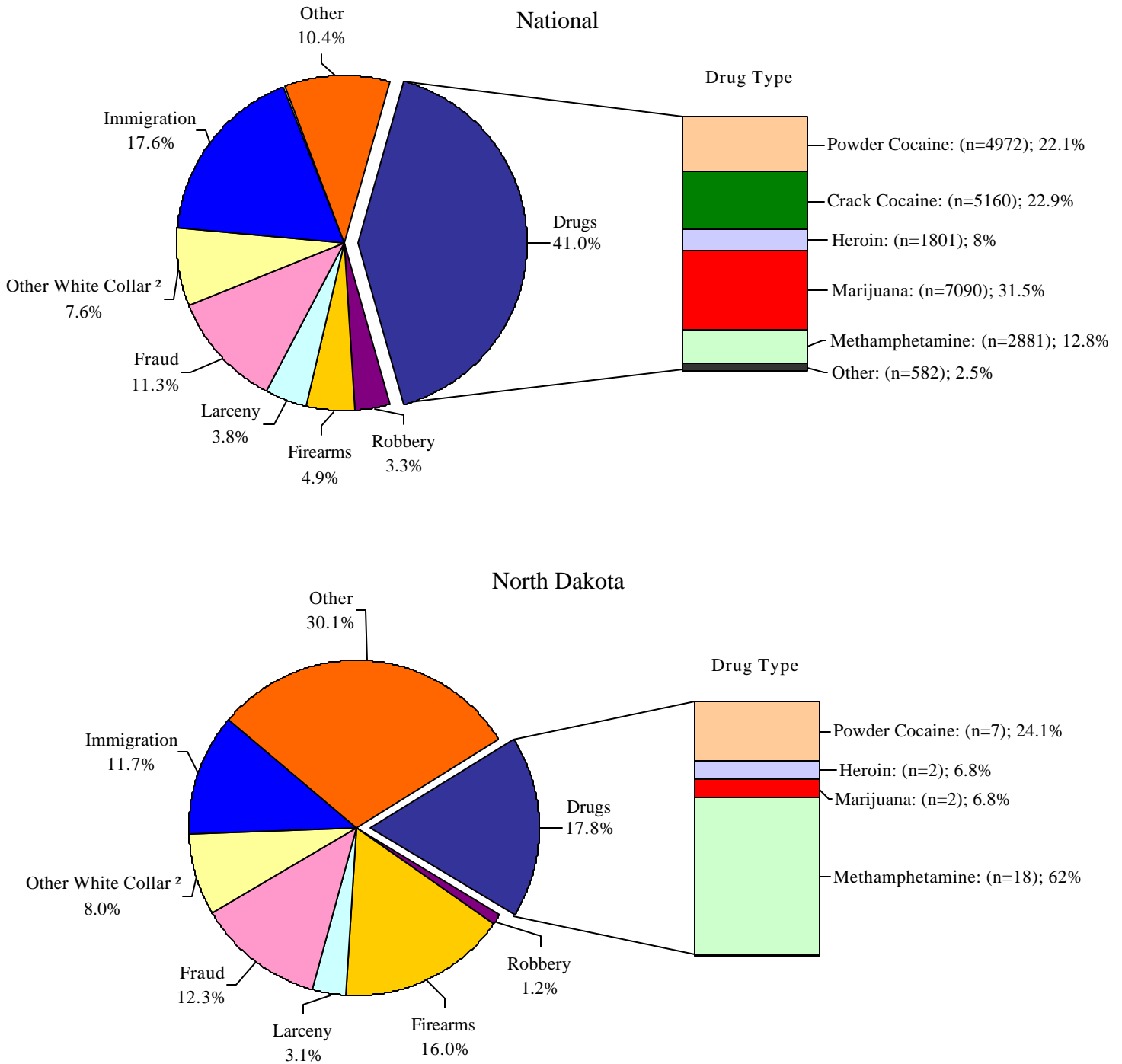


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT  
PRIMARY OFFENSE CATEGORY<sup>1</sup>  
FISCAL YEAR 1999**



<sup>1</sup>Of the 55,557 guideline cases, 745 cases were excluded due to one of the following reasons: missing primary offense category (149) or missing drug type (596).

<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 1999**

PRIMARY OFFENSE	National		North Dakota	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>55,408</b>	<b>100.0</b>	<b>163</b>	<b>100.0</b>
<b>Murder</b>	108	0.2	1	0.6
<b>Manslaughter</b>	57	0.1	2	1.2
<b>Kidnapping/Hostage Taking</b>	81	0.1	0	0.0
<b>Sexual Abuse</b>	230	0.4	13	8.0
<b>Assault</b>	455	0.8	7	4.3
<b>Robbery</b>	1,790	3.2	2	1.2
<b>Arson</b>	82	0.1	2	1.2
<b>Drugs - Trafficking</b>	21,995	39.7	28	17.2
<b>Drugs - Communication Facility</b>	397	0.7	0	0.0
<b>Drugs - Simple Possession</b>	690	1.2	1	0.6
<b>Firearms</b>	2,679	4.8	26	16.0
<b>Burglary/B&amp;E</b>	54	0.1	7	4.3
<b>Auto Theft</b>	189	0.3	1	0.6
<b>Larceny</b>	2,084	3.8	5	3.1
<b>Fraud</b>	6,199	11.2	20	12.3
<b>Embezzlement</b>	959	1.7	5	3.1
<b>Forgery/Counterfeiting</b>	1,295	2.3	1	0.6
<b>Bribery</b>	196	0.4	0	0.0
<b>Tax</b>	728	1.3	7	4.3
<b>Money Laundering</b>	1,001	1.8	0	0.0
<b>Racketeering/Extortion</b>	978	1.8	0	0.0
<b>Gambling/Lottery</b>	136	0.2	0	0.0
<b>Civil Rights</b>	81	0.1	0	0.0
<b>Immigration</b>	9,669	17.5	19	11.7
<b>Pornography/Prostitution</b>	414	0.7	2	1.2
<b>Prison Offenses</b>	299	0.5	2	1.2
<b>Administration of Justice Offenses</b>	867	1.6	1	0.6
<b>Environmental/Wildlife</b>	211	0.4	0	0.0
<b>National Defense</b>	20	0.0	0	0.0
<b>Antitrust</b>	44	0.1	0	0.0
<b>Food &amp; Drug</b>	78	0.1	1	0.6
<b>Other Miscellaneous Offenses</b>	1,342	2.4	10	6.1

Of the 55,557 guideline cases, 149 cases were excluded due to missing information on primary offense category.

Of the 165 guideline cases from the State of North Dakota, two cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 1999

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>54,920</b>	<b>51,962</b>	<b>94.6</b>	<b>2,958</b>	<b>5.4</b>
<b>D.C. CIRCUIT</b>	455	433	95.2	22	4.8
District of Columbia	455	433	95.2	22	4.8
<b>FIRST CIRCUIT</b>	1,357	1,269	93.5	88	6.5
Maine	123	119	96.7	4	3.3
Massachusetts	461	434	94.1	27	5.9
New Hampshire	142	138	97.2	4	2.8
Puerto Rico	518	474	91.5	44	8.5
Rhode Island	113	104	92.0	9	8.0
<b>SECOND CIRCUIT</b>	4,347	4,138	95.2	209	4.8
Connecticut	263	245	93.2	18	6.8
New York					
Eastern	1,431	1,369	95.7	62	4.3
Northern	358	352	98.3	6	1.7
Southern	1,793	1,692	94.4	101	5.6
Western	344	334	97.1	10	2.9
Vermont	158	146	92.4	12	7.6
<b>THIRD CIRCUIT</b>	2,485	2,356	94.8	129	5.2
Delaware	86	82	95.3	4	4.7
New Jersey	856	818	95.6	38	4.4
Pennsylvania					
Eastern	842	792	94.1	50	5.9
Middle	321	303	94.4	18	5.6
Western	287	277	96.5	10	3.5
Virgin Islands	93	84	90.3	9	9.7
<b>FOURTH CIRCUIT</b>	4,879	4,481	91.8	398	8.2
Maryland	459	397	86.5	62	13.5
North Carolina					
Eastern	511	479	93.7	32	6.3
Middle	425	391	92.0	34	8.0
Western	650	618	95.1	32	4.9
South Carolina	835	798	95.6	37	4.4
Virginia					
Eastern	1,267	1,118	88.2	149	11.8
Western	344	313	91.0	31	9.0
West Virginia					
Northern	156	147	94.2	9	5.8
Southern	232	220	94.8	12	5.2

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	10,167	9,788	96.3	379	3.7
Louisiana					
Eastern	386	382	99.0	4	1.0
Middle	139	136	97.8	3	2.2
Western	256	230	89.8	26	10.2
Mississippi					
Northern	161	153	95.0	8	5.0
Southern	280	257	91.8	23	8.2
Texas					
Eastern	599	564	94.2	35	5.8
Northern	1,172	1,134	96.8	38	3.2
Southern	3,086	2,966	96.1	120	3.9
Western	4,088	3,966	97.0	122	3.0
<b>SIXTH CIRCUIT</b>	4,042	3,780	93.5	262	6.5
Kentucky					
Eastern	422	397	94.1	25	5.9
Western	407	370	90.9	37	9.1
Michigan					
Eastern	700	644	92.0	56	8.0
Western	300	288	96.0	12	4.0
Ohio					
Northern	648	615	94.9	33	5.1
Southern	574	554	96.5	20	3.5
Tennessee					
Eastern	413	380	92.0	33	8.0
Middle	197	178	90.4	19	9.6
Western	381	354	92.9	27	7.1
<b>SEVENTH CIRCUIT</b>	2,262	2,079	91.9	183	8.1
Illinois					
Central	311	296	95.2	15	4.8
Northern	623	543	87.2	80	12.8
Southern	361	340	94.2	21	5.8
Indiana					
Northern	332	300	90.4	32	9.6
Southern	230	216	93.9	14	6.1
Wisconsin					
Eastern	276	263	95.3	13	4.7
Western	129	121	93.8	8	6.2
<b>EIGHTH CIRCUIT</b>	3,410	3,186	93.4	224	6.6
Arkansas					
Eastern	266	245	92.1	21	7.9
Western	124	119	96.0	5	4.0
Iowa					
Northern	201	184	91.5	17	8.5
Southern	366	343	93.7	23	6.3
Minnesota	448	408	91.1	40	8.9
Missouri					
Eastern	594	561	94.4	33	5.6
Western	467	441	94.4	26	5.6
Nebraska	404	383	94.8	21	5.2
North Dakota	161	156	96.9	5	3.1
South Dakota	379	346	91.3	33	8.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	12,428	12,041	96.9	387	3.1
Alaska	158	149	94.3	9	5.7
Arizona	2,804	2,781	99.2	23	0.8
California					
Central	1,358	1,303	95.9	55	4.1
Eastern	758	721	95.1	37	4.9
Northern	507	464	91.5	43	8.5
Southern	3,940	3,857	97.9	83	2.1
Guam	91	87	95.6	4	4.4
Hawaii	352	332	94.3	20	5.7
Idaho	126	115	91.3	11	8.7
Montana	278	248	89.2	30	10.8
Nevada	454	425	93.6	29	6.4
Northern Mariana Islands	14	12	85.7	2	14.3
Oregon	640	630	98.4	10	1.6
Washington					
Eastern	289	277	95.8	12	4.2
Western	659	640	97.1	19	2.9
<b>TENTH CIRCUIT</b>	3,136	2,982	95.1	154	4.9
Colorado	422	406	96.2	16	3.8
Kansas	396	359	90.7	37	9.3
New Mexico	1,130	1,104	97.7	26	2.3
Oklahoma					
Eastern	87	81	93.1	6	6.9
Northern	190	171	90.0	19	10.0
Western	218	197	90.4	21	9.6
Utah	524	508	96.9	16	3.1
Wyoming	169	156	92.3	13	7.7
<b>ELEVENTH CIRCUIT</b>	5,952	5,429	91.2	523	8.8
Alabama					
Middle	218	201	92.2	17	7.8
Northern	318	293	92.1	25	7.9
Southern	296	262	88.5	34	11.5
Florida					
Middle	1,459	1,354	92.8	105	7.2
Northern	390	331	84.9	59	15.1
Southern	1,987	1,795	90.3	192	9.7
Georgia					
Middle	361	337	93.4	24	6.6
Northern	691	647	93.6	44	6.4
Southern	232	209	90.1	23	9.9

Of the 55,557 guideline cases, 637 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

PRIMARY OFFENSE	TOTAL	National				North Dakota			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>54,903</b>	<b>51,945</b>	<b>94.6</b>	<b>2,958</b>	<b>5.4</b>	<b>156</b>	<b>96.9</b>	<b>5</b>	<b>3.1</b>
Murder	96	77	80.2	19	19.8	0	0.0	1	100.0
Manslaughter	55	53	96.4	2	3.6	2	100.0	0	0.0
Kidnapping/Hostage Taking	80	65	81.3	15	18.8	0	--	0	--
Sexual Abuse	229	202	88.2	27	11.8	13	100.0	0	0.0
Assault	449	409	91.1	40	8.9	6	85.7	1	14.3
Robbery	1,771	1,616	91.2	155	8.8	2	100.0	0	0.0
Arson	80	64	80.0	16	20.0	2	100.0	0	0.0
Drugs - Trafficking	21,840	20,481	93.8	1,359	6.2	27	100.0	0	0.0
Drugs - Communication Facility	396	393	99.2	3	0.8	0	--	0	--
Drugs - Simple Possession	674	645	95.7	29	4.3	1	100.0	0	0.0
Firearms	2,645	2,394	90.5	251	9.5	24	96.0	1	4.0
Burglary/B&E	53	49	92.5	4	7.5	7	100.0	0	0.0
Auto Theft	187	172	92.0	15	8.0	1	100.0	0	0.0
Larceny	2,067	1,981	95.8	86	4.2	5	100.0	0	0.0
Fraud	6,144	5,846	95.1	298	4.9	18	90.0	2	10.0
Embezzlement	949	932	98.2	17	1.8	5	100.0	0	0.0
Forgery/Counterfeiting	1,281	1,255	98.0	26	2.0	1	100.0	0	0.0
Bribery	195	181	92.8	14	7.2	0	--	0	--
Tax	722	670	92.8	52	7.2	7	100.0	0	0.0
Money Laundering	993	887	89.3	106	10.7	0	--	0	--
Racketeering/Extortion	966	856	88.6	110	11.4	0	--	0	--
Gambling/Lottery	135	133	98.5	2	1.5	0	--	0	--
Civil Rights	78	66	84.6	12	15.4	0	--	0	--
Immigration	9,591	9,440	98.4	151	1.6	19	100.0	0	0.0
Pornography/Prostitution	411	389	94.6	22	5.4	2	100.0	0	0.0
Prison Offenses	297	291	98.0	6	2.0	2	100.0	0	0.0
Administration of Justice Offenses	860	827	96.2	33	3.8	1	100.0	0	0.0
Environmental/Wildlife	206	198	96.1	8	3.9	0	--	0	--
National Defense	20	14	70.0	6	30.0	0	--	0	--
Antitrust	44	37	84.1	7	15.9	0	--	0	--
Food & Drug	78	77	98.7	1	1.3	1	100.0	0	0.0
Other Miscellaneous Offenses	1,311	1,245	95.0	66	5.0	10	100.0	0	0.0

Of the 55,557 guideline cases, 654 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing mode of conviction (637). Of the 165 guideline cases from the State of North Dakota, 4 cases were excluded due to one or both of the following reasons: missing primary offense category (2) or missing mode of conviction (4).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
Fiscal Year 1999

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>54,790</b>	<b>43,536</b>	<b>79.5</b>	<b>2,292</b>	<b>4.2</b>	<b>3,274</b>	<b>6.0</b>	<b>5,688</b>	<b>10.4</b>
Murder	102	99	97.1	0	0.0	1	1.0	2	2.0
Manslaughter	55	43	78.2	6	10.9	2	3.6	4	7.3
Kidnapping/Hostage Taking	80	79	98.8	1	1.3	0	0.0	0	0.0
Sexual Abuse	230	199	86.5	4	1.7	14	6.1	13	5.7
Assault	452	341	75.4	21	4.6	30	6.6	60	13.3
Robbery	1,777	1,711	96.3	32	1.8	18	1.0	16	0.9
Arson	81	78	96.3	0	0.0	3	3.7	0	0.0
Drugs - Trafficking	21,862	20,482	93.7	493	2.3	412	1.9	475	2.2
Drugs - Communication Facility	395	341	86.3	13	3.3	18	4.6	23	5.8
Drugs - Simple Possession	671	258	38.5	9	1.3	43	6.4	361	53.8
Firearms	2,660	2,379	89.4	92	3.5	102	3.8	87	3.3
Burglary/B&E	51	40	78.4	4	7.8	6	11.8	1	2.0
Auto Theft	187	130	69.5	12	6.4	21	11.2	24	12.8
Larceny	2,025	695	34.3	124	6.1	388	19.2	818	40.4
Fraud	6,118	3,242	53.0	698	11.4	916	15.0	1,262	20.6
Embezzlement	942	319	33.9	191	20.3	135	14.3	297	31.5
Forgery/Counterfeiting	1,275	708	55.5	94	7.4	207	16.2	266	20.9
Bribery	195	88	45.1	12	6.2	48	24.6	47	24.1
Tax	717	235	32.8	95	13.2	199	27.8	188	26.2
Money Laundering	998	734	73.5	52	5.2	87	8.7	125	12.5
Racketeering/Extortion	968	871	90.0	28	2.9	36	3.7	33	3.4
Gambling/Lottery	136	28	20.6	9	6.6	41	30.1	58	42.6
Civil Rights	80	43	53.8	5	6.3	11	13.8	21	26.3
Immigration	9,554	8,762	91.7	120	1.3	134	1.4	538	5.6
Pornography/Prostitution	411	349	84.9	18	4.4	24	5.8	20	4.9
Prison Offenses	294	262	89.1	7	2.4	7	2.4	18	6.1
Administration of Justice Offense	855	492	57.5	51	6.0	122	14.3	190	22.2
Environmental/Wildlife	200	38	19.0	13	6.5	59	29.5	90	45.0
National Defense	18	12	66.7	4	22.2	0	0.0	2	11.1
Antitrust	44	14	31.8	12	27.3	5	11.4	13	29.5
Food & Drug	75	17	22.7	6	8.0	17	22.7	35	46.7
Other Miscellaneous Offenses	1,282	447	34.9	66	5.1	168	13.1	601	46.9

Of the 55,557 guideline cases, 767 cases were excluded due to one or more of the following reasons: missing sentencing information (412), missing primary offense category (149) or cases in which defendant received no imprisonment or probation (285).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999

North Dakota

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>161</b>	<b>122</b>	<b>75.8</b>	<b>7</b>	<b>4.3</b>	<b>12</b>	<b>7.5</b>	<b>20</b>	<b>12.4</b>
Murder	1	1	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	2	2	100.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	13	11	84.6	0	0.0	0	0.0	2	15.4
Assault	7	7	100.0	0	0.0	0	0.0	0	0.0
Robbery	2	2	100.0	0	0.0	0	0.0	0	0.0
Arson	2	2	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	28	25	89.3	2	7.1	0	0.0	1	3.6
Drugs - Communication Facility	0	0	--	0	--	0	--	0	--
Drugs - Simple Possession	1	0	0.0	0	0.0	0	0.0	1	100.0
Firearms	26	21	80.8	3	11.5	1	3.8	1	3.8
Burglary/B&E	6	5	83.3	0	0.0	1	16.7	0	0.0
Auto Theft	1	1	100.0	0	0.0	0	0.0	0	0.0
Larceny	5	0	0.0	0	0.0	2	40.0	3	60.0
Fraud	20	11	55.0	2	10.0	4	20.0	3	15.0
Embezzlement	5	3	60.0	0	0.0	1	20.0	1	20.0
Forgery/Counterfeiting	0	0	--	0	--	0	--	0	--
Bribery	0	0	--	0	--	0	--	0	--
Tax	7	3	42.9	0	0.0	1	14.3	3	42.9
Money Laundering	0	0	--	0	--	0	--	0	--
Racketeering/Extortion	0	0	--	0	--	0	--	0	--
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	19	19	100.0	0	0.0	0	0.0	0	0.0
Pornography/Prostitution	2	1	50.0	0	0.0	0	0.0	1	50.0
Prison Offenses	2	2	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offense	1	1	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	0	0	--	0	--	0	--	0	--
Food & Drug	1	0	0.0	0	0.0	0	0.0	1	100.0
Other Miscellaneous Offenses	10	5	50.0	0	0.0	2	20.0	3	30.0

Of the 165 guideline cases from the State of North Dakota, 4 cases were excluded due to one or more of the following reasons: missing sentencing information (1), missing primary offense category (2) or cases in which the defendant received no imprisonment or probation (3).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

PRIMARY OFFENSE	National				North Dakota			
	Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>3,839</b>	<b>38.4</b>	<b>6,147</b>	<b>61.6</b>	<b>29</b>	<b>51.8</b>	<b>27</b>	<b>48.2</b>
<b>Fraud</b>	726	32.4	1,514	67.6	8	57.1	6	42.9
<b>Larceny</b>	224	17.7	1,041	82.3	0	0.0	5	100.0
<b>Immigration</b>	1,636	76.2	510	23.8	12	100.0	0	0.0
<b>Embezzlement</b>	247	39.2	383	60.8	2	50.0	2	50.0
<b>Drugs - Trafficking</b>	167	42.8	223	57.2	0	0.0	1	100.0
<b>Drugs - Simple Possession</b>	170	32.6	352	67.4	0	--	0	--
<b>Firearms</b>	31	29.2	75	70.8	1	50.0	1	50.0
<b>Forgery/Counterfeiting</b>	187	32.0	397	68.0	0	--	0	--
<b>Other Miscellaneous Offenses</b>	451	21.4	1,652	78.6	6	33.3	12	66.7

Of the 55,557 guideline cases, 45,571 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (45,548), missing sentencing information (412) or missing primary offense category (149).

Of the 165 guideline cases from the State of North Dakota, 109 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (109), missing primary offense category (2) or missing sentencing information (1).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

PRIMARY OFFENSE	National			North Dakota		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>56.9</b>	<b>33.0</b>	<b>45,379</b>	<b>35.6</b>	<b>18.0</b>	<b>129</b>
<b>Murder</b>	204.7	132.0	99	150.0	--	1
<b>Manslaughter</b>	34.1	16.0	49	11.0	--	2
<b>Kidnapping/Hostage Taking</b>	147.8	98.5	80	--	--	0
<b>Sexual Abuse</b>	71.8	36.0	203	32.1	18.0	11
<b>Assault</b>	41.3	30.0	357	36.0	27.0	7
<b>Robbery</b>	106.8	72.0	1,739	14.0	--	2
<b>Arson</b>	78.9	60.0	78	50.5	--	2
<b>Drugs - Trafficking</b>	76.4	51.0	20,849	48.9	34.0	27
<b>Drugs - Communication Facility</b>	45.7	48.0	351	--	--	0
<b>Drugs - Simple Possession</b>	16.4	6.0	255	--	--	0
<b>Firearms</b>	70.5	46.0	2,460	42.7	31.5	24
<b>Burglary/B&amp;E</b>	25.5	18.0	44	19.2	16.0	5
<b>Auto Theft</b>	71.4	24.0	140	1.0	--	1
<b>Larceny</b>	15.7	12.0	817	--	--	0
<b>Fraud</b>	18.7	12.0	3,871	5.6	2.0	13
<b>Embezzlement</b>	9.1	4.0	497	6.0	6.0	3
<b>Forgery/Counterfeiting</b>	15.8	12.0	793	--	--	0
<b>Bribery</b>	19.9	15.0	99	--	--	0
<b>Tax</b>	18.0	12.0	329	12.0	18.0	3
<b>Money Laundering</b>	44.6	33.0	780	--	--	0
<b>Racketeering/Extortion</b>	99.0	60.0	896	--	--	0
<b>Gambling/Lottery</b>	11.2	10.0	37	--	--	0
<b>Civil Rights</b>	44.1	30.0	47	--	--	0
<b>Immigration</b>	28.0	24.0	8,724	18.8	3.0	19
<b>Pornography/Prostitution</b>	46.1	30.0	365	188.0	--	1
<b>Prison Offenses</b>	18.1	15.0	269	11.0	--	2
<b>Administration of Justice Offenses</b>	25.9	18.0	534	46.0	--	1
<b>Environmental/Wildlife</b>	12.5	8.0	51	--	--	0
<b>National Defense</b>	71.6	27.0	16	--	--	0
<b>Antitrust</b>	9.2	4.0	25	--	--	0
<b>Food &amp; Drug</b>	7.7	4.0	23	--	--	0
<b>Other Miscellaneous Offenses</b>	24.5	12.0	502	101.6	24.0	5

Of the 55,557 guideline cases, 9,215 cases with zero months prison ordered were excluded. In addition, 963 cases were excluded due to one or both of the following reasons: missing primary offense category (149) or missing or indeterminable sentencing information (906).

Of the 165 guideline cases from the State of North Dakota, 36 cases were excluded due to one or more of the following reasons: zero prison months ordered (35), missing primary offense category (2) or missing or indeterminable sentencing information (1).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT**  
**Fiscal Year 1999**

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>52,425</b>	<b>34,020</b>	<b>64.9</b>	<b>9,788</b>	<b>18.7</b>	<b>8,304</b>	<b>15.8</b>	<b>313</b>	<b>0.6</b>
<b>D.C. CIRCUIT</b>	453	315	69.5	89	19.6	41	9.1	8	1.8
District of Columbia	453	315	69.5	89	19.6	41	9.1	8	1.8
<b>FIRST CIRCUIT</b>	1,337	963	72.0	207	15.5	160	12.0	7	0.5
Maine	122	90	73.8	27	22.1	4	3.3	1	0.8
Massachusetts	443	257	58.0	83	18.7	100	22.6	3	0.7
New Hampshire	142	84	59.2	49	34.5	8	5.6	1	0.7
Puerto Rico	516	443	85.9	40	7.8	32	6.2	1	0.2
Rhode Island	114	89	78.1	8	7.0	16	14.0	1	0.9
<b>SECOND CIRCUIT</b>	4,119	2,338	56.8	953	23.1	802	19.5	26	0.6
Connecticut	249	132	53.0	35	14.1	79	31.7	3	1.2
New York									
Eastern	1,341	589	43.9	331	24.7	410	30.6	11	0.8
Northern	348	156	44.8	150	43.1	41	11.8	1	0.3
Southern	1,680	1,160	69.0	318	18.9	197	11.7	5	0.3
Western	342	226	66.1	83	24.3	30	8.8	3	0.9
Vermont	159	75	47.2	36	22.6	45	28.3	3	1.9
<b>THIRD CIRCUIT</b>	2,466	1,453	58.9	794	32.2	206	8.4	13	0.5
Delaware	87	64	73.6	19	21.8	4	4.6	0	0.0
New Jersey	858	545	63.5	238	27.7	67	7.8	8	0.9
Pennsylvania									
Eastern	839	412	49.1	362	43.1	64	7.6	1	0.1
Middle	315	180	57.1	100	31.7	33	10.5	2	0.6
Western	278	172	61.9	69	24.8	36	12.9	1	0.4
Virgin Islands	89	80	89.9	6	6.7	2	2.2	1	1.1
<b>FOURTH CIRCUIT</b>	4,493	3,228	71.8	1,021	22.7	208	4.6	36	0.8
Maryland	446	282	63.2	85	19.1	77	17.3	2	0.4
North Carolina									
Eastern	496	345	69.6	128	25.8	18	3.6	5	1.0
Middle	427	281	65.8	121	28.3	14	3.3	11	2.6
Western	640	274	42.8	335	52.3	31	4.8	0	0.0
South Carolina	795	608	76.5	156	19.6	26	3.3	5	0.6
Virginia									
Eastern	960	873	90.9	67	7.0	17	1.8	3	0.3
Western	345	235	68.1	93	27.0	12	3.5	5	1.4
West Virginia									
Northern	155	140	90.3	10	6.5	3	1.9	2	1.3
Southern	229	190	83.0	26	11.4	10	4.4	3	1.3

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	10,012	7,220	72.1	1,542	15.4	1,205	12.0	45	0.4
Louisiana									
Eastern	387	308	79.6	48	12.4	31	8.0	0	0.0
Middle	138	102	73.9	25	18.1	5	3.6	6	4.3
Western	256	201	78.5	44	17.2	9	3.5	2	0.8
Mississippi									
Northern	164	86	52.4	65	39.6	13	7.9	0	0.0
Southern	275	177	64.4	85	30.9	11	4.0	2	0.7
Texas									
Eastern	592	513	86.7	58	9.8	20	3.4	1	0.2
Northern	1,160	864	74.5	214	18.4	74	6.4	8	0.7
Southern	3,011	1,905	63.3	688	22.8	411	13.6	7	0.2
Western	4,029	3,064	76.0	315	7.8	631	15.7	19	0.5
<b>SIXTH CIRCUIT</b>	3,991	2,691	67.4	1,021	25.6	266	6.7	13	0.3
Kentucky									
Eastern	427	293	68.6	115	26.9	18	4.2	1	0.2
Western	397	362	91.2	25	6.3	9	2.3	1	0.3
Michigan									
Eastern	695	440	63.3	186	26.8	66	9.5	3	0.4
Western	298	196	65.8	79	26.5	21	7.0	2	0.7
Ohio									
Northern	645	444	68.8	146	22.6	55	8.5	0	0.0
Southern	567	310	54.7	216	38.1	41	7.2	0	0.0
Tennessee									
Eastern	417	265	63.5	131	31.4	18	4.3	3	0.7
Middle	173	132	76.3	26	15.0	15	8.7	0	0.0
Western	372	249	66.9	97	26.1	23	6.2	3	0.8
<b>SEVENTH CIRCUIT</b>	2,178	1,556	71.4	445	20.4	155	7.1	22	1.0
Illinois									
Central	300	172	57.3	101	33.7	24	8.0	3	1.0
Northern	584	417	71.4	107	18.3	56	9.6	4	0.7
Southern	354	308	87.0	31	8.8	15	4.2	0	0.0
Indiana									
Northern	311	245	78.8	45	14.5	18	5.8	3	1.0
Southern	225	116	51.6	86	38.2	18	8.0	5	2.2
Wisconsin									
Eastern	278	198	71.2	59	21.2	20	7.2	1	0.4
Western	126	100	79.4	16	12.7	4	3.2	6	4.8
<b>EIGHTH CIRCUIT</b>	3,390	2,169	64.0	880	26.0	317	9.4	24	0.7
Arkansas									
Eastern	263	212	80.6	45	17.1	6	2.3	0	0.0
Western	126	99	78.6	20	15.9	7	5.6	0	0.0
Iowa									
Northern	191	116	60.7	58	30.4	12	6.3	5	2.6
Southern	369	193	52.3	130	35.2	46	12.5	0	0.0
Minnesota	447	278	62.2	90	20.1	76	17.0	3	0.7
Missouri									
Eastern	588	362	61.6	182	31.0	44	7.5	0	0.0
Western	466	242	51.9	193	41.4	26	5.6	5	1.1
Nebraska	402	236	58.7	120	29.9	46	11.4	0	0.0
North Dakota	162	125	77.2	22	13.6	15	9.3	0	0.0
South Dakota	376	306	81.4	20	5.3	39	10.4	11	2.9

CIRCUIT	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	11,061	5,827	52.7	1,145	10.4	4,029	36.4	60	0.5
Alaska	152	112	73.7	9	5.9	31	20.4	0	0.0
Arizona	2,641	899	34.0	194	7.3	1,529	57.9	19	0.7
California									
Central	798	649	81.3	67	8.4	77	9.6	5	0.6
Eastern	748	580	77.5	99	13.2	67	9.0	2	0.3
Northern	488	341	69.9	40	8.2	103	21.1	4	0.8
Southern	3,578	1,513	42.3	298	8.3	1,755	49.0	12	0.3
Guam	85	61	71.8	19	22.4	5	5.9	0	0.0
Hawaii	347	234	67.4	89	25.6	24	6.9	0	0.0
Idaho	128	76	59.4	31	24.2	16	12.5	5	3.9
Montana	278	193	69.4	48	17.3	36	12.9	1	0.4
Nevada	450	338	75.1	59	13.1	50	11.1	3	0.7
Northern Mariana Islands	14	7	50.0	7	50.0	0	0.0	0	0.0
Oregon	560	377	67.3	93	16.6	86	15.4	4	0.7
Washington									
Eastern	284	147	51.8	19	6.7	116	40.8	2	0.7
Western	510	300	58.8	73	14.3	134	26.3	3	0.6
<b>TENTH CIRCUIT</b>	3,060	2,118	69.2	393	12.8	531	17.4	18	0.6
Colorado	392	238	60.7	110	28.1	43	11.0	1	0.3
Kansas	376	271	72.1	72	19.1	30	8.0	3	0.8
New Mexico	1,124	737	65.6	91	8.1	291	25.9	5	0.4
Oklahoma									
Eastern	84	55	65.5	8	9.5	21	25.0	0	0.0
Northern	191	141	73.8	23	12.0	23	12.0	4	2.1
Western	216	177	81.9	23	10.6	15	6.9	1	0.5
Utah	509	392	77.0	30	5.9	84	16.5	3	0.6
Wyoming	168	107	63.7	36	21.4	24	14.3	1	0.6
<b>ELEVENTH CIRCUIT</b>	5,865	4,142	70.6	1,298	22.1	384	6.5	41	0.7
Alabama									
Middle	197	121	61.4	68	34.5	8	4.1	0	0.0
Northern	316	212	67.1	96	30.4	6	1.9	2	0.6
Southern	294	178	60.5	99	33.7	15	5.1	2	0.7
Florida									
Middle	1,459	947	64.9	405	27.8	103	7.1	4	0.3
Northern	386	276	71.5	91	23.6	13	3.4	6	1.6
Southern	1,956	1,538	78.6	260	13.3	142	7.3	16	0.8
Georgia									
Middle	349	244	69.9	84	24.1	16	4.6	5	1.4
Northern	675	456	67.6	144	21.3	70	10.4	5	0.7
Southern	233	170	73.0	51	21.9	11	4.7	1	0.4

Of the 55,557 guideline cases, 322 cases with no analogous guidelines were excluded from the table. Of the remaining 55,235 cases, 2,810 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 (41.5%), Eastern Virginia (23.4%), Western Washington (22.3%), Oregon (11.2%), Southern California (10.5%), Eastern New York (8.3%), Guam (7.6%), Connecticut (7.8%), Northern New York (7.5%), Southern New York (6.9%), Middle Georgia (6.7%), Arizona (6.6%), Northern Illinois (6.3%), Northern Indiana (6.3%), Colorado (5.8%), Western Pennsylvania (5.8%), South Carolina (5.5%), Northern Iowa (5.5%), and Central Illinois (5.4%). Descriptions of variables used in this table are provided in Appendix A of the 1999 U.S. Sentencing Commission Annual Report.

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 1999**

**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>52,369</b>	<b>33,988</b>	<b>64.9</b>	<b>9,780</b>	<b>18.7</b>	<b>8,288</b>	<b>15.8</b>	<b>313</b>	<b>0.6</b>
Robbery	1,724	1,191	69.1	264	15.3	236	13.7	33	1.9
Drugs - Trafficking	21,414	11,756	54.9	6,276	29.3	3,347	15.6	35	0.2
Drugs - Simple Possession	566	531	93.8	25	4.4	6	1.1	4	0.7
Firearms	2,518	1,922	76.3	289	11.5	276	11.0	31	1.2
Larceny	1,942	1,646	84.8	154	7.9	136	7.0	6	0.3
Fraud	5,842	4,224	72.3	1,008	17.3	567	9.7	43	0.7
Embezzlement	908	763	84.0	41	4.5	101	11.1	3	0.3
Forgery/Counterfeiting	1,230	988	80.3	153	12.4	79	6.4	10	0.8
Immigration	8,880	5,862	66.0	367	4.1	2,614	29.4	37	0.4
Other Miscellaneous Offenses	7,345	5,105	69.5	1,203	16.4	926	12.6	111	1.5

**North Dakota**

PRIMARY OFFENSE	TOTAL	SENTENCED		SUBSTANTIAL		OTHER		UPWARD	
		WITHIN		ASSISTANCE		DOWNWARD		DEPARTURE	
		GUIDELINE RANGE		DEPARTURE		DEPARTURE		DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>162</b>	<b>125</b>	<b>77.2</b>	<b>22</b>	<b>13.6</b>	<b>15</b>	<b>9.3</b>	<b>0</b>	<b>0.0</b>
Robbery	2	0	0.0	2	100.0	0	0.0	0	0.0
Drugs - Trafficking	28	16	57.1	10	35.7	2	7.1	0	0.0
Drugs - Simple Possession	1	1	100.0	0	0.0	0	0.0	0	0.0
Firearms	26	15	57.7	7	26.9	4	15.4	0	0.0
Larceny	5	5	100.0	0	0.0	0	0.0	0	0.0
Fraud	20	17	85.0	1	5.0	2	10.0	0	0.0
Embezzlement	5	5	100.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	1	1	100.0	0	0.0	0	0.0	0	0.0
Immigration	19	17	89.5	0	0.0	2	10.5	0	0.0
Other Miscellaneous Offenses	55	48	87.3	2	3.6	5	9.1	0	0.0

Of the 55,557 guideline cases, 3,188 cases were excluded due to one or more of the following reasons: missing or indeterminable departure information (2,810), missing primary offense category (149), or no analogous guideline (322).

Of the 165 guideline cases from the State of North Dakota, 3 cases were excluded due to one or more of the following reasons: missing or indeterminable departure information (3), missing primary offense category (2), or no analogous guideline (0).

SOURCE: U.S. Sentencing Commission, 1999 Datafile, OPAFY99.