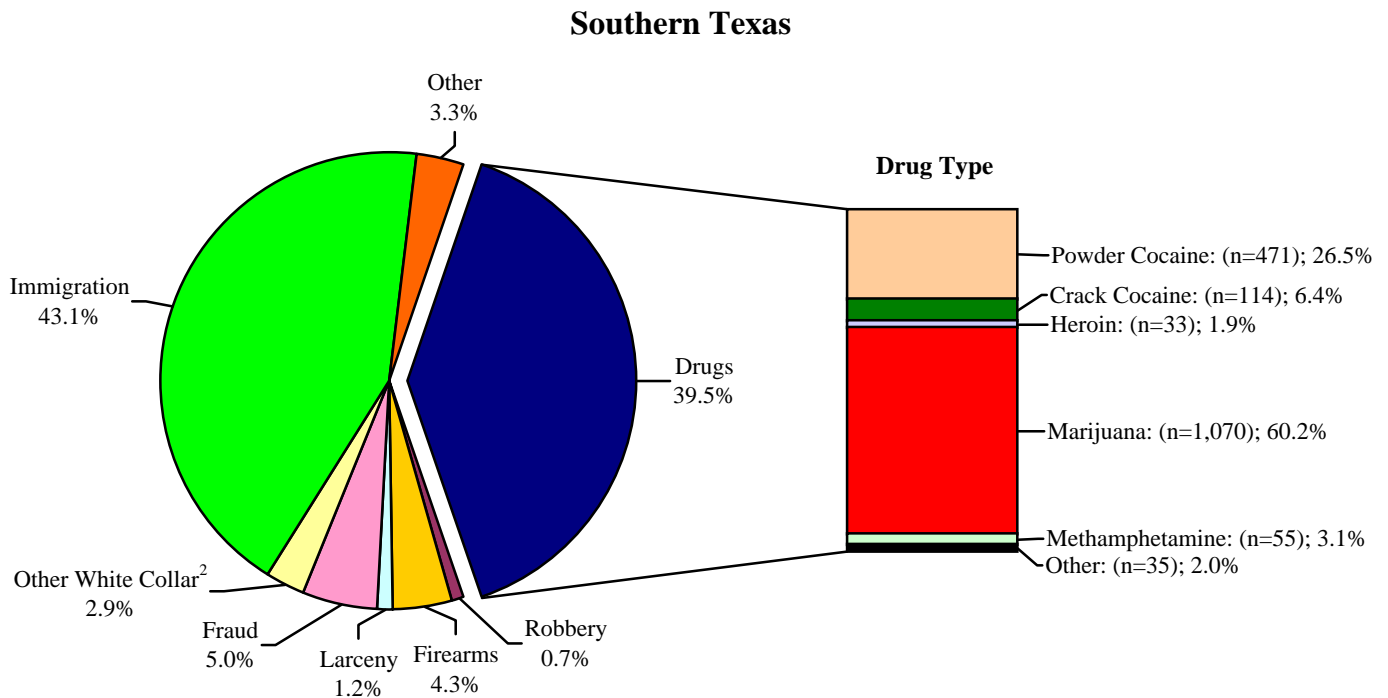
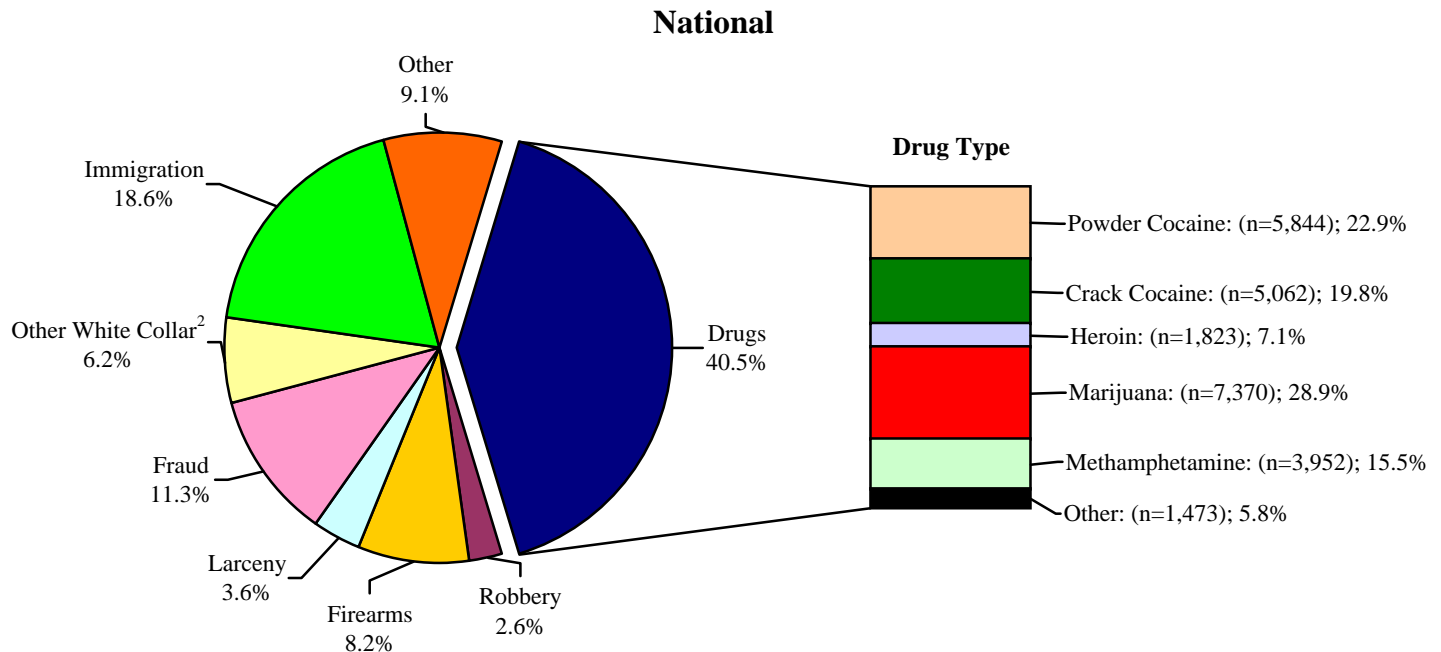


Figure A

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT
PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2002**



¹Of the 64,366 guideline cases, 1,296 cases were excluded due to one of the following reasons: missing primary offense category (393) or missing drug type (903). Of the 4,595 guideline cases from the District of Southern Texas, 93 cases were excluded due to one of the following reasons: missing primary offense category (13) or missing drug type (80).

²The 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 2002**

| PRIMARY OFFENSE | National | | Southern Texas | |
|------------------------------------|---------------|--------------|----------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 63,973 | 100.0 | 4,582 | 100.0 |
| Murder | 84 | 0.1 | 1 | 0.0 |
| Manslaughter | 59 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 66 | 0.1 | 1 | 0.0 |
| Sexual Abuse | 212 | 0.3 | 6 | 0.1 |
| Assault | 492 | 0.8 | 14 | 0.3 |
| Robbery | 1,632 | 2.6 | 33 | 0.7 |
| Arson | 65 | 0.1 | 0 | 0.0 |
| Drugs - Trafficking | 25,376 | 39.7 | 1,816 | 39.6 |
| Drugs - Communication Facility | 459 | 0.7 | 1 | 0.0 |
| Drugs - Simple Possession | 592 | 0.9 | 41 | 0.9 |
| Firearms | 5,180 | 8.1 | 192 | 4.2 |
| Burglary/B&E | 43 | 0.1 | 0 | 0.0 |
| Auto Theft | 162 | 0.3 | 1 | 0.0 |
| Larceny | 2,251 | 3.5 | 56 | 1.2 |
| Fraud | 7,108 | 11.1 | 226 | 4.9 |
| Embezzlement | 734 | 1.1 | 7 | 0.2 |
| Forgery/Counterfeiting | 1,466 | 2.3 | 46 | 1.0 |
| Bribery | 168 | 0.3 | 6 | 0.1 |
| Tax | 622 | 1.0 | 18 | 0.4 |
| Money Laundering | 940 | 1.5 | 54 | 1.2 |
| Racketeering/Extortion | 828 | 1.3 | 9 | 0.2 |
| Gambling/Lottery | 104 | 0.2 | 0 | 0.0 |
| Civil Rights | 93 | 0.1 | 4 | 0.1 |
| Immigration | 11,736 | 18.3 | 1,939 | 42.3 |
| Pornography/Prostitution | 665 | 1.0 | 28 | 0.6 |
| Prison Offenses | 320 | 0.5 | 16 | 0.3 |
| Administration of Justice Offenses | 1,107 | 1.7 | 45 | 1.0 |
| Environmental/Wildlife | 140 | 0.2 | 3 | 0.1 |
| National Defense | 10 | 0.0 | 1 | 0.0 |
| Antitrust | 17 | 0.0 | 1 | 0.0 |
| Food & Drug | 91 | 0.1 | 0 | 0.0 |
| Other Miscellaneous Offenses | 1,151 | 1.8 | 17 | 0.4 |

Of the 64,366 guideline cases, 393 cases were excluded due to missing information on primary offense category.

Of the 4,595 guideline cases from the District of Southern Texas, 13 cases were excluded due to missing information on primary offense category.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2002**

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 63,996 | 62,145 | 97.1 | 1,851 | 2.9 |
| D.C. CIRCUIT | 420 | 398 | 94.8 | 22 | 5.2 |
| District of Columbia | 420 | 398 | 94.8 | 22 | 5.2 |
| FIRST CIRCUIT | 2,013 | 1,945 | 96.6 | 68 | 3.4 |
| Maine | 218 | 210 | 96.3 | 8 | 3.7 |
| Massachusetts | 619 | 603 | 97.4 | 16 | 2.6 |
| New Hampshire | 130 | 123 | 94.6 | 7 | 5.4 |
| Puerto Rico | 897 | 867 | 96.7 | 30 | 3.3 |
| Rhode Island | 149 | 142 | 95.3 | 7 | 4.7 |
| SECOND CIRCUIT | 4,658 | 4,511 | 96.8 | 147 | 3.2 |
| Connecticut | 332 | 324 | 97.6 | 8 | 2.4 |
| New York | | | | | |
| Eastern | 1,711 | 1,674 | 97.8 | 37 | 2.2 |
| Northern | 391 | 380 | 97.2 | 11 | 2.8 |
| Southern | 1,596 | 1,523 | 95.4 | 73 | 4.6 |
| Western | 451 | 433 | 96.0 | 18 | 4.0 |
| Vermont | 177 | 177 | 100.0 | 0 | 0.0 |
| THIRD CIRCUIT | 2,761 | 2,656 | 96.2 | 105 | 3.8 |
| Delaware | 85 | 84 | 98.8 | 1 | 1.2 |
| New Jersey | 831 | 817 | 98.3 | 14 | 1.7 |
| Pennsylvania | | | | | |
| Eastern | 976 | 915 | 93.8 | 61 | 6.3 |
| Middle | 440 | 432 | 98.2 | 8 | 1.8 |
| Western | 342 | 332 | 97.1 | 10 | 2.9 |
| Virgin Islands | 87 | 76 | 87.4 | 11 | 12.6 |
| FOURTH CIRCUIT | 5,726 | 5,491 | 95.9 | 235 | 4.1 |
| Maryland | 524 | 487 | 92.9 | 37 | 7.1 |
| North Carolina | | | | | |
| Eastern | 603 | 586 | 97.2 | 17 | 2.8 |
| Middle | 445 | 425 | 95.5 | 20 | 4.5 |
| Western | 591 | 572 | 96.8 | 19 | 3.2 |
| South Carolina | 1,018 | 989 | 97.2 | 29 | 2.8 |
| Virginia | | | | | |
| Eastern | 1,615 | 1,545 | 95.7 | 70 | 4.3 |
| Western | 400 | 378 | 94.5 | 22 | 5.5 |
| West Virginia | | | | | |
| Northern | 268 | 260 | 97.0 | 8 | 3.0 |
| Southern | 262 | 249 | 95.0 | 13 | 5.0 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 12,603 | 12,340 | 97.9 | 263 | 2.1 |
| Louisiana | | | | | |
| Eastern | 375 | 366 | 97.6 | 9 | 2.4 |
| Middle | 114 | 109 | 95.6 | 5 | 4.4 |
| Western | 360 | 347 | 96.4 | 13 | 3.6 |
| Mississippi | | | | | |
| Northern | 165 | 161 | 97.6 | 4 | 2.4 |
| Southern | 363 | 351 | 96.7 | 12 | 3.3 |
| Texas | | | | | |
| Eastern | 628 | 616 | 98.1 | 12 | 1.9 |
| Northern | 1,038 | 1,012 | 97.5 | 26 | 2.5 |
| Southern | 4,582 | 4,488 | 97.9 | 94 | 2.1 |
| Western | 4,978 | 4,890 | 98.2 | 88 | 1.8 |
| SIXTH CIRCUIT | 4,731 | 4,572 | 96.6 | 159 | 3.4 |
| Kentucky | | | | | |
| Eastern | 472 | 460 | 97.5 | 12 | 2.5 |
| Western | 437 | 422 | 96.6 | 15 | 3.4 |
| Michigan | | | | | |
| Eastern | 768 | 733 | 95.4 | 35 | 4.6 |
| Western | 390 | 372 | 95.4 | 18 | 4.6 |
| Ohio | | | | | |
| Northern | 868 | 842 | 97.0 | 26 | 3.0 |
| Southern | 392 | 387 | 98.7 | 5 | 1.3 |
| Tennessee | | | | | |
| Eastern | 622 | 601 | 96.6 | 21 | 3.4 |
| Middle | 322 | 313 | 97.2 | 9 | 2.8 |
| Western | 460 | 442 | 96.1 | 18 | 3.9 |
| SEVENTH CIRCUIT | 2,806 | 2,667 | 95.0 | 139 | 5.0 |
| Illinois | | | | | |
| Central | 347 | 338 | 97.4 | 9 | 2.6 |
| Northern | 1,116 | 1,040 | 93.2 | 76 | 6.8 |
| Southern | 293 | 283 | 96.6 | 10 | 3.4 |
| Indiana | | | | | |
| Northern | 404 | 380 | 94.1 | 24 | 5.9 |
| Southern | 239 | 230 | 96.2 | 9 | 3.8 |
| Wisconsin | | | | | |
| Eastern | 283 | 274 | 96.8 | 9 | 3.2 |
| Western | 124 | 122 | 98.4 | 2 | 1.6 |
| EIGHTH CIRCUIT | 3,685 | 3,541 | 96.1 | 144 | 3.9 |
| Arkansas | | | | | |
| Eastern | 245 | 234 | 95.5 | 11 | 4.5 |
| Western | 143 | 138 | 96.5 | 5 | 3.5 |
| Iowa | | | | | |
| Northern | 356 | 343 | 96.3 | 13 | 3.7 |
| Southern | 291 | 274 | 94.2 | 17 | 5.8 |
| Minnesota | 391 | 371 | 94.9 | 20 | 5.1 |
| Missouri | | | | | |
| Eastern | 628 | 619 | 98.6 | 9 | 1.4 |
| Western | 654 | 622 | 95.1 | 32 | 4.9 |
| Nebraska | 528 | 518 | 98.1 | 10 | 1.9 |
| North Dakota | 147 | 139 | 94.6 | 8 | 5.4 |
| South Dakota | 302 | 283 | 93.7 | 19 | 6.3 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|---------------|---------------|-------------|------------|------------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 13,852 | 13,618 | 98.3 | 234 | 1.7 |
| Alaska | 165 | 154 | 93.3 | 11 | 6.7 |
| Arizona | 3,473 | 3,448 | 99.3 | 25 | 0.7 |
| California | | | | | |
| Central | 1,718 | 1,689 | 98.3 | 29 | 1.7 |
| Eastern | 768 | 748 | 97.4 | 20 | 2.6 |
| Northern | 730 | 715 | 97.9 | 15 | 2.1 |
| Southern | 3,878 | 3,824 | 98.6 | 54 | 1.4 |
| Guam | 138 | 134 | 97.1 | 4 | 2.9 |
| Hawaii | 374 | 361 | 96.5 | 13 | 3.5 |
| Idaho | 200 | 192 | 96.0 | 8 | 4.0 |
| Montana | 348 | 330 | 94.8 | 18 | 5.2 |
| Nevada | 606 | 591 | 97.5 | 15 | 2.5 |
| Northern Mariana Islands | 6 | 6 | 100.0 | 0 | 0.0 |
| Oregon | 549 | 542 | 98.7 | 7 | 1.3 |
| Washington | | | | | |
| Eastern | 304 | 298 | 98.0 | 6 | 2.0 |
| Western | 595 | 586 | 98.5 | 9 | 1.5 |
| TENTH CIRCUIT | 4,109 | 4,028 | 98.0 | 81 | 2.0 |
| Colorado | 570 | 557 | 97.7 | 13 | 2.3 |
| Kansas | 514 | 502 | 97.7 | 12 | 2.3 |
| New Mexico | 1,807 | 1,788 | 98.9 | 19 | 1.1 |
| Oklahoma | | | | | |
| Eastern | 83 | 81 | 97.6 | 2 | 2.4 |
| Northern | 153 | 145 | 94.8 | 8 | 5.2 |
| Western | 179 | 170 | 95.0 | 9 | 5.0 |
| Utah | 669 | 658 | 98.4 | 11 | 1.6 |
| Wyoming | 134 | 127 | 94.8 | 7 | 5.2 |
| ELEVENTH CIRCUIT | 6,632 | 6,378 | 96.2 | 254 | 3.8 |
| Alabama | | | | | |
| Middle | 158 | 147 | 93.0 | 11 | 7.0 |
| Northern | 512 | 504 | 98.4 | 8 | 1.6 |
| Southern | 311 | 302 | 97.1 | 9 | 2.9 |
| Florida | | | | | |
| Middle | 1,457 | 1,391 | 95.5 | 66 | 4.5 |
| Northern | 334 | 315 | 94.3 | 19 | 5.7 |
| Southern | 2,434 | 2,334 | 95.9 | 100 | 4.1 |
| Georgia | | | | | |
| Middle | 352 | 340 | 96.6 | 12 | 3.4 |
| Northern | 784 | 760 | 96.9 | 24 | 3.1 |
| Southern | 290 | 285 | 98.3 | 5 | 1.7 |

Of the 64,366 guideline cases, 370 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

| PRIMARY OFFENSE | TOTAL | National | | | | Southern Texas | | | |
|------------------------------------|---------------|---------------|-------------|--------------|------------|----------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 63,935 | 62,084 | 97.1 | 1,851 | 2.9 | 4,487 | 97.9 | 94 | 2.1 |
| Murder | 84 | 67 | 79.8 | 17 | 20.2 | 0 | 0.0 | 1 | 100.0 |
| Manslaughter | 59 | 56 | 94.9 | 3 | 5.1 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 64 | 57 | 89.1 | 7 | 10.9 | 1 | 100.0 | 0 | 0.0 |
| Sexual Abuse | 212 | 202 | 95.3 | 10 | 4.7 | 5 | 83.3 | 1 | 16.7 |
| Assault | 492 | 450 | 91.5 | 42 | 8.5 | 14 | 100.0 | 0 | 0.0 |
| Robbery | 1,631 | 1,579 | 96.8 | 52 | 3.2 | 29 | 87.9 | 4 | 12.1 |
| Arson | 64 | 53 | 82.8 | 11 | 17.2 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 25,361 | 24,595 | 97.0 | 766 | 3.0 | 1,776 | 97.9 | 39 | 2.1 |
| Drugs - Communication Facility | 459 | 458 | 99.8 | 1 | 0.2 | 1 | 100.0 | 0 | 0.0 |
| Drugs - Simple Possession | 592 | 583 | 98.5 | 9 | 1.5 | 41 | 100.0 | 0 | 0.0 |
| Firearms | 5,173 | 4,923 | 95.2 | 250 | 4.8 | 179 | 93.2 | 13 | 6.8 |
| Burglary/B&E | 43 | 41 | 95.3 | 2 | 4.7 | 0 | -- | 0 | -- |
| Auto Theft | 162 | 153 | 94.4 | 9 | 5.6 | 1 | 100.0 | 0 | 0.0 |
| Larceny | 2,250 | 2,220 | 98.7 | 30 | 1.3 | 56 | 100.0 | 0 | 0.0 |
| Fraud | 7,107 | 6,880 | 96.8 | 227 | 3.2 | 220 | 97.3 | 6 | 2.7 |
| Embezzlement | 734 | 729 | 99.3 | 5 | 0.7 | 7 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 1,466 | 1,449 | 98.8 | 17 | 1.2 | 46 | 100.0 | 0 | 0.0 |
| Bribery | 168 | 159 | 94.6 | 9 | 5.4 | 5 | 83.3 | 1 | 16.7 |
| Tax | 622 | 600 | 96.5 | 22 | 3.5 | 18 | 100.0 | 0 | 0.0 |
| Money Laundering | 939 | 870 | 92.7 | 69 | 7.3 | 52 | 96.3 | 2 | 3.7 |
| Racketeering/Extortion | 828 | 769 | 92.9 | 59 | 7.1 | 9 | 100.0 | 0 | 0.0 |
| Gambling/Lottery | 104 | 104 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Civil Rights | 93 | 82 | 88.2 | 11 | 11.8 | 4 | 100.0 | 0 | 0.0 |
| Immigration | 11,730 | 11,612 | 99.0 | 118 | 1.0 | 1,913 | 98.7 | 26 | 1.3 |
| Pornography/Prostitution | 664 | 643 | 96.8 | 21 | 3.2 | 27 | 96.4 | 1 | 3.6 |
| Prison Offenses | 318 | 313 | 98.4 | 5 | 1.6 | 16 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 1,107 | 1,076 | 97.2 | 31 | 2.8 | 45 | 100.0 | 0 | 0.0 |
| Environmental/Wildlife | 140 | 131 | 93.6 | 9 | 6.4 | 3 | 100.0 | 0 | 0.0 |
| National Defense | 10 | 8 | 80.0 | 2 | 20.0 | 1 | 100.0 | 0 | 0.0 |
| Antitrust | 17 | 15 | 88.2 | 2 | 11.8 | 1 | 100.0 | 0 | 0.0 |
| Food & Drug | 91 | 91 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 1,151 | 1,116 | 97.0 | 35 | 3.0 | 17 | 100.0 | 0 | 0.0 |

Of the 64,366 guideline cases, 431 cases were excluded due to one or both of the following reasons: missing primary offense category (393) or missing mode of conviction (370).

Of the 4,595 guideline cases from the District of Southern Texas, 14 cases were excluded due to one or both of the following reasons: missing primary offense category (13) or missing mode of conviction (13).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 63,292 | 52,117 | 82.3 | 2,253 | 3.6 | 3,151 | 5.0 | 5,771 | 9.1 |
| Murder | 84 | 82 | 97.6 | 1 | 1.2 | 0 | 0.0 | 1 | 1.2 |
| Manslaughter | 58 | 50 | 86.2 | 6 | 10.3 | 1 | 1.7 | 1 | 1.7 |
| Kidnapping/Hostage Taking | 65 | 63 | 96.9 | 1 | 1.5 | 1 | 1.5 | 0 | 0.0 |
| Sexual Abuse | 206 | 179 | 86.9 | 6 | 2.9 | 10 | 4.9 | 11 | 5.3 |
| Assault | 483 | 370 | 76.6 | 18 | 3.7 | 34 | 7.0 | 61 | 12.6 |
| Robbery | 1,620 | 1,580 | 97.5 | 16 | 1.0 | 16 | 1.0 | 8 | 0.5 |
| Arson | 64 | 58 | 90.6 | 2 | 3.1 | 1 | 1.6 | 3 | 4.7 |
| Drugs - Trafficking | 25,209 | 23,568 | 93.5 | 560 | 2.2 | 455 | 1.8 | 626 | 2.5 |
| Drugs - Communication Facility | 456 | 379 | 83.1 | 8 | 1.8 | 33 | 7.2 | 36 | 7.9 |
| Drugs - Simple Possession | 572 | 187 | 32.7 | 6 | 1.0 | 26 | 4.5 | 353 | 61.7 |
| Firearms | 5,132 | 4,575 | 89.1 | 166 | 3.2 | 152 | 3.0 | 239 | 4.7 |
| Burglary/B&E | 43 | 31 | 72.1 | 6 | 14.0 | 2 | 4.7 | 4 | 9.3 |
| Auto Theft | 161 | 119 | 73.9 | 7 | 4.3 | 16 | 9.9 | 19 | 11.8 |
| Larceny | 2,206 | 805 | 36.5 | 141 | 6.4 | 399 | 18.1 | 861 | 39.0 |
| Fraud | 7,012 | 4,073 | 58.1 | 706 | 10.1 | 912 | 13.0 | 1,321 | 18.8 |
| Embezzlement | 721 | 274 | 38.0 | 120 | 16.6 | 98 | 13.6 | 229 | 31.8 |
| Forgery/Counterfeiting | 1,446 | 790 | 54.6 | 94 | 6.5 | 247 | 17.1 | 315 | 21.8 |
| Bribery | 165 | 65 | 39.4 | 17 | 10.3 | 25 | 15.2 | 58 | 35.2 |
| Tax | 618 | 261 | 42.2 | 72 | 11.7 | 125 | 20.2 | 160 | 25.9 |
| Money Laundering | 931 | 699 | 75.1 | 36 | 3.9 | 77 | 8.3 | 119 | 12.8 |
| Racketeering/Extortion | 818 | 740 | 90.5 | 17 | 2.1 | 23 | 2.8 | 38 | 4.6 |
| Gambling/Lottery | 104 | 22 | 21.2 | 9 | 8.7 | 32 | 30.8 | 41 | 39.4 |
| Civil Rights | 89 | 53 | 59.6 | 4 | 4.5 | 11 | 12.4 | 21 | 23.6 |
| Immigration | 11,616 | 11,093 | 95.5 | 86 | 0.7 | 120 | 1.0 | 317 | 2.7 |
| Pornography/Prostitution | 662 | 598 | 90.3 | 10 | 1.5 | 28 | 4.2 | 26 | 3.9 |
| Prison Offenses | 316 | 278 | 88.0 | 12 | 3.8 | 11 | 3.5 | 15 | 4.7 |
| Administration of Justice Offenses | 1,088 | 636 | 58.5 | 59 | 5.4 | 125 | 11.5 | 268 | 24.6 |
| Environmental/Wildlife | 133 | 39 | 29.3 | 7 | 5.3 | 25 | 18.8 | 62 | 46.6 |
| National Defense | 10 | 8 | 80.0 | 0 | 0.0 | 0 | 0.0 | 2 | 20.0 |
| Antitrust | 17 | 8 | 47.1 | 1 | 5.9 | 6 | 35.3 | 2 | 11.8 |
| Food & Drug | 89 | 14 | 15.7 | 7 | 7.9 | 13 | 14.6 | 55 | 61.8 |
| Other Miscellaneous Offenses | 1,098 | 420 | 38.3 | 52 | 4.7 | 127 | 11.6 | 499 | 45.4 |

Of the 64,366 guideline cases, 1,074 cases were excluded due to one or more of the following reasons: missing sentencing information (707), missing primary offense category (393), or cases which the defendant received no imprisonment or probation (301)

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002

Southern Texas

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|--------------|--------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 4,565 | 4,129 | 90.4 | 97 | 2.1 | 143 | 3.1 | 196 | 4.3 |
| Murder | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 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 | 6 | 5 | 83.3 | 0 | 0.0 | 0 | 0.0 | 1 | 16.7 |
| Assault | 14 | 10 | 71.4 | 1 | 7.1 | 1 | 7.1 | 2 | 14.3 |
| Robbery | 33 | 32 | 97.0 | 0 | 0.0 | 1 | 3.0 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 1,813 | 1,694 | 93.4 | 44 | 2.4 | 47 | 2.6 | 28 | 1.5 |
| Drugs - Communication Facility | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Simple Possession | 40 | 6 | 15.0 | 0 | 0.0 | 2 | 5.0 | 32 | 80.0 |
| Firearms | 191 | 183 | 95.8 | 3 | 1.6 | 3 | 1.6 | 2 | 1.0 |
| Burglary/B&E | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Auto Theft | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Larceny | 56 | 31 | 55.4 | 3 | 5.4 | 7 | 12.5 | 15 | 26.8 |
| Fraud | 223 | 166 | 74.4 | 13 | 5.8 | 17 | 7.6 | 27 | 12.1 |
| Embezzlement | 7 | 1 | 14.3 | 0 | 0.0 | 0 | 0.0 | 6 | 85.7 |
| Forgery/Counterfeiting | 46 | 25 | 54.3 | 2 | 4.3 | 10 | 21.7 | 9 | 19.6 |
| Bribery | 6 | 4 | 66.7 | 0 | 0.0 | 0 | 0.0 | 2 | 33.3 |
| Tax | 18 | 7 | 38.9 | 1 | 5.6 | 3 | 16.7 | 7 | 38.9 |
| Money Laundering | 54 | 49 | 90.7 | 0 | 0.0 | 3 | 5.6 | 2 | 3.7 |
| Racketeering/Extortion | 8 | 6 | 75.0 | 0 | 0.0 | 1 | 12.5 | 1 | 12.5 |
| Gambling/Lottery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Civil Rights | 4 | 2 | 50.0 | 0 | 0.0 | 1 | 25.0 | 1 | 25.0 |
| Immigration | 1,932 | 1,826 | 94.5 | 25 | 1.3 | 39 | 2.0 | 42 | 2.2 |
| Pornography/Prostitution | 28 | 26 | 92.9 | 0 | 0.0 | 0 | 0.0 | 2 | 7.1 |
| Prison Offenses | 16 | 14 | 87.5 | 1 | 6.3 | 1 | 6.3 | 0 | 0.0 |
| Administration of Justice Offenses | 44 | 31 | 70.5 | 3 | 6.8 | 3 | 6.8 | 7 | 15.9 |
| Environmental/Wildlife | 3 | 0 | 0.0 | 0 | 0.0 | 1 | 33.3 | 2 | 66.7 |
| National Defense | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| Antitrust | 1 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| Food & Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 17 | 7 | 41.2 | 1 | 5.9 | 2 | 11.8 | 7 | 41.2 |

Of the 4,595 guideline cases from the District of Southern Texas, 30 cases were excluded due to one or more of the following reasons: missing sentencing information (16), missing primary offense category (13), or cases in which the defendant received no imprisonment or probation (13).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

| PRIMARY OFFENSE | TOTAL | National | | | | Southern Texas | | | |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 10,936 | 5,019 | 45.9 | 5,917 | 54.1 | 592 | 73.4 | 214 | 26.6 |
| Fraud | 2,499 | 988 | 39.5 | 1,511 | 60.5 | 40 | 59.7 | 27 | 40.3 |
| Larceny | 1,426 | 301 | 21.1 | 1,125 | 78.9 | 11 | 37.9 | 18 | 62.1 |
| Immigration | 2,543 | 2,234 | 87.8 | 309 | 12.2 | 442 | 90.8 | 45 | 9.2 |
| Embezzlement | 515 | 210 | 40.8 | 305 | 59.2 | 0 | 0.0 | 5 | 100.0 |
| Drugs - Trafficking | 671 | 338 | 50.4 | 333 | 49.6 | 56 | 59.6 | 38 | 40.4 |
| Drugs - Simple Possession | 454 | 120 | 26.4 | 334 | 73.6 | 5 | 13.5 | 32 | 86.5 |
| Firearms | 314 | 151 | 48.1 | 163 | 51.9 | 2 | 66.7 | 1 | 33.3 |
| Forgery/Counterfeiting | 622 | 173 | 27.8 | 449 | 72.2 | 9 | 36.0 | 16 | 64.0 |
| Other Miscellaneous Offenses | 1,892 | 504 | 26.6 | 1,388 | 73.4 | 27 | 45.8 | 32 | 54.2 |

Of the 64,366 guideline cases, 53,430 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (53,321), missing sentencing information (707) or missing primary offense category (393).

Of the 4,595 guideline cases from the District of Southern Texas, 3,789 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (3,780), missing sentencing information (16) or missing primary offense category (13).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

| PRIMARY OFFENSE | National | | | Southern Texas | | |
|---|----------------|------------------|---------------|----------------|------------------|--------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 54.7 | 30.0 | 53,886 | 40.1 | 27.0 | 4,181 |
| Murder | 235.4 | 180.0 | 83 | -- | -- | 1 |
| Manslaughter | 39.6 | 27.0 | 56 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 183.0 | 126.0 | 64 | -- | -- | 1 |
| Sexual Abuse | 62.0 | 36.0 | 185 | 41.0 | 37.0 | 5 |
| Assault | 38.7 | 27.0 | 386 | 28.5 | 21.0 | 11 |
| Robbery | 92.4 | 71.0 | 1,595 | 98.5 | 103.7 | 32 |
| Arson | 93.0 | 60.0 | 60 | -- | -- | 0 |
| Drugs - Trafficking | 74.3 | 57.0 | 24,074 | 56.2 | 41.0 | 1,735 |
| Drugs - Communication Facility | 51.1 | 48.0 | 385 | -- | -- | 1 |
| Drugs - Simple Possession | 17.8 | 6.0 | 183 | 23.2 | 6.0 | 5 |
| Firearms | 71.0 | 45.0 | 4,736 | 57.0 | 41.0 | 186 |
| Burglary/B&E | 21.1 | 16.0 | 37 | -- | -- | 0 |
| Auto Theft | 60.3 | 24.0 | 125 | -- | -- | 1 |
| Larceny | 15.1 | 12.0 | 943 | 17.2 | 13.0 | 33 |
| Fraud | 19.6 | 14.0 | 4,688 | 24.1 | 16.0 | 159 |
| Embezzlement | 7.9 | 4.0 | 391 | -- | -- | 1 |
| Forgery/Counterfeiting | 17.4 | 14.0 | 879 | 22.4 | 16.5 | 26 |
| Bribery | 25.7 | 12.0 | 81 | 66.8 | 5.8 | 3 |
| Tax | 17.3 | 12.0 | 330 | 15.3 | 12.5 | 8 |
| Money Laundering | 47.6 | 33.0 | 731 | 52.2 | 37.0 | 49 |
| Racketeering/Extortion | 88.2 | 60.0 | 755 | 20.2 | 18.0 | 6 |
| Gambling/Lottery | 11.9 | 10.0 | 31 | -- | -- | 0 |
| Civil Rights | 42.1 | 24.0 | 56 | -- | -- | 2 |
| Immigration | 25.3 | 24.0 | 10,912 | 24.3 | 18.0 | 1,833 |
| Pornography/Prostitution | 53.8 | 33.0 | 607 | 59.4 | 48.0 | 26 |
| Prison Offenses | 18.6 | 14.0 | 287 | 10.5 | 8.0 | 15 |
| Administration of Justice Offenses | 23.1 | 15.0 | 682 | 20.0 | 16.5 | 34 |
| Environmental/Wildlife | 10.4 | 10.0 | 45 | -- | -- | 0 |
| National Defense | 149.0 | 56.5 | 8 | -- | -- | 0 |
| Antitrust | 14.3 | 12.0 | 9 | -- | -- | 0 |
| Food & Drug | 20.1 | 12.0 | 21 | -- | -- | 0 |
| Other Miscellaneous Offenses | 17.9 | 12.0 | 461 | 13.7 | 8.0 | 8 |

Of the 64,366 guideline cases, 10,480 cases were excluded for one or more of the following reasons: zero months prison ordered (9,373), missing primary offense category (393) or missing or indeterminable sentencing information (1,051).

Of the 4,595 guideline cases from the District of Southern Texas, 414 cases were excluded due to one or more of the following reasons: zero prison months ordered (383), missing primary offense category (13) or missing or indeterminable sentencing information (30).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 8

GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 2002

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 58,684 | 38,159 | 65.0 | 10,203 | 17.4 | 9,865 | 16.8 | 457 | 0.8 |
| D.C. CIRCUIT | 411 | 246 | 59.9 | 128 | 31.1 | 35 | 8.5 | 2 | 0.5 |
| District of Columbia | 411 | 246 | 59.9 | 128 | 31.1 | 35 | 8.5 | 2 | 0.5 |
| FIRST CIRCUIT | 1,813 | 1,373 | 75.7 | 261 | 14.4 | 169 | 9.3 | 10 | 0.6 |
| Maine | 188 | 134 | 71.3 | 44 | 23.4 | 9 | 4.8 | 1 | 0.5 |
| Massachusetts | 602 | 363 | 60.3 | 122 | 20.3 | 113 | 18.8 | 4 | 0.7 |
| New Hampshire | 130 | 80 | 61.5 | 35 | 26.9 | 15 | 11.5 | 0 | 0.0 |
| Puerto Rico | 758 | 680 | 89.7 | 53 | 7.0 | 23 | 3.0 | 2 | 0.3 |
| Rhode Island | 135 | 116 | 85.9 | 7 | 5.2 | 9 | 6.7 | 3 | 2.2 |
| SECOND CIRCUIT | 4,077 | 2,501 | 61.3 | 773 | 19.0 | 779 | 19.1 | 24 | 0.6 |
| Connecticut | 326 | 175 | 53.7 | 32 | 9.8 | 115 | 35.3 | 4 | 1.2 |
| New York | | | | | | | | | |
| Eastern | 1,383 | 744 | 53.8 | 242 | 17.5 | 393 | 28.4 | 4 | 0.3 |
| Northern | 359 | 205 | 57.1 | 106 | 29.5 | 43 | 12.0 | 5 | 1.4 |
| Southern | 1,404 | 1,046 | 74.5 | 223 | 15.9 | 130 | 9.3 | 5 | 0.4 |
| Western | 434 | 245 | 56.5 | 137 | 31.6 | 47 | 10.8 | 5 | 1.2 |
| Vermont | 171 | 86 | 50.3 | 33 | 19.3 | 51 | 29.8 | 1 | 0.6 |
| THIRD CIRCUIT | 2,656 | 1,564 | 58.9 | 858 | 32.3 | 209 | 7.9 | 25 | 0.9 |
| Delaware | 67 | 49 | 73.1 | 11 | 16.4 | 7 | 10.4 | 0 | 0.0 |
| New Jersey | 814 | 490 | 60.2 | 241 | 29.6 | 78 | 9.6 | 5 | 0.6 |
| Pennsylvania | | | | | | | | | |
| Eastern | 966 | 487 | 50.4 | 397 | 41.1 | 73 | 7.6 | 9 | 0.9 |
| Middle | 413 | 245 | 59.3 | 133 | 32.2 | 26 | 6.3 | 9 | 2.2 |
| Western | 320 | 237 | 74.1 | 63 | 19.7 | 20 | 6.3 | 0 | 0.0 |
| Virgin Islands | 76 | 56 | 73.7 | 13 | 17.1 | 5 | 6.6 | 2 | 2.6 |
| FOURTH CIRCUIT | 5,038 | 3,858 | 76.6 | 937 | 18.6 | 210 | 4.2 | 33 | 0.7 |
| Maryland | 510 | 286 | 56.1 | 161 | 31.6 | 57 | 11.2 | 6 | 1.2 |
| North Carolina | | | | | | | | | |
| Eastern | 569 | 398 | 69.9 | 139 | 24.4 | 23 | 4.0 | 9 | 1.6 |
| Middle | 423 | 363 | 85.8 | 45 | 10.6 | 11 | 2.6 | 4 | 0.9 |
| Western | 522 | 327 | 62.6 | 173 | 33.1 | 21 | 4.0 | 1 | 0.2 |
| South Carolina | 971 | 711 | 73.2 | 229 | 23.6 | 28 | 2.9 | 3 | 0.3 |
| Virginia | | | | | | | | | |
| Eastern | 1,191 | 1,071 | 89.9 | 75 | 6.3 | 43 | 3.6 | 2 | 0.2 |
| Western | 384 | 290 | 75.5 | 81 | 21.1 | 12 | 3.1 | 1 | 0.3 |
| West Virginia | | | | | | | | | |
| Northern | 260 | 227 | 87.3 | 18 | 6.9 | 10 | 3.8 | 5 | 1.9 |
| Southern | 208 | 185 | 88.9 | 16 | 7.7 | 5 | 2.4 | 2 | 1.0 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 12,231 | 8,689 | 71.0 | 1,635 | 13.4 | 1,792 | 14.7 | 115 | 0.9 |
| Louisiana | | | | | | | | | |
| Eastern | 401 | 324 | 80.8 | 45 | 11.2 | 28 | 7.0 | 4 | 1.0 |
| Middle | 111 | 75 | 67.6 | 21 | 18.9 | 9 | 8.1 | 6 | 5.4 |
| Western | 317 | 257 | 81.1 | 42 | 13.2 | 15 | 4.7 | 3 | 0.9 |
| Mississippi | | | | | | | | | |
| Northern | 165 | 105 | 63.6 | 48 | 29.1 | 12 | 7.3 | 0 | 0.0 |
| Southern | 352 | 269 | 76.4 | 68 | 19.3 | 12 | 3.4 | 3 | 0.9 |
| Texas | | | | | | | | | |
| Eastern | 583 | 472 | 81.0 | 63 | 10.8 | 45 | 7.7 | 3 | 0.5 |
| Northern | 984 | 750 | 76.2 | 168 | 17.1 | 48 | 4.9 | 18 | 1.8 |
| Southern | 4,542 | 3,237 | 71.3 | 554 | 12.2 | 712 | 15.7 | 39 | 0.9 |
| Western | 4,776 | 3,200 | 67.0 | 626 | 13.1 | 911 | 19.1 | 39 | 0.8 |
| SIXTH CIRCUIT | 4,426 | 2,959 | 66.9 | 1,152 | 26.0 | 280 | 6.3 | 35 | 0.8 |
| Kentucky | | | | | | | | | |
| Eastern | 404 | 288 | 71.3 | 99 | 24.5 | 15 | 3.7 | 2 | 0.5 |
| Western | 392 | 303 | 77.3 | 68 | 17.3 | 18 | 4.6 | 3 | 0.8 |
| Michigan | | | | | | | | | |
| Eastern | 727 | 519 | 71.4 | 161 | 22.1 | 44 | 6.1 | 3 | 0.4 |
| Western | 374 | 217 | 58.0 | 113 | 30.2 | 33 | 8.8 | 11 | 2.9 |
| Ohio | | | | | | | | | |
| Northern | 808 | 510 | 63.1 | 206 | 25.5 | 86 | 10.6 | 6 | 0.7 |
| Southern | 360 | 213 | 59.2 | 113 | 31.4 | 31 | 8.6 | 3 | 0.8 |
| Tennessee | | | | | | | | | |
| Eastern | 613 | 448 | 73.1 | 152 | 24.8 | 13 | 2.1 | 0 | 0.0 |
| Middle | 305 | 181 | 59.3 | 109 | 35.7 | 13 | 4.3 | 2 | 0.7 |
| Western | 443 | 280 | 63.2 | 131 | 29.6 | 27 | 6.1 | 5 | 1.1 |
| SEVENTH CIRCUIT | 2,678 | 1,855 | 69.3 | 584 | 21.8 | 218 | 8.1 | 21 | 0.8 |
| Illinois | | | | | | | | | |
| Central | 324 | 211 | 65.1 | 94 | 29.0 | 17 | 5.2 | 2 | 0.6 |
| Northern | 1,078 | 689 | 63.9 | 262 | 24.3 | 112 | 10.4 | 15 | 1.4 |
| Southern | 288 | 244 | 84.7 | 30 | 10.4 | 14 | 4.9 | 0 | 0.0 |
| Indiana | | | | | | | | | |
| Northern | 350 | 250 | 71.4 | 74 | 21.1 | 25 | 7.1 | 1 | 0.3 |
| Southern | 236 | 150 | 63.6 | 58 | 24.6 | 27 | 11.4 | 1 | 0.4 |
| Wisconsin | | | | | | | | | |
| Eastern | 278 | 202 | 72.7 | 56 | 20.1 | 20 | 7.2 | 0 | 0.0 |
| Western | 124 | 109 | 87.9 | 10 | 8.1 | 3 | 2.4 | 2 | 1.6 |
| EIGHTH CIRCUIT | 3,565 | 2,470 | 69.3 | 674 | 18.9 | 380 | 10.7 | 41 | 1.2 |
| Arkansas | | | | | | | | | |
| Eastern | 241 | 199 | 82.6 | 33 | 13.7 | 7 | 2.9 | 2 | 0.8 |
| Western | 142 | 108 | 76.1 | 28 | 19.7 | 6 | 4.2 | 0 | 0.0 |
| Iowa | | | | | | | | | |
| Northern | 351 | 233 | 66.4 | 83 | 23.6 | 28 | 8.0 | 7 | 2.0 |
| Southern | 282 | 184 | 65.2 | 56 | 19.9 | 41 | 14.5 | 1 | 0.4 |
| Minnesota | 363 | 225 | 62.0 | 68 | 18.7 | 68 | 18.7 | 2 | 0.6 |
| Missouri | | | | | | | | | |
| Eastern | 597 | 455 | 76.2 | 106 | 17.8 | 35 | 5.9 | 1 | 0.2 |
| Western | 636 | 399 | 62.7 | 197 | 31.0 | 38 | 6.0 | 2 | 0.3 |
| Nebraska | | | | | | | | | |
| Nebraska | 523 | 351 | 67.1 | 70 | 13.4 | 100 | 19.1 | 2 | 0.4 |
| North Dakota | | | | | | | | | |
| North Dakota | 141 | 101 | 71.6 | 17 | 12.1 | 17 | 12.1 | 6 | 4.3 |
| South Dakota | | | | | | | | | |
| South Dakota | 289 | 215 | 74.4 | 16 | 5.5 | 40 | 13.8 | 18 | 6.2 |

| CIRCUIT District | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 11,733 | 5,723 | 48.8 | 1,385 | 11.8 | 4,540 | 38.7 | 85 | 0.7 |
| Alaska | 162 | 108 | 66.7 | 32 | 19.8 | 18 | 11.1 | 4 | 2.5 |
| Arizona | 3,395 | 1,048 | 30.9 | 241 | 7.1 | 2,074 | 61.1 | 32 | 0.9 |
| California | | | | | | | | | |
| Central | 972 | 734 | 75.5 | 114 | 11.7 | 120 | 12.3 | 4 | 0.4 |
| Eastern | 730 | 539 | 73.8 | 138 | 18.9 | 50 | 6.8 | 3 | 0.4 |
| Northern | 658 | 414 | 62.9 | 79 | 12.0 | 157 | 23.9 | 8 | 1.2 |
| Southern | 2,995 | 1,120 | 37.4 | 229 | 7.6 | 1,642 | 54.8 | 4 | 0.1 |
| Guam | 128 | 87 | 68.0 | 38 | 29.7 | 2 | 1.6 | 1 | 0.8 |
| Hawaii | 358 | 195 | 54.5 | 131 | 36.6 | 32 | 8.9 | 0 | 0.0 |
| Idaho | 178 | 100 | 56.2 | 51 | 28.7 | 22 | 12.4 | 5 | 2.8 |
| Montana | 346 | 256 | 74.0 | 61 | 17.6 | 20 | 5.8 | 9 | 2.6 |
| Nevada | 559 | 403 | 72.1 | 55 | 9.8 | 97 | 17.4 | 4 | 0.7 |
| Northern Mariana Islands | 5 | 2 | 40.0 | 3 | 60.0 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 502 | 302 | 60.2 | 88 | 17.5 | 109 | 21.7 | 3 | 0.6 |
| Washington | | | | | | | | | |
| Eastern | 272 | 138 | 50.7 | 29 | 10.7 | 103 | 37.9 | 2 | 0.7 |
| Western | 473 | 277 | 58.6 | 96 | 20.3 | 94 | 19.9 | 6 | 1.3 |
| TENTH CIRCUIT | 3,833 | 2,551 | 66.6 | 421 | 11.0 | 839 | 21.9 | 22 | 0.6 |
| Colorado | 549 | 316 | 57.6 | 163 | 29.7 | 67 | 12.2 | 3 | 0.5 |
| Kansas | 493 | 369 | 74.8 | 76 | 15.4 | 44 | 8.9 | 4 | 0.8 |
| New Mexico | 1,737 | 1,064 | 61.3 | 85 | 4.9 | 584 | 33.6 | 4 | 0.2 |
| Oklahoma | | | | | | | | | |
| Eastern | 80 | 56 | 70.0 | 3 | 3.8 | 21 | 26.3 | 0 | 0.0 |
| Northern | 151 | 122 | 80.8 | 23 | 15.2 | 5 | 3.3 | 1 | 0.7 |
| Western | 152 | 102 | 67.1 | 34 | 22.4 | 11 | 7.2 | 5 | 3.3 |
| Utah | 542 | 421 | 77.7 | 25 | 4.6 | 95 | 17.5 | 1 | 0.2 |
| Wyoming | 129 | 101 | 78.3 | 12 | 9.3 | 12 | 9.3 | 4 | 3.1 |
| ELEVENTH CIRCUIT | 6,223 | 4,370 | 70.2 | 1,395 | 22.4 | 414 | 6.7 | 44 | 0.7 |
| Alabama | | | | | | | | | |
| Middle | 149 | 71 | 47.7 | 69 | 46.3 | 7 | 4.7 | 2 | 1.3 |
| Northern | 500 | 319 | 63.8 | 158 | 31.6 | 19 | 3.8 | 4 | 0.8 |
| Southern | 304 | 190 | 62.5 | 103 | 33.9 | 10 | 3.3 | 1 | 0.3 |
| Florida | | | | | | | | | |
| Middle | 1,384 | 803 | 58.0 | 467 | 33.7 | 103 | 7.4 | 11 | 0.8 |
| Northern | 321 | 221 | 68.8 | 82 | 25.5 | 14 | 4.4 | 4 | 1.2 |
| Southern | 2,212 | 1,785 | 80.7 | 284 | 12.8 | 134 | 6.1 | 9 | 0.4 |
| Georgia | | | | | | | | | |
| Middle | 311 | 230 | 74.0 | 68 | 21.9 | 10 | 3.2 | 3 | 1.0 |
| Northern | 771 | 543 | 70.4 | 124 | 16.1 | 97 | 12.6 | 7 | 0.9 |
| Southern | 271 | 208 | 76.8 | 40 | 14.8 | 20 | 7.4 | 3 | 1.1 |

Of the 64,366 guideline cases, 365 cases with no analogous guidelines were excluded from the table. Of the remaining 64,001 cases, 5,317 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 (44.0%), Eastern Virginia (24.3%), Southern California (22.8%), Delaware (21.2%), Southern West Virginia (20.0%), Eastern New York (19.7%), Western Washington (18.4%), Utah (18.3%), Northern Mariana Islands (16.7%), Eastern Kentucky (16.5%), Puerto Rico (15.8%), Western Oklahoma (14.1%), Northern Indiana (13.2%), Southern Florida (13.1%), Maine (13.0%), Virgin Islands (12.6%), Southern New York (12.5%), Western North Carolina (12.1%), Western Louisiana (11.9%), Idaho (11.0%), Rhode Island (10.0%), Eastern Washington (9.9%), Northern California (9.7%), Northern New York (8.9%), Middle Georgia (8.8%), Southern Ohio (8.4%), Oregon (7.9%), Guam (7.9%), Nevada (7.6%), Western Kentucky (7.1%), Eastern Texas (7.0%), Northern Ohio (7.0%), Minnesota (6.2%), Western Pennsylvania (6.2%), Central Illinois (5.8%), Southern Georgia (5.6%), Eastern Michigan (5.6%), Middle Pennsylvania (5.3%), Middle Florida (5.1%), and Middle Alabama (5.1%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 58,423 | 37,968 | 65.0 | 10,170 | 17.4 | 9,828 | 16.8 | 457 | 0.8 |
| Robbery | 1,522 | 1,051 | 69.1 | 227 | 14.9 | 220 | 14.5 | 24 | 1.6 |
| Drugs - Trafficking | 23,949 | 13,398 | 55.9 | 6,565 | 27.4 | 3,932 | 16.4 | 54 | 0.2 |
| Drugs - Simple Possession | 481 | 458 | 95.2 | 17 | 3.5 | 4 | 0.8 | 2 | 0.4 |
| Firearms | 4,765 | 3,511 | 73.7 | 581 | 12.2 | 602 | 12.6 | 71 | 1.5 |
| Larceny | 2,038 | 1,745 | 85.6 | 151 | 7.4 | 126 | 6.2 | 16 | 0.8 |
| Fraud | 6,378 | 4,539 | 71.2 | 1,135 | 17.8 | 633 | 9.9 | 71 | 1.1 |
| Embezzlement | 672 | 588 | 87.5 | 24 | 3.6 | 58 | 8.6 | 2 | 0.3 |
| Forgery/Counterfeiting | 1,363 | 1,094 | 80.3 | 159 | 11.7 | 97 | 7.1 | 13 | 1.0 |
| Immigration | 10,399 | 6,861 | 66.0 | 248 | 2.4 | 3,236 | 31.1 | 54 | 0.5 |
| Other Miscellaneous Offenses | 6,856 | 4,723 | 68.9 | 1,063 | 15.5 | 920 | 13.4 | 150 | 2.2 |

Southern Texas

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|--------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 4,539 | 3,234 | 71.2 | 554 | 12.2 | 712 | 15.7 | 39 | 0.9 |
| Robbery | 33 | 21 | 63.6 | 3 | 9.1 | 8 | 24.2 | 1 | 3.0 |
| Drugs - Trafficking | 1,806 | 1,230 | 68.1 | 383 | 21.2 | 191 | 10.6 | 2 | 0.1 |
| Drugs - Simple Possession | 39 | 38 | 97.4 | 1 | 2.6 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 188 | 136 | 72.3 | 20 | 10.6 | 26 | 13.8 | 6 | 3.2 |
| Larceny | 55 | 40 | 72.7 | 7 | 12.7 | 4 | 7.3 | 4 | 7.3 |
| Fraud | 224 | 152 | 67.9 | 48 | 21.4 | 20 | 8.9 | 4 | 1.8 |
| Embezzlement | 7 | 6 | 85.7 | 0 | 0.0 | 1 | 14.3 | 0 | 0.0 |
| Forgery/Counterfeiting | 46 | 37 | 80.4 | 6 | 13.0 | 1 | 2.2 | 2 | 4.3 |
| Immigration | 1,915 | 1,414 | 73.8 | 51 | 2.7 | 436 | 22.8 | 14 | 0.7 |
| Other Miscellaneous Offenses | 226 | 160 | 70.8 | 35 | 15.5 | 25 | 11.1 | 6 | 2.7 |

Of the 64,366 guideline cases, 5,943 cases were excluded due to one or more of the following reasons: no analogous guidelines (365), missing or indeterminable departure information (5,317) or missing primary offense category (393).

Of the 4,595 guideline cases from the District of Southern Texas, 56 cases were excluded due to one or more of the following reasons: no analogous guidelines (4), missing or indeterminable departure information (49) or missing primary offense category (13).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.