8.7	6	1.3
Wyoming	125	85	68.0	31	24.8	9	7.2	0	0.0
<b>ELEVENTH CIRCUIT</b>	5,608	4,043	72.1	1,233	22.0	292	5.2	40	0.7
Alabama									
Middle	203	141	69.5	51	25.1	10	4.9	1	0.5
Northern	337	246	73.0	79	23.4	10	3.0	2	0.6
Southern	380	241	63.4	129	33.9	6	1.6	4	1.1
Florida									
Middle	1,472	980	66.6	385	26.2	103	7.0	4	0.3
Northern	391	253	64.7	126	32.2	10	2.6	2	0.5
Southern	1,568	1,300	82.9	189	12.1	69	4.4	10	0.6
Georgia									
Middle	368	288	78.3	64	17.4	12	3.3	4	1.1
Northern	586	364	62.1	150	25.6	65	11.1	7	1.2
Southern	303	230	75.9	60	19.8	7	2.3	6	2.0

Of the 50,754 guideline cases, 265 cases with no analogous guidelines were excluded from the table. Of the remaining 50,489 cases, 2,593 cases 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 (39.1%), Eastern Virginia (28.8%), Guam (23.7%), Oregon (14.1%), Western Washington (13.9%), Northern New York (10.2%), Northern Mariana Islands (9.5%), Western Carolina (9.3%), Colorado (9.0%), Southern California (8.8%), Eastern New York (8.5%), Southern Florida (8.3%), and Southern New York (6.9%). Descriptions used in this table are provided in Appendix A of the U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1998**

National

PRIMARY OFFENSE	TOTAL	SENTENCED		SUBSTANTIAL		OTHER		UPWARD	
		WITHIN		ASSISTANCE		DOWNWARD		DEPARTURE	
		GUIDELINE RANGE		DEPARTURE		DEPARTURE		DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	47,778	31,690	66.3	9,201	19.3	6,499	13.6	388	0.8
Robbery	2,034	1,435	70.6	340	16.7	222	10.9	37	1.8
Drugs - Trafficking	19,113	10,636	55.6	5,939	31.1	2,492	13.0	46	0.2
Drugs - Simple Possession	467	448	95.9	6	1.3	9	1.9	4	0.9
Firearms	2,344	1,727	73.7	353	15.1	238	10.2	26	1.1
Larceny	2,532	2,161	85.3	202	8.0	148	5.8	21	0.8
Fraud	5,974	4,509	75.5	873	14.6	496	8.3	96	1.6
Embezzlement	729	616	84.5	25	3.4	86	11.8	2	0.3
Forgery/Counterfeiting	746	605	81.1	86	11.5	53	7.1	2	0.3
Immigration	7,390	5,092	68.9	255	3.5	2,007	27.2	36	0.5
Other Miscellaneous Offenses	6,449	4,461	69.2	1,122	17.4	748	11.6	118	1.8

New York, West

PRIMARY OFFENSE	TOTAL	SENTENCED		SUBSTANTIAL		OTHER		UPWARD	
		WITHIN		ASSISTANCE		DOWNWARD		DEPARTURE	
		GUIDELINE RANGE		DEPARTURE		DEPARTURE		DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	431	264	61.3	132	30.6	30	7.0	5	1.2
Robbery	21	17	81.0	2	9.5	2	9.5	0	0.0
Drugs - Trafficking	173	81	46.8	82	47.4	10	5.8	0	0.0
Drugs - Simple Possession	4	4	100.0	0	0.0	0	0.0	0	0.0
Firearms	15	9	60.0	4	26.7	1	6.7	1	6.7
Larceny	34	27	79.4	3	8.8	4	11.8	0	0.0
Fraud	78	53	67.9	18	23.1	6	7.7	1	1.3
Embezzlement	6	5	83.3	0	0.0	1	16.7	0	0.0
Forgery/Counterfeiting	3	3	100.0	0	0.0	0	0.0	0	0.0
Immigration	36	29	80.6	3	8.3	4	11.1	0	0.0
Other Miscellaneous Offenses	61	36	59.0	20	32.8	2	3.3	3	4.9

Of the 50,754 guideline cases, 265 cases with no analogous guidelines were excluded from the table. Of the remaining 50,489 cases, 2,711 cases were excluded for one or both of the following reasons: missing or indeterminable departure information (2,593) or missing primary offense category (149).

Of the 433 guideline cases from the Western District of New York, two cases were excluded due to the following reasons: missing or indeterminable departure information (1) or missing primary offense category (2).

SOURCE: U.S. Sentencing Commission, 1998 Datafile, OPAFY98.