

# United States Sentencing Commission



## *Statistical Information Packet*

*Fiscal Year 2007*

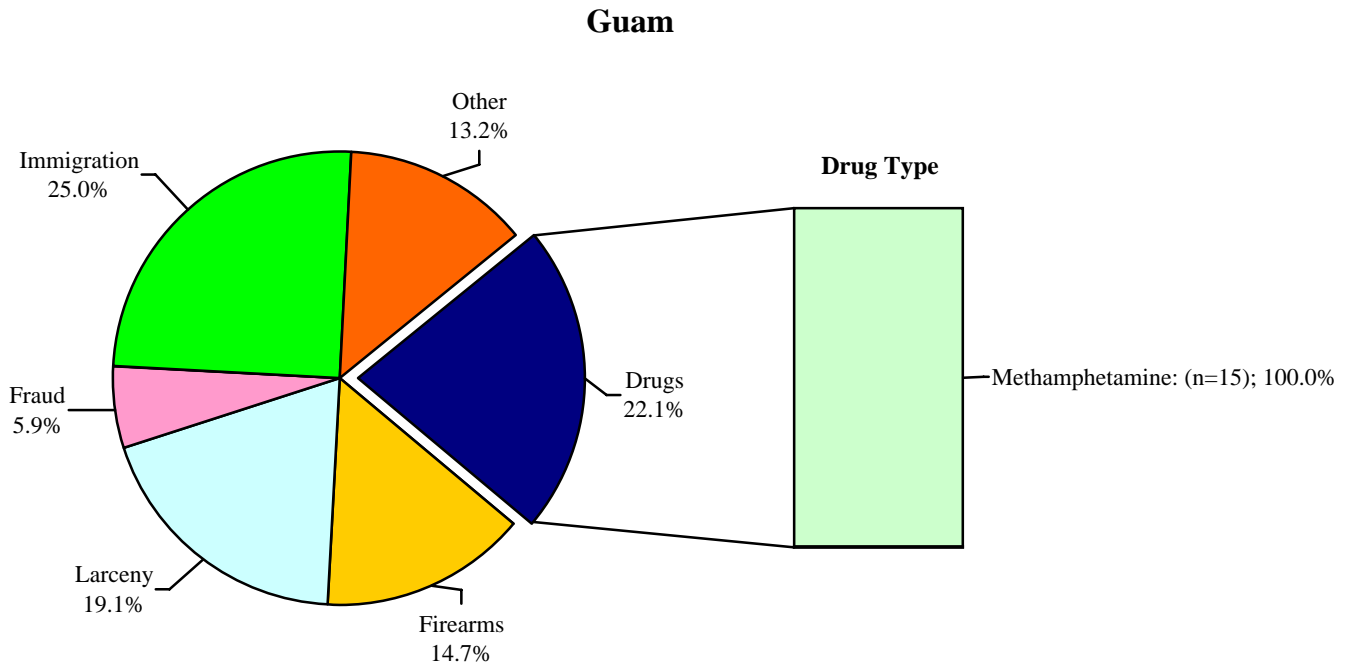
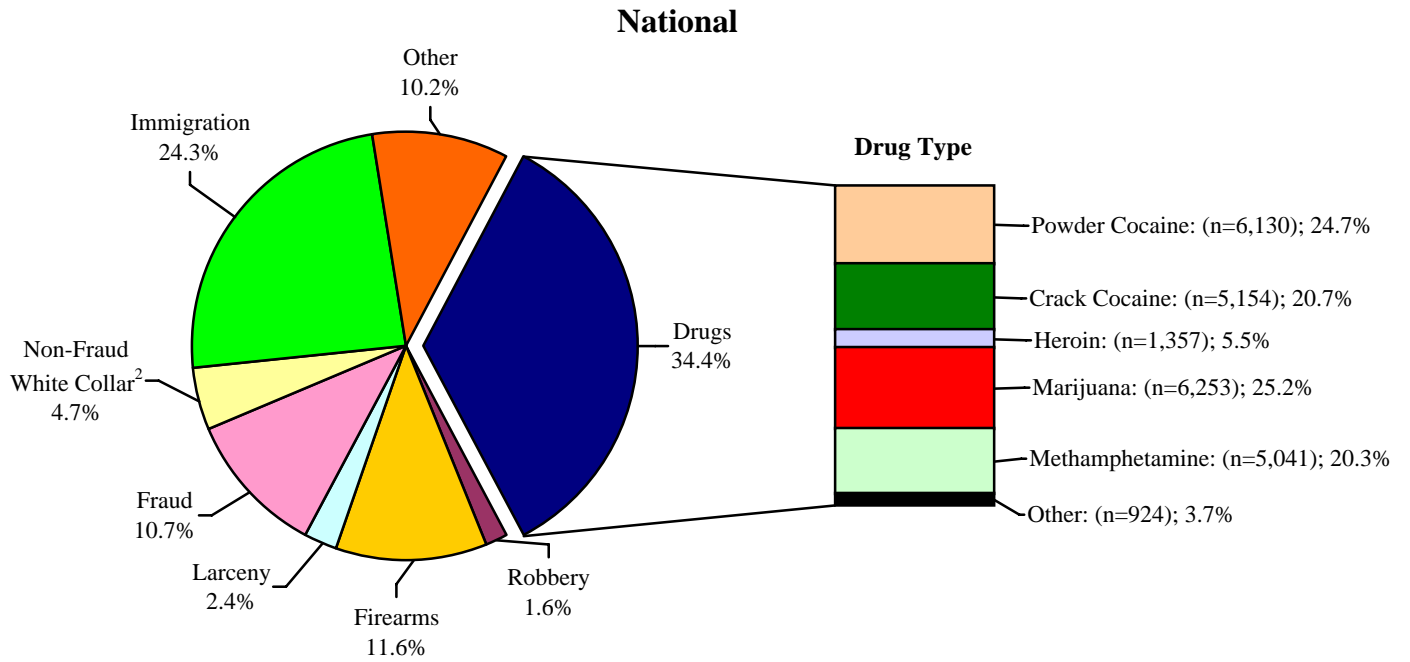
*District of Guam*

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**Figure A**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2007**



<sup>1</sup>Of the 72,865 guideline cases, 613 cases were excluded due to one of the following reasons: missing primary offense category (100) or missing drug type (513). Of the 68 guideline cases from the District of Guam, no case was excluded.

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

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2007**

| PRIMARY OFFENSE                    | National      |              | Guam      |              |
|------------------------------------|---------------|--------------|-----------|--------------|
|                                    | Number        | Percent      | Number    | Percent      |
| <b>TOTAL</b>                       | <b>72,765</b> | <b>100.0</b> | <b>68</b> | <b>100.0</b> |
| Murder                             | 81            | 0.1          | 0         | 0.0          |
| Manslaughter                       | 65            | 0.1          | 0         | 0.0          |
| Kidnapping/Hostage Taking          | 48            | 0.1          | 0         | 0.0          |
| Sexual Abuse                       | 382           | 0.5          | 0         | 0.0          |
| Assault                            | 576           | 0.8          | 0         | 0.0          |
| Robbery                            | 1,120         | 1.5          | 0         | 0.0          |
| Arson                              | 78            | 0.1          | 0         | 0.0          |
| Drugs - Trafficking                | 24,332        | 33.4         | 14        | 20.6         |
| Drugs - Communication Facility     | 376           | 0.5          | 1         | 1.5          |
| Drugs - Simple Possession          | 664           | 0.9          | 0         | 0.0          |
| Firearms                           | 8,359         | 11.5         | 10        | 14.7         |
| Burglary/B&E                       | 41            | 0.1          | 0         | 0.0          |
| Auto Theft                         | 64            | 0.1          | 0         | 0.0          |
| Larceny                            | 1,762         | 2.4          | 13        | 19.1         |
| Fraud                              | 7,767         | 10.7         | 4         | 5.9          |
| Embezzlement                       | 465           | 0.6          | 0         | 0.0          |
| Forgery/Counterfeiting             | 1,157         | 1.6          | 0         | 0.0          |
| Bribery                            | 243           | 0.3          | 0         | 0.0          |
| Tax                                | 647           | 0.9          | 0         | 0.0          |
| Money Laundering                   | 918           | 1.3          | 0         | 0.0          |
| Racketeering/Extortion             | 621           | 0.9          | 0         | 0.0          |
| Gambling/Lottery                   | 113           | 0.2          | 0         | 0.0          |
| Civil Rights                       | 64            | 0.1          | 0         | 0.0          |
| Immigration                        | 17,592        | 24.2         | 17        | 25.0         |
| Pornography/Prostitution           | 1,445         | 2.0          | 0         | 0.0          |
| Prison Offenses                    | 316           | 0.4          | 0         | 0.0          |
| Administration of Justice Offenses | 1,016         | 1.4          | 2         | 2.9          |
| Environmental/Wildlife             | 193           | 0.3          | 0         | 0.0          |
| National Defense                   | 32            | 0.0          | 0         | 0.0          |
| Antitrust                          | 15            | 0.0          | 0         | 0.0          |
| Food & Drug                        | 71            | 0.1          | 0         | 0.0          |
| Other Miscellaneous Offenses       | 2,142         | 2.9          | 7         | 10.3         |

Of the 72,865 guideline cases, 100 cases were excluded due to missing information on primary offense category.

Of the 68 guideline cases from the District of Guam, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 2007**

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | Number        | Percent     | Number       | Percent    |
| <b>TOTAL</b>          | <b>72,761</b> | <b>69,689</b> | <b>95.8</b> | <b>3,072</b> | <b>4.2</b> |
| <b>D.C. CIRCUIT</b>   | <b>450</b>    | <b>416</b>    | <b>92.4</b> | <b>34</b>    | <b>7.6</b> |
| District of Columbia  | 450           | 416           | 92.4        | 34           | 7.6        |
| <b>FIRST CIRCUIT</b>  | <b>1,926</b>  | <b>1,786</b>  | <b>92.7</b> | <b>140</b>   | <b>7.3</b> |
| Maine                 | 191           | 171           | 89.5        | 20           | 10.5       |
| Massachusetts         | 581           | 528           | 90.9        | 53           | 9.1        |
| New Hampshire         | 239           | 230           | 96.2        | 9            | 3.8        |
| Puerto Rico           | 772           | 726           | 94.0        | 46           | 6.0        |
| Rhode Island          | 143           | 131           | 91.6        | 12           | 8.4        |
| <b>SECOND CIRCUIT</b> | <b>4,453</b>  | <b>4,227</b>  | <b>94.9</b> | <b>226</b>   | <b>5.1</b> |
| Connecticut           | 405           | 390           | 96.3        | 15           | 3.7        |
| New York              |               |               |             |              |            |
| Eastern               | 1,043         | 980           | 94.0        | 63           | 6.0        |
| Northern              | 450           | 427           | 94.9        | 23           | 5.1        |
| Southern              | 1,653         | 1,545         | 93.5        | 108          | 6.5        |
| Western               | 762           | 747           | 98.0        | 15           | 2.0        |
| Vermont               | 140           | 138           | 98.6        | 2            | 1.4        |
| <b>THIRD CIRCUIT</b>  | <b>3,099</b>  | <b>2,924</b>  | <b>94.4</b> | <b>175</b>   | <b>5.6</b> |
| Delaware              | 107           | 100           | 93.5        | 7            | 6.5        |
| New Jersey            | 1,012         | 978           | 96.6        | 34           | 3.4        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 793           | 732           | 92.3        | 61           | 7.7        |
| Middle                | 589           | 572           | 97.1        | 17           | 2.9        |
| Western               | 492           | 461           | 93.7        | 31           | 6.3        |
| Virgin Islands        | 106           | 81            | 76.4        | 25           | 23.6       |
| <b>FOURTH CIRCUIT</b> | <b>6,540</b>  | <b>6,204</b>  | <b>94.9</b> | <b>336</b>   | <b>5.1</b> |
| Maryland              | 696           | 645           | 92.7        | 51           | 7.3        |
| North Carolina        |               |               |             |              |            |
| Eastern               | 611           | 588           | 96.2        | 23           | 3.8        |
| Middle                | 429           | 400           | 93.2        | 29           | 6.8        |
| Western               | 766           | 728           | 95.0        | 38           | 5.0        |
| South Carolina        | 1,129         | 1,093         | 96.8        | 36           | 3.2        |
| Virginia              |               |               |             |              |            |
| Eastern               | 1,764         | 1,671         | 94.7        | 93           | 5.3        |
| Western               | 623           | 583           | 93.6        | 40           | 6.4        |
| West Virginia         |               |               |             |              |            |
| Northern              | 268           | 253           | 94.4        | 15           | 5.6        |
| Southern              | 254           | 243           | 95.7        | 11           | 4.3        |

| CIRCUIT<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | Number        | Percent     | Number     | Percent    |
| <b>FIFTH CIRCUIT</b>   | <b>15,086</b> | <b>14,723</b> | <b>97.6</b> | <b>363</b> | <b>2.4</b> |
| Louisiana              |               |               |             |            |            |
| Eastern                | 420           | 407           | 96.9        | 13         | 3.1        |
| Middle                 | 166           | 156           | 94.0        | 10         | 6.0        |
| Western                | 488           | 460           | 94.3        | 28         | 5.7        |
| Mississippi            |               |               |             |            |            |
| Northern               | 193           | 191           | 99.0        | 2          | 1.0        |
| Southern               | 430           | 409           | 95.1        | 21         | 4.9        |
| Texas                  |               |               |             |            |            |
| Eastern                | 978           | 951           | 97.2        | 27         | 2.8        |
| Northern               | 1,052         | 1,001         | 95.2        | 51         | 4.8        |
| Southern               | 5,581         | 5,475         | 98.1        | 106        | 1.9        |
| Western                | 5,778         | 5,673         | 98.2        | 105        | 1.8        |
| <b>SIXTH CIRCUIT</b>   | <b>5,271</b>  | <b>4,996</b>  | <b>94.8</b> | <b>275</b> | <b>5.2</b> |
| Kentucky               |               |               |             |            |            |
| Eastern                | 579           | 549           | 94.8        | 30         | 5.2        |
| Western                | 536           | 510           | 95.1        | 26         | 4.9        |
| Michigan               |               |               |             |            |            |
| Eastern                | 759           | 716           | 94.3        | 43         | 5.7        |
| Western                | 447           | 429           | 96.0        | 18         | 4.0        |
| Ohio                   |               |               |             |            |            |
| Northern               | 881           | 836           | 94.9        | 45         | 5.1        |
| Southern               | 631           | 603           | 95.6        | 28         | 4.4        |
| Tennessee              |               |               |             |            |            |
| Eastern                | 570           | 538           | 94.4        | 32         | 5.6        |
| Middle                 | 317           | 303           | 95.6        | 14         | 4.4        |
| Western                | 551           | 512           | 92.9        | 39         | 7.1        |
| <b>SEVENTH CIRCUIT</b> | <b>2,928</b>  | <b>2,728</b>  | <b>93.2</b> | <b>200</b> | <b>6.8</b> |
| Illinois               |               |               |             |            |            |
| Central                | 391           | 367           | 93.9        | 24         | 6.1        |
| Northern               | 850           | 776           | 91.3        | 74         | 8.7        |
| Southern               | 344           | 327           | 95.1        | 17         | 4.9        |
| Indiana                |               |               |             |            |            |
| Northern               | 426           | 385           | 90.4        | 41         | 9.6        |
| Southern               | 314           | 289           | 92.0        | 25         | 8.0        |
| Wisconsin              |               |               |             |            |            |
| Eastern                | 406           | 392           | 96.6        | 14         | 3.4        |
| Western                | 197           | 192           | 97.5        | 5          | 2.5        |
| <b>EIGHTH CIRCUIT</b>  | <b>5,059</b>  | <b>4,823</b>  | <b>95.3</b> | <b>236</b> | <b>4.7</b> |
| Arkansas               |               |               |             |            |            |
| Eastern                | 366           | 361           | 98.6        | 5          | 1.4        |
| Western                | 182           | 173           | 95.1        | 9          | 4.9        |
| Iowa                   |               |               |             |            |            |
| Northern               | 455           | 418           | 91.9        | 37         | 8.1        |
| Southern               | 373           | 346           | 92.8        | 27         | 7.2        |
| Minnesota              | 541           | 507           | 93.7        | 34         | 6.3        |
| Missouri               |               |               |             |            |            |
| Eastern                | 975           | 946           | 97.0        | 29         | 3.0        |
| Western                | 808           | 778           | 96.3        | 30         | 3.7        |
| Nebraska               | 703           | 674           | 95.9        | 29         | 4.1        |
| North Dakota           | 210           | 199           | 94.8        | 11         | 5.2        |
| South Dakota           | 446           | 421           | 94.4        | 25         | 5.6        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | Number        | Percent     | Number     | Percent    |
| <b>NINTH CIRCUIT</b>     | <b>14,821</b> | <b>14,410</b> | <b>97.2</b> | <b>411</b> | <b>2.8</b> |
| Alaska                   | 131           | 124           | 94.7        | 7          | 5.3        |
| Arizona                  | 4,720         | 4,653         | 98.6        | 67         | 1.4        |
| California               |               |               |             |            |            |
| Central                  | 1,630         | 1,561         | 95.8        | 69         | 4.2        |
| Eastern                  | 946           | 914           | 96.6        | 32         | 3.4        |
| Northern                 | 655           | 641           | 97.9        | 14         | 2.1        |
| Southern                 | 3,245         | 3,180         | 98.0        | 65         | 2.0        |
| Guam                     | 68            | 64            | 94.1        | 4          | 5.9        |
| Hawaii                   | 359           | 345           | 96.1        | 14         | 3.9        |
| Idaho                    | 251           | 238           | 94.8        | 13         | 5.2        |
| Montana                  | 366           | 323           | 88.3        | 43         | 11.7       |
| Nevada                   | 655           | 632           | 96.5        | 23         | 3.5        |
| Northern Mariana Islands | 19            | 13            | 68.4        | 6          | 31.6       |
| Oregon                   | 565           | 549           | 97.2        | 16         | 2.8        |
| Washington               |               |               |             |            |            |
| Eastern                  | 364           | 349           | 95.9        | 15         | 4.1        |
| Western                  | 847           | 824           | 97.3        | 23         | 2.7        |
| <b>TENTH CIRCUIT</b>     | <b>5,885</b>  | <b>5,710</b>  | <b>97.0</b> | <b>175</b> | <b>3.0</b> |
| Colorado                 | 548           | 517           | 94.3        | 31         | 5.7        |
| Kansas                   | 649           | 626           | 96.5        | 23         | 3.5        |
| New Mexico               | 2,520         | 2,493         | 98.9        | 27         | 1.1        |
| Oklahoma                 |               |               |             |            |            |
| Eastern                  | 95            | 84            | 88.4        | 11         | 11.6       |
| Northern                 | 231           | 211           | 91.3        | 20         | 8.7        |
| Western                  | 547           | 515           | 94.1        | 32         | 5.9        |
| Utah                     | 913           | 890           | 97.5        | 23         | 2.5        |
| Wyoming                  | 382           | 374           | 97.9        | 8          | 2.1        |
| <b>ELEVENTH CIRCUIT</b>  | <b>7,243</b>  | <b>6,742</b>  | <b>93.1</b> | <b>501</b> | <b>6.9</b> |
| Alabama                  |               |               |             |            |            |
| Middle                   | 243           | 226           | 93.0        | 17         | 7.0        |
| Northern                 | 582           | 527           | 90.5        | 55         | 9.5        |
| Southern                 | 356           | 330           | 92.7        | 26         | 7.3        |
| Florida                  |               |               |             |            |            |
| Middle                   | 1,604         | 1,496         | 93.3        | 108        | 6.7        |
| Northern                 | 441           | 391           | 88.7        | 50         | 11.3       |
| Southern                 | 2,326         | 2,171         | 93.3        | 155        | 6.7        |
| Georgia                  |               |               |             |            |            |
| Middle                   | 538           | 507           | 94.2        | 31         | 5.8        |
| Northern                 | 609           | 569           | 93.4        | 40         | 6.6        |
| Southern                 | 544           | 525           | 96.5        | 19         | 3.5        |

Of the 72,865 guideline cases, 104 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2007**

| PRIMARY OFFENSE                           | TOTAL         | National      |             |              |            | Guam      |             |          |            |
|---|---------------|---------------|-------------|--------------|------------|-----------|-------------|----------|------------|
|   |               | PLEA          |             | TRIAL        |            | PLEA      |             | TRIAL    |            |
|   |               | n             | %           | n            | %          | n         | %           | n        | %          |
| <b>TOTAL</b>                              | <b>72,759</b> | <b>69,687</b> | <b>95.8</b> | <b>3,072</b> | <b>4.2</b> | <b>64</b> | <b>94.1</b> | <b>4</b> | <b>5.9</b> |
| <b>Murder</b>                             | <b>81</b>     | 57            | 70.4        | 24           | 29.6       | 0         | --          | 0        | --         |
| <b>Manslaughter</b>                       | <b>65</b>     | 58            | 89.2        | 7            | 10.8       | 0         | --          | 0        | --         |
| <b>Kidnapping/Hostage Taking</b>          | <b>48</b>     | 46            | 95.8        | 2            | 4.2        | 0         | --          | 0        | --         |
| <b>Sexual Abuse</b>                       | <b>382</b>    | 328           | 85.9        | 54           | 14.1       | 0         | --          | 0        | --         |
| <b>Assault</b>                            | <b>576</b>    | 529           | 91.8        | 47           | 8.2        | 0         | --          | 0        | --         |
| <b>Robbery</b>                            | <b>1,120</b>  | 1,075         | 96.0        | 45           | 4.0        | 0         | --          | 0        | --         |
| <b>Arson</b>                              | <b>78</b>     | 67            | 85.9        | 11           | 14.1       | 0         | --          | 0        | --         |
| <b>Drugs - Trafficking</b>                | <b>24,332</b> | 23,258        | 95.6        | 1,074        | 4.4        | 11        | 78.6        | 3        | 21.4       |
| <b>Drugs - Communication Facility</b>     | <b>376</b>    | 374           | 99.5        | 2            | 0.5        | 1         | 100.0       | 0        | 0.0        |
| <b>Drugs - Simple Possession</b>          | <b>662</b>    | 650           | 98.2        | 12           | 1.8        | 0         | --          | 0        | --         |
| <b>Firearms</b>                           | <b>8,359</b>  | 7,736         | 92.5        | 623          | 7.5        | 10        | 100.0       | 0        | 0.0        |
| <b>Burglary/B&amp;E</b>                   | <b>41</b>     | 39            | 95.1        | 2            | 4.9        | 0         | --          | 0        | --         |
| <b>Auto Theft</b>                         | <b>64</b>     | 60            | 93.8        | 4            | 6.3        | 0         | --          | 0        | --         |
| <b>Larceny</b>                            | <b>1,762</b>  | 1,710         | 97.0        | 52           | 3.0        | 13        | 100.0       | 0        | 0.0        |
| <b>Fraud</b>                              | <b>7,767</b>  | 7,378         | 95.0        | 389          | 5.0        | 4         | 100.0       | 0        | 0.0        |
| <b>Embezzlement</b>                       | <b>465</b>    | 454           | 97.6        | 11           | 2.4        | 0         | --          | 0        | --         |
| <b>Forgery/Counterfeiting</b>             | <b>1,157</b>  | 1,137         | 98.3        | 20           | 1.7        | 0         | --          | 0        | --         |
| <b>Bribery</b>                            | <b>243</b>    | 218           | 89.7        | 25           | 10.3       | 0         | --          | 0        | --         |
| <b>Tax</b>                                | <b>647</b>    | 586           | 90.6        | 61           | 9.4        | 0         | --          | 0        | --         |
| <b>Money Laundering</b>                   | <b>918</b>    | 845           | 92.0        | 73           | 8.0        | 0         | --          | 0        | --         |
| <b>Racketeering/Extortion</b>             | <b>621</b>    | 540           | 87.0        | 81           | 13.0       | 0         | --          | 0        | --         |
| <b>Gambling/Lottery</b>                   | <b>113</b>    | 112           | 99.1        | 1            | 0.9        | 0         | --          | 0        | --         |
| <b>Civil Rights</b>                       | <b>64</b>     | 54            | 84.4        | 10           | 15.6       | 0         | --          | 0        | --         |
| <b>Immigration</b>                        | <b>17,591</b> | 17,401        | 98.9        | 190          | 1.1        | 16        | 94.1        | 1        | 5.9        |
| <b>Pornography/Prostitution</b>           | <b>1,445</b>  | 1,377         | 95.3        | 68           | 4.7        | 0         | --          | 0        | --         |
| <b>Prison Offenses</b>                    | <b>316</b>    | 304           | 96.2        | 12           | 3.8        | 0         | --          | 0        | --         |
| <b>Administration of Justice Offenses</b> | <b>1,016</b>  | 945           | 93.0        | 71           | 7.0        | 2         | 100.0       | 0        | 0.0        |
| <b>Environmental/Wildlife</b>             | <b>193</b>    | 187           | 96.9        | 6            | 3.1        | 0         | --          | 0        | --         |
| <b>National Defense</b>                   | <b>32</b>     | 29            | 90.6        | 3            | 9.4        | 0         | --          | 0        | --         |
| <b>Antitrust</b>                          | <b>15</b>     | 15            | 100.0       | 0            | 0.0        | 0         | --          | 0        | --         |
| <b>Food &amp; Drug</b>                    | <b>71</b>     | 69            | 97.2        | 2            | 2.8        | 0         | --          | 0        | --         |
| <b>Other Miscellaneous Offenses</b>       | <b>2,139</b>  | 2,049         | 95.8        | 90           | 4.2        | 7         | 100.0       | 0        | 0.0        |

Of the 72,865 guideline cases, 106 cases were excluded due to one or both of the following reasons: missing primary offense category (100) or missing mode of conviction (104).

Of the 68 guideline cases from the District of Guam, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.



**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2007**

**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>72,061</b> | <b>61,498</b> | <b>85.3</b> | <b>2,226</b>                    | <b>3.1</b> | <b>2,789</b>              | <b>3.9</b> | <b>5,548</b>   | <b>7.7</b> |
| Murder                             | 81            | 80            | 98.8        | 1                               | 1.2        | 0                         | 0.0        | 0              | 0.0        |
| Manslaughter                       | 65            | 60            | 92.3        | 2                               | 3.1        | 3                         | 4.6        | 0              | 0.0        |
| Kidnapping/Hostage Taking          | 48            | 48            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Sexual Abuse                       | 381           | 358           | 94.0        | 10                              | 2.6        | 6                         | 1.6        | 7              | 1.8        |
| Assault                            | 567           | 450           | 79.4        | 27                              | 4.8        | 30                        | 5.3        | 60             | 10.6       |
| Robbery                            | 1,119         | 1,083         | 96.8        | 16                              | 1.4        | 9                         | 0.8        | 11             | 1.0        |
| Arson                              | 78            | 73            | 93.6        | 2                               | 2.6        | 2                         | 2.6        | 1              | 1.3        |
| Drugs - Trafficking                | 24,304        | 23,081        | 95.0        | 561                             | 2.3        | 305                       | 1.3        | 357            | 1.5        |
| Drugs - Communication Facility     | 372           | 304           | 81.7        | 9                               | 2.4        | 24                        | 6.5        | 35             | 9.4        |
| Drugs - Simple Possession          | 599           | 248           | 41.4        | 9                               | 1.5        | 28                        | 4.7        | 314            | 52.4       |
| Firearms                           | 8,348         | 7,684         | 92.0        | 195                             | 2.3        | 230                       | 2.8        | 239            | 2.9        |
| Burglary/B&E                       | 41            | 33            | 80.5        | 4                               | 9.8        | 0                         | 0.0        | 4              | 9.8        |
| Auto Theft                         | 64            | 50            | 78.1        | 4                               | 6.3        | 5                         | 7.8        | 5              | 7.8        |
| Larceny                            | 1,621         | 618           | 38.1        | 80                              | 4.9        | 249                       | 15.4       | 674            | 41.6       |
| Fraud                              | 7,727         | 4,973         | 64.4        | 561                             | 7.3        | 829                       | 10.7       | 1,364          | 17.7       |
| Embezzlement                       | 462           | 155           | 33.5        | 64                              | 13.9       | 77                        | 16.7       | 166            | 35.9       |
| Forgery/Counterfeiting             | 1,153         | 728           | 63.1        | 80                              | 6.9        | 149                       | 12.9       | 196            | 17.0       |
| Bribery                            | 243           | 152           | 62.6        | 23                              | 9.5        | 35                        | 14.4       | 33             | 13.6       |
| Tax                                | 642           | 313           | 48.8        | 73                              | 11.4       | 110                       | 17.1       | 146            | 22.7       |
| Money Laundering                   | 917           | 724           | 79.0        | 46                              | 5.0        | 70                        | 7.6        | 77             | 8.4        |
| Racketeering/Extortion             | 620           | 557           | 89.8        | 9                               | 1.5        | 27                        | 4.4        | 27             | 4.4        |
| Gambling/Lottery                   | 112           | 21            | 18.8        | 6                               | 5.4        | 50                        | 44.6       | 35             | 31.3       |
| Civil Rights                       | 62            | 38            | 61.3        | 2                               | 3.2        | 9                         | 14.5       | 13             | 21.0       |
| Immigration                        | 17,574        | 16,683        | 94.9        | 280                             | 1.6        | 169                       | 1.0        | 442            | 2.5        |
| Pornography/Prostitution           | 1,442         | 1,401         | 97.2        | 15                              | 1.0        | 14                        | 1.0        | 12             | 0.8        |
| Prison Offenses                    | 316           | 293           | 92.7        | 11                              | 3.5        | 4                         | 1.3        | 8              | 2.5        |
| Administration of Justice Offenses | 995           | 629           | 63.2        | 54                              | 5.4        | 113                       | 11.4       | 199            | 20.0       |
| Environmental/Wildlife             | 159           | 25            | 15.7        | 13                              | 8.2        | 32                        | 20.1       | 89             | 56.0       |
| National Defense                   | 30            | 24            | 80.0        | 2                               | 6.7        | 1                         | 3.3        | 3              | 10.0       |
| Antitrust                          | 15            | 9             | 60.0        | 2                               | 13.3       | 1                         | 6.7        | 3              | 20.0       |
| Food & Drug                        | 62            | 17            | 27.4        | 2                               | 3.2        | 3                         | 4.8        | 40             | 64.5       |
| Other Miscellaneous Offenses       | 1,842         | 586           | 31.8        | 63                              | 3.4        | 205                       | 11.1       | 988            | 53.6       |

Of the 72,865 guideline cases, 804 cases were excluded due to one or more of the following reasons: missing sentencing information (164), missing primary offense category (100), or cases in which the defendant received no imprisonment or probation (636).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 5**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2007**

**Guam**

| 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>68</b> | <b>50</b> | <b>73.5</b> | <b>0</b>                        | <b>0.0</b> | <b>1</b>                  | <b>1.5</b> | <b>17</b>      | <b>25.0</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                            | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Robbery                            | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Arson                              | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Drugs - Trafficking                | 14        | 14        | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Drugs - Communication Facility     | 1         | 1         | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Drugs - Simple Possession          | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Firearms                           | 10        | 10        | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Burglary/B&E                       | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Auto Theft                         | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Larceny                            | 13        | 2         | 15.4        | 0                               | 0.0        | 0                         | 0.0        | 11             | 84.6        |
| Fraud                              | 4         | 4         | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Embezzlement                       | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Forgery/Counterfeiting             | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Bribery                            | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Tax                                | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| 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                        | 17        | 16        | 94.1        | 0                               | 0.0        | 0                         | 0.0        | 1              | 5.9         |
| Pornography/Prostitution           | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Prison Offenses                    | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Administration of Justice Offenses | 2         | 1         | 50.0        | 0                               | 0.0        | 0                         | 0.0        | 1              | 50.0        |
| Environmental/Wildlife             | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| National Defense                   | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Antitrust                          | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Food & Drug                        | 0         | 0         | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Other Miscellaneous Offenses       | 7         | 2         | 28.6        | 0                               | 0.0        | 1                         | 14.3       | 4              | 57.1        |

Of the 68 guideline cases from the District of Guam, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2007**

| PRIMARY OFFENSE                     | TOTAL         | National        |             |                     |             | Guam            |             |                     |             |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     |               | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     |               | Number          | Percent     | Number              | Percent     | Number          | Percent     | Number              | Percent     |
| <b>TOTAL</b>                        | <b>11,585</b> | <b>6,337</b>    | <b>54.7</b> | <b>5,248</b>        | <b>45.3</b> | <b>18</b>       | <b>50.0</b> | <b>18</b>           | <b>50.0</b> |
| <b>Fraud</b>                        | <b>2,512</b>  | 1,036           | 41.2        | 1,476               | 58.8        | 4               | 100.0       | 0                   | 0.0         |
| <b>Larceny</b>                      | <b>996</b>    | 191             | 19.2        | 805                 | 80.8        | 2               | 15.4        | 11                  | 84.6        |
| <b>Immigration</b>                  | <b>4,407</b>  | 3,947           | 89.6        | 460                 | 10.4        | 10              | 90.9        | 1                   | 9.1         |
| <b>Embezzlement</b>                 | <b>257</b>    | 60              | 23.3        | 197                 | 76.7        | 0               | --          | 0                   | --          |
| <b>Drugs - Trafficking</b>          | <b>462</b>    | 217             | 47.0        | 245                 | 53.0        | 0               | --          | 0                   | --          |
| <b>Drugs - Simple Possession</b>    | <b>454</b>    | 159             | 35.0        | 295                 | 65.0        | 0               | --          | 0                   | --          |
| <b>Firearms</b>                     | <b>297</b>    | 117             | 39.4        | 180                 | 60.6        | 0               | --          | 0                   | --          |
| <b>Forgery/Counterfeiting</b>       | <b>386</b>    | 133             | 34.5        | 253                 | 65.5        | 0               | --          | 0                   | --          |
| <b>Other Miscellaneous Offenses</b> | <b>1,814</b>  | 477             | 26.3        | 1,337               | 73.7        | 2               | 25.0        | 6                   | 75.0        |

Of the 72,865 guideline cases, 61,280 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (61,273), missing sentencing information (164) or missing primary offense category (100).

Of the 68 guideline cases from the District of Guam, 32 cases were excluded due to the defendant being ineligible for non-prison alternatives.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2007**

| PRIMARY OFFENSE                           | National       |                  |               | Guam           |                  |           |
|---|----------------|------------------|---------------|----------------|------------------|-----------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months | Median<br>Months | Number    |
| <b>TOTAL</b>                              | <b>59.3</b>    | <b>36.0</b>      | <b>62,973</b> | <b>27.1</b>    | <b>13.5</b>      | <b>48</b> |
| <b>Murder</b>                             | 258.3          | 235.0            | 81            | --             | --               | 0         |
| <b>Manslaughter</b>                       | 51.1           | 37.0             | 61            | --             | --               | 0         |
| <b>Kidnapping/Hostage Taking</b>          | 169.0          | 156.5            | 48            | --             | --               | 0         |
| <b>Sexual Abuse</b>                       | 97.3           | 60.0             | 368           | --             | --               | 0         |
| <b>Assault</b>                            | 37.4           | 30.0             | 462           | --             | --               | 0         |
| <b>Robbery</b>                            | 86.5           | 70.0             | 1,099         | --             | --               | 0         |
| <b>Arson</b>                              | 83.5           | 60.0             | 75            | --             | --               | 0         |
| <b>Drugs - Trafficking</b>                | 85.6           | 60.0             | 23,567        | 53.6           | 57.0             | 14        |
| <b>Drugs - Communication Facility</b>     | 43.8           | 48.0             | 311           | --             | --               | 1         |
| <b>Drugs - Simple Possession</b>          | 13.8           | 4.0              | 235           | --             | --               | 0         |
| <b>Firearms</b>                           | 85.0           | 59.0             | 7,851         | 20.1           | 2.0              | 9         |
| <b>Burglary/B&amp;E</b>                   | 20.7           | 22.0             | 37            | --             | --               | 0         |
| <b>Auto Theft</b>                         | 69.7           | 24.0             | 54            | --             | --               | 0         |
| <b>Larceny</b>                            | 18.3           | 12.0             | 687           | --             | --               | 2         |
| <b>Fraud</b>                              | 25.8           | 16.0             | 5,409         | 2.8            | 3.2              | 4         |
| <b>Embezzlement</b>                       | 13.8           | 6.0              | 215           | --             | --               | 0         |
| <b>Forgery/Counterfeiting</b>             | 19.6           | 15.0             | 798           | --             | --               | 0         |
| <b>Bribery</b>                            | 29.8           | 20.0             | 174           | --             | --               | 0         |
| <b>Tax</b>                                | 21.1           | 15.0             | 382           | --             | --               | 0         |
| <b>Money Laundering</b>                   | 42.1           | 30.0             | 759           | --             | --               | 0         |
| <b>Racketeering/Extortion</b>             | 97.5           | 60.0             | 565           | --             | --               | 0         |
| <b>Gambling/Lottery</b>                   | 9.8            | 6.0              | 26            | --             | --               | 0         |
| <b>Civil Rights</b>                       | 41.9           | 25.5             | 40            | --             | --               | 0         |
| <b>Immigration</b>                        | 22.7           | 18.0             | 16,570        | 18.0           | 7.4              | 16        |
| <b>Pornography/Prostitution</b>           | 111.7          | 78.0             | 1,413         | --             | --               | 0         |
| <b>Prison Offenses</b>                    | 19.6           | 15.0             | 303           | --             | --               | 0         |
| <b>Administration of Justice Offenses</b> | 28.3           | 15.0             | 670           | --             | --               | 0         |
| <b>Environmental/Wildlife</b>             | 11.7           | 6.0              | 37            | --             | --               | 0         |
| <b>National Defense</b>                   | 48.9           | 22.5             | 26            | --             | --               | 0         |
| <b>Antitrust</b>                          | 19.2           | 9.0              | 11            | --             | --               | 0         |
| <b>Food &amp; Drug</b>                    | 30.2           | 18.0             | 19            | --             | --               | 0         |
| <b>Other Miscellaneous Offenses</b>       | 17.4           | 6.0              | 620           | --             | --               | 2         |

Of the 72,865 guideline cases, 9,892 cases were excluded for one or more of the following reasons: zero months prison ordered (9,091), missing primary offense category (100) or missing or indeterminable sentencing information (801).

Of the 68 guideline cases from the District of Guam, 20 cases were excluded due to zero prison months ordered.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 8**

**COMPARISON OF SENTENCE IMPOSED AND POSITION  
RELATIVE TO THE GUIDELINE RANGE  
Fiscal Year 2007**

|   | National      |              | Guam      |              |
|---|---------------|--------------|-----------|--------------|
|   | N             | %            | N         | %            |
| <b>TOTAL CASES<sup>1</sup></b>  | <b>69,893</b> | <b>100.0</b> | <b>67</b> | <b>100.0</b> |
| <b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>                           | <b>42,504</b> | <b>60.8</b>  | <b>41</b> | <b>61.2</b>  |
| <b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>                            | <b>1,060</b>  | <b>1.5</b>   | <b>2</b>  | <b>3.0</b>   |
| <b>DEPARTURE ABOVE GUIDELINE RANGE</b>                                  | <b>467</b>    | <b>0.7</b>   | <b>1</b>  | <b>1.5</b>   |
| Upward Departure From Guideline Range <sup>2</sup>                      | 324           | 0.5          | 1         | 1.5          |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>      | 143           | 0.2          | 0         | 0.0          |
| <b>OTHERWISE ABOVE GUIDELINE RANGE</b>                                  | <b>593</b>    | <b>0.8</b>   | <b>1</b>  | <b>1.5</b>   |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 491           | 0.7          | 0         | 0.0          |
| All Remaining Cases Above Guideline Range <sup>5</sup>                  | 102           | 0.1          | 1         | 1.5          |
| <b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>                     | <b>17,896</b> | <b>25.6</b>  | <b>9</b>  | <b>13.4</b>  |
| §5K1.1 Substantial Assistance Departure                                 | 10,049        | 14.4         | 9         | 13.4         |
| §5K3.1 Early Disposition Program Departure                              | 5,233         | 7.5          | 0         | 0.0          |
| Other Government Sponsored Below Range                                  | 2,614         | 3.7          | 0         | 0.0          |
| <b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>                             | <b>8,433</b>  | <b>12.0</b>  | <b>15</b> | <b>22.4</b>  |
| <b>DEPARTURE BELOW GUIDELINE RANGE</b>                                  | <b>2,770</b>  | <b>3.9</b>   | <b>0</b>  | <b>0.0</b>   |
| Downward Departure From Guideline Range <sup>2</sup>                    | 1,757         | 2.5          | 0         | 0.0          |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>    | 1,013         | 1.4          | 0         | 0.0          |
| <b>OTHERWISE BELOW GUIDELINE RANGE</b>                                  | <b>5,663</b>  | <b>8.1</b>   | <b>15</b> | <b>22.4</b>  |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 4,957         | 7.1          | 15        | 22.4         |
| All Remaining Cases Below Guideline Range <sup>5</sup>                  | 706           | 1.0          | 0         | 0.0          |

<sup>1</sup>This table reflects the 72,865 cases sentenced nationally in Fiscal Year 2007, 68 of which were from the District of Guam. Of these, 2,972 cases nationally and one case from the District of Guam were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 9**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT  
Fiscal Year 2007**

| CIRCUIT<br>District   | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|-----------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                       |               | n                                      | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>          | <b>69,893</b> | <b>42,504</b>                          | <b>60.8</b> | <b>324</b>                  | <b>0.5</b> | <b>143</b>                           | <b>0.2</b> | <b>491</b>                 | <b>0.7</b> | <b>102</b>                  | <b>0.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>448</b>    | <b>187</b>                             | <b>41.7</b> | <b>2</b>                    | <b>0.4</b> | <b>1</b>                             | <b>0.2</b> | <b>1</b>                   | <b>0.2</b> | <b>1</b>                    | <b>0.2</b> |
| District of Columbia  | 448           | 187                                    | 41.7        | 2                           | 0.4        | 1                                    | 0.2        | 1                          | 0.2        | 1                           | 0.2        |
| <b>FIRST CIRCUIT</b>  | <b>1,918</b>  | <b>1,314</b>                           | <b>68.5</b> | <b>11</b>                   | <b>0.6</b> | <b>3</b>                             | <b>0.2</b> | <b>7</b>                   | <b>0.4</b> | <b>2</b>                    | <b>0.1</b> |
| Maine                 | 191           | 131                                    | 68.6        | 1                           | 0.5        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Massachusetts         | 576           | 316                                    | 54.9        | 6                           | 1.0        | 0                                    | 0.0        | 2                          | 0.3        | 1                           | 0.2        |
| New Hampshire         | 239           | 122                                    | 51.0        | 3                           | 1.3        | 0                                    | 0.0        | 2                          | 0.8        | 0                           | 0.0        |
| Puerto Rico           | 770           | 653                                    | 84.8        | 0                           | 0.0        | 2                                    | 0.3        | 2                          | 0.3        | 1                           | 0.1        |
| Rhode Island          | 142           | 92                                     | 64.8        | 1                           | 0.7        | 1                                    | 0.7        | 1                          | 0.7        | 0                           | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>4,426</b>  | <b>2,225</b>                           | <b>50.3</b> | <b>10</b>                   | <b>0.2</b> | <b>6</b>                             | <b>0.1</b> | <b>9</b>                   | <b>0.2</b> | <b>3</b>                    | <b>0.1</b> |
| Connecticut           | 404           | 181                                    | 44.8        | 2                           | 0.5        | 1                                    | 0.2        | 0                          | 0.0        | 0                           | 0.0        |
| New York              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 1,043         | 433                                    | 41.5        | 3                           | 0.3        | 5                                    | 0.5        | 3                          | 0.3        | 2                           | 0.2        |
| Northern              | 435           | 229                                    | 52.6        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.5        | 0                           | 0.0        |
| Southern              | 1,647         | 874                                    | 53.1        | 2                           | 0.1        | 0                                    | 0.0        | 4                          | 0.2        | 0                           | 0.0        |
| Western               | 757           | 439                                    | 58.0        | 2                           | 0.3        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 0.1        |
| Vermont               | 140           | 69                                     | 49.3        | 1                           | 0.7        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>3,075</b>  | <b>1,618</b>                           | <b>52.6</b> | <b>4</b>                    | <b>0.1</b> | <b>4</b>                             | <b>0.1</b> | <b>23</b>                  | <b>0.7</b> | <b>2</b>                    | <b>0.1</b> |
| Delaware              | 106           | 68                                     | 64.2        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| New Jersey            | 1,009         | 545                                    | 54.0        | 1                           | 0.1        | 0                                    | 0.0        | 3                          | 0.3        | 0                           | 0.0        |
| Pennsylvania          |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 780           | 322                                    | 41.3        | 2                           | 0.3        | 3                                    | 0.4        | 9                          | 1.2        | 2                           | 0.3        |
| Middle                | 586           | 268                                    | 45.7        | 1                           | 0.2        | 0                                    | 0.0        | 2                          | 0.3        | 0                           | 0.0        |
| Western               | 489           | 345                                    | 70.6        | 0                           | 0.0        | 1                                    | 0.2        | 6                          | 1.2        | 0                           | 0.0        |
| Virgin Islands        | 105           | 70                                     | 66.7        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 2.9        | 0                           | 0.0        |
| <b>FOURTH CIRCUIT</b> | <b>6,022</b>  | <b>4,352</b>                           | <b>72.3</b> | <b>33</b>                   | <b>0.5</b> | <b>12</b>                            | <b>0.2</b> | <b>28</b>                  | <b>0.5</b> | <b>3</b>                    | <b>0.0</b> |
| Maryland              | 653           | 336                                    | 51.5        | 2                           | 0.3        | 3                                    | 0.5        | 0                          | 0.0        | 1                           | 0.2        |
| North Carolina        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 584           | 365                                    | 62.5        | 9                           | 1.5        | 1                                    | 0.2        | 7                          | 1.2        | 1                           | 0.2        |
| Middle                | 421           | 328                                    | 77.9        | 1                           | 0.2        | 1                                    | 0.2        | 1                          | 0.2        | 0                           | 0.0        |
| Western               | 759           | 532                                    | 70.1        | 2                           | 0.3        | 0                                    | 0.0        | 2                          | 0.3        | 0                           | 0.0        |
| South Carolina        | 1,122         | 861                                    | 76.7        | 2                           | 0.2        | 1                                    | 0.1        | 5                          | 0.4        | 0                           | 0.0        |
| Virginia              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 1,342         | 1,071                                  | 79.8        | 8                           | 0.6        | 3                                    | 0.2        | 9                          | 0.7        | 0                           | 0.0        |
| Western               | 620           | 424                                    | 68.4        | 4                           | 0.6        | 2                                    | 0.3        | 2                          | 0.3        | 1                           | 0.2        |
| West Virginia         |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern              | 267           | 214                                    | 80.1        | 3                           | 1.1        | 0                                    | 0.0        | 2                          | 0.7        | 0                           | 0.0        |
| Southern              | 254           | 221                                    | 87.0        | 2                           | 0.8        | 1                                    | 0.4        | 0                          | 0.0        | 0                           | 0.0        |

| CIRCUIT<br>District   | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>DEPARTURE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|-----------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|---|-------------|-----------------------------|------------|
|                       | n                                   | %           | n                              | %          | n                           | %          | n                           | %          | n                                    | %          | n                                       | %           | n                           | %          |
| <b>TOTAL</b>          | <b>10,049</b>                       | <b>14.4</b> | <b>5,233</b>                   | <b>7.5</b> | <b>2,614</b>                | <b>3.7</b> | <b>1,757</b>                | <b>2.5</b> | <b>1,013</b>                         | <b>1.4</b> | <b>4,957</b>                            | <b>7.1</b>  | <b>706</b>                  | <b>1.0</b> |
| <b>D.C. CIRCUIT</b>   | <b>152</b>                          | <b>33.9</b> | <b>0</b>                       | <b>0.0</b> | <b>40</b>                   | <b>8.9</b> | <b>3</b>                    | <b>0.7</b> | <b>15</b>                            | <b>3.3</b> | <b>39</b>                               | <b>8.7</b>  | <b>7</b>                    | <b>1.6</b> |
| District of Columbia  | 152                                 | 33.9        | 0                              | 0.0        | 40                          | 8.9        | 3                           | 0.7        | 15                                   | 3.3        | 39                                      | 8.7         | 7                           | 1.6        |
| <b>FIRST CIRCUIT</b>  | <b>207</b>                          | <b>10.8</b> | <b>0</b>                       | <b>0.0</b> | <b>47</b>                   | <b>2.5</b> | <b>90</b>                   | <b>4.7</b> | <b>33</b>                            | <b>1.7</b> | <b>190</b>                              | <b>9.9</b>  | <b>14</b>                   | <b>0.7</b> |
| Maine                 | 35                                  | 18.3        | 0                              | 0.0        | 0                           | 0.0        | 8                           | 4.2        | 3                                    | 1.6        | 12                                      | 6.3         | 1                           | 0.5        |
| Massachusetts         | 62                                  | 10.8        | 0                              | 0.0        | 17                          | 3.0        | 42                          | 7.3        | 15                                   | 2.6        | 109                                     | 18.9        | 6                           | 1.0        |
| New Hampshire         | 65                                  | 27.2        | 0                              | 0.0        | 11                          | 4.6        | 16                          | 6.7        | 3                                    | 1.3        | 15                                      | 6.3         | 2                           | 0.8        |
| Puerto Rico           | 40                                  | 5.2         | 0                              | 0.0        | 17                          | 2.2        | 18                          | 2.3        | 9                                    | 1.2        | 24                                      | 3.1         | 4                           | 0.5        |
| Rhode Island          | 5                                   | 3.5         | 0                              | 0.0        | 2                           | 1.4        | 6                           | 4.2        | 3                                    | 2.1        | 30                                      | 21.1        | 1                           | 0.7        |
| <b>SECOND CIRCUIT</b> | <b>955</b>                          | <b>21.6</b> | <b>2</b>                       | <b>0.0</b> | <b>104</b>                  | <b>2.3</b> | <b>240</b>                  | <b>5.4</b> | <b>182</b>                           | <b>4.1</b> | <b>620</b>                              | <b>14.0</b> | <b>70</b>                   | <b>1.6</b> |
| Connecticut           | 73                                  | 18.1        | 0                              | 0.0        | 9                           | 2.2        | 54                          | 13.4       | 30                                   | 7.4        | 53                                      | 13.1        | 1                           | 0.2        |
| New York              |                                     |             |                                |            |                             |            |                             |            |                                      |            |   |             |                             |            |
| Eastern               | 244                                 | 23.4        | 2                              | 0.2        | 35                          | 3.4        | 64                          | 6.1        | 83                                   | 8.0        | 144                                     | 13.8        | 25                          | 2.4        |
| Northern              | 132                                 | 30.3        | 0                              | 0.0        | 7                           | 1.6        | 35                          | 8.0        | 9                                    | 2.1        | 21                                      | 4.8         | 0                           | 0.0        |
| Southern              | 252                                 | 15.3        | 0                              | 0.0        | 31                          | 1.9        | 58                          | 3.5        | 48                                   | 2.9        | 347                                     | 21.1        | 31                          | 1.9        |
| Western               | 226                                 | 29.9        | 0                              | 0.0        | 19                          | 2.5        | 9                           | 1.2        | 2                                    | 0.3        | 46                                      | 6.1         | 13                          | 1.7        |
| Vermont               | 28                                  | 20.0        | 0                              | 0.0        | 3                           | 2.1        | 20                          | 14.3       | 10                                   | 7.1        | 9                                       | 6.4         | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>833</b>                          | <b>27.1</b> | <b>0</b>                       | <b>0.0</b> | <b>52</b>                   | <b>1.7</b> | <b>74</b>                   | <b>2.4</b> | <b>71</b>                            | <b>2.3</b> | <b>352</b>                              | <b>11.4</b> | <b>42</b>                   | <b>1.4</b> |
| Delaware              | 9                                   | 8.5         | 0                              | 0.0        | 4                           | 3.8        | 0                           | 0.0        | 1                                    | 0.9        | 20                                      | 18.9        | 4                           | 3.8        |
| New Jersey            | 283                                 | 28.0        | 0                              | 0.0        | 8                           | 0.8        | 31                          | 3.1        | 8                                    | 0.8        | 121                                     | 12.0        | 9                           | 0.9        |
| Pennsylvania          |                                     |             |                                |            |                             |            |                             |            |                                      |            |   |             |                             |            |
| Eastern               | 262                                 | 33.6        | 0                              | 0.0        | 10                          | 1.3        | 10                          | 1.3        | 28                                   | 3.6        | 115                                     | 14.7        | 17                          | 2.2        |
| Middle                | 208                                 | 35.5        | 0                              | 0.0        | 24                          | 4.1        | 9                           | 1.5        | 11                                   | 1.9        | 56                                      | 9.6         | 7                           | 1.2        |
| Western               | 57                                  | 11.7        | 0                              | 0.0        | 5                           | 1.0        | 24                          | 4.9        | 16                                   | 3.3        | 35                                      | 7.2         | 0                           | 0.0        |
| Virgin Islands        | 14                                  | 13.3        | 0                              | 0.0        | 1                           | 1.0        | 0                           | 0.0        | 7                                    | 6.7        | 5                                       | 4.8         | 5                           | 4.8        |
| <b>FOURTH CIRCUIT</b> | <b>1,011</b>                        | <b>16.8</b> | <b>0</b>                       | <b>0.0</b> | <b>60</b>                   | <b>1.0</b> | <b>99</b>                   | <b>1.6</b> | <b>98</b>                            | <b>1.6</b> | <b>284</b>                              | <b>4.7</b>  | <b>42</b>                   | <b>0.7</b> |
| Maryland              | 175                                 | 26.8        | 0                              | 0.0        | 17                          | 2.6        | 26                          | 4.0        | 29                                   | 4.4        | 53                                      | 8.1         | 11                          | 1.7        |
| North Carolina        |                                     |             |                                |            |                             |            |                             |            |                                      |            |   |             |                             |            |
| Eastern               | 165                                 | 28.3        | 0                              | 0.0        | 0                           | 0.0        | 8                           | 1.4        | 5                                    | 0.9        | 17                                      | 2.9         | 6                           | 1.0        |
| Middle                | 67                                  | 15.9        | 0                              | 0.0        | 1                           | 0.2        | 2                           | 0.5        | 1                                    | 0.2        | 19                                      | 4.5         | 0                           | 0.0        |
| Western               | 173                                 | 22.8        | 0                              | 0.0        | 12                          | 1.6        | 5                           | 0.7        | 6                                    | 0.8        | 21                                      | 2.8         | 6                           | 0.8        |
| South Carolina        | 170                                 | 15.2        | 0                              | 0.0        | 14                          | 1.2        | 18                          | 1.6        | 3                                    | 0.3        | 44                                      | 3.9         | 4                           | 0.4        |
| Virginia              |                                     |             |                                |            |                             |            |                             |            |                                      |            |   |             |                             |            |
| Eastern               | 79                                  | 5.9         | 0                              | 0.0        | 7                           | 0.5        | 25                          | 1.9        | 50                                   | 3.7        | 78                                      | 5.8         | 12                          | 0.9        |
| Western               | 140                                 | 22.6        | 0                              | 0.0        | 7                           | 1.1        | 8                           | 1.3        | 1                                    | 0.2        | 29                                      | 4.7         | 2                           | 0.3        |
| West Virginia         |                                     |             |                                |            |                             |            |                             |            |                                      |            |   |             |                             |            |
| Northern              | 23                                  | 8.6         | 0                              | 0.0        | 2                           | 0.7        | 5                           | 1.9        | 2                                    | 0.7        | 16                                      | 6.0         | 0                           | 0.0        |
| Southern              | 19                                  | 7.5         | 0                              | 0.0        | 0                           | 0.0        | 2                           | 0.8        | 1                                    | 0.4        | 7                                       | 2.8         | 1                           | 0.4        |

| CIRCUIT<br>District    | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                        |               | n                                      | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>14,953</b> | <b>10,738</b>                          | <b>71.8</b> | <b>79</b>                   | <b>0.5</b> | <b>46</b>                            | <b>0.3</b> | <b>171</b>                 | <b>1.1</b> | <b>26</b>                   | <b>0.2</b> |
| <b>Louisiana</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 423           | 328                                    | 77.5        | 4                           | 0.9        | 7                                    | 1.7        | 7                          | 1.7        | 0                           | 0.0        |
| Middle                 | 166           | 126                                    | 75.9        | 3                           | 1.8        | 1                                    | 0.6        | 1                          | 0.6        | 0                           | 0.0        |
| Western                | 464           | 362                                    | 78.0        | 3                           | 0.6        | 4                                    | 0.9        | 7                          | 1.5        | 2                           | 0.4        |
| <b>Mississippi</b>     |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 187           | 99                                     | 52.9        | 1                           | 0.5        | 0                                    | 0.0        | 3                          | 1.6        | 0                           | 0.0        |
| Southern               | 401           | 321                                    | 80.0        | 4                           | 1.0        | 1                                    | 0.2        | 6                          | 1.5        | 3                           | 0.7        |
| <b>Texas</b>           |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 978           | 786                                    | 80.4        | 1                           | 0.1        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 0.1        |
| Northern               | 1,048         | 767                                    | 73.2        | 11                          | 1.0        | 14                                   | 1.3        | 54                         | 5.2        | 1                           | 0.1        |
| Southern               | 5,576         | 3,382                                  | 60.7        | 31                          | 0.6        | 2                                    | 0.0        | 23                         | 0.4        | 9                           | 0.2        |
| Western                | 5,710         | 4,567                                  | 80.0        | 21                          | 0.4        | 17                                   | 0.3        | 70                         | 1.2        | 10                          | 0.2        |
| <b>SIXTH CIRCUIT</b>   | <b>5,178</b>  | <b>2,925</b>                           | <b>56.5</b> | <b>16</b>                   | <b>0.3</b> | <b>9</b>                             | <b>0.2</b> | <b>26</b>                  | <b>0.5</b> | <b>12</b>                   | <b>0.2</b> |
| <b>Kentucky</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 577           | 292                                    | 50.6        | 2                           | 0.3        | 2                                    | 0.3        | 2                          | 0.3        | 0                           | 0.0        |
| Western                | 502           | 367                                    | 73.1        | 1                           | 0.2        | 0                                    | 0.0        | 1                          | 0.2        | 0                           | 0.0        |
| <b>Michigan</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 756           | 416                                    | 55.0        | 0                           | 0.0        | 1                                    | 0.1        | 2                          | 0.3        | 3                           | 0.4        |
| Western                | 443           | 254                                    | 57.3        | 6                           | 1.4        | 1                                    | 0.2        | 7                          | 1.6        | 1                           | 0.2        |
| <b>Ohio</b>            |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 880           | 483                                    | 54.9        | 1                           | 0.1        | 1                                    | 0.1        | 5                          | 0.6        | 0                           | 0.0        |
| Southern               | 625           | 267                                    | 42.7        | 0                           | 0.0        | 3                                    | 0.5        | 0                          | 0.0        | 3                           | 0.5        |
| <b>Tennessee</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 566           | 384                                    | 67.8        | 0                           | 0.0        | 1                                    | 0.2        | 5                          | 0.9        | 4                           | 0.7        |
| Middle                 | 285           | 171                                    | 60.0        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.4        | 0                           | 0.0        |
| Western                | 544           | 291                                    | 53.5        | 6                           | 1.1        | 0                                    | 0.0        | 3                          | 0.6        | 1                           | 0.2        |
| <b>SEVENTH CIRCUIT</b> | <b>2,908</b>  | <b>1,736</b>                           | <b>59.7</b> | <b>9</b>                    | <b>0.3</b> | <b>7</b>                             | <b>0.2</b> | <b>25</b>                  | <b>0.9</b> | <b>3</b>                    | <b>0.1</b> |
| <b>Illinois</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                | 391           | 222                                    | 56.8        | 1                           | 0.3        | 0                                    | 0.0        | 5                          | 1.3        | 0                           | 0.0        |
| Northern               | 837           | 419                                    | 50.1        | 4                           | 0.5        | 1                                    | 0.1        | 5                          | 0.6        | 1                           | 0.1        |
| Southern               | 344           | 277                                    | 80.5        | 1                           | 0.3        | 5                                    | 1.5        | 2                          | 0.6        | 0                           | 0.0        |
| <b>Indiana</b>         |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 425           | 298                                    | 70.1        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.5        | 2                           | 0.5        |
| Southern               | 311           | 170                                    | 54.7        | 2                           | 0.6        | 1                                    | 0.3        | 6                          | 1.9        | 0                           | 0.0        |
| <b>Wisconsin</b>       |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 406           | 182                                    | 44.8        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 0.7        | 0                           | 0.0        |
| Western                | 194           | 168                                    | 86.6        | 1                           | 0.5        | 0                                    | 0.0        | 2                          | 1.0        | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>5,040</b>  | <b>3,443</b>                           | <b>68.3</b> | <b>34</b>                   | <b>0.7</b> | <b>13</b>                            | <b>0.3</b> | <b>27</b>                  | <b>0.5</b> | <b>6</b>                    | <b>0.1</b> |
| <b>Arkansas</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 363           | 238                                    | 65.6        | 0                           | 0.0        | 1                                    | 0.3        | 0                          | 0.0        | 0                           | 0.0        |
| Western                | 180           | 137                                    | 76.1        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.6        | 0                           | 0.0        |
| <b>Iowa</b>            |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 454           | 319                                    | 70.3        | 12                          | 2.6        | 1                                    | 0.2        | 5                          | 1.1        | 2                           | 0.4        |
| Southern               | 371           | 220                                    | 59.3        | 5                           | 1.3        | 2                                    | 0.5        | 0                          | 0.0        | 0                           | 0.0        |
| Minnesota              | 539           | 281                                    | 52.1        | 1                           | 0.2        | 1                                    | 0.2        | 0                          | 0.0        | 0                           | 0.0        |
| <b>Missouri</b>        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 972           | 695                                    | 71.5        | 1                           | 0.1        | 2                                    | 0.2        | 1                          | 0.1        | 0                           | 0.0        |
| Western                | 806           | 594                                    | 73.7        | 1                           | 0.1        | 3                                    | 0.4        | 3                          | 0.4        | 1                           | 0.1        |
| Nebraska               | 703           | 503                                    | 71.6        | 7                           | 1.0        | 0                                    | 0.0        | 8                          | 1.1        | 2                           | 0.3        |
| North Dakota           | 210           | 124                                    | 59.0        | 1                           | 0.5        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| South Dakota           | 442           | 332                                    | 75.1        | 6                           | 1.4        | 3                                    | 0.7        | 9                          | 2.0        | 1                           | 0.2        |



| CIRCUIT<br>District    | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                        | n                                   | %           | n                              | %          | n                           | %          | n                           | %          | n                                    | %          | n                          | %           | n                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>1,252</b>                        | <b>8.4</b>  | <b>970</b>                     | <b>6.5</b> | <b>718</b>                  | <b>4.8</b> | <b>349</b>                  | <b>2.3</b> | <b>47</b>                            | <b>0.3</b> | <b>480</b>                 | <b>3.2</b>  | <b>77</b>                   | <b>0.5</b> |
| <b>Louisiana</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 42                                  | 9.9         | 0                              | 0.0        | 12                          | 2.8        | 3                           | 0.7        | 5                                    | 1.2        | 11                         | 2.6         | 4                           | 0.9        |
| Middle                 | 26                                  | 15.7        | 0                              | 0.0        | 1                           | 0.6        | 3                           | 1.8        | 1                                    | 0.6        | 4                          | 2.4         | 0                           | 0.0        |
| Western                | 61                                  | 13.1        | 0                              | 0.0        | 1                           | 0.2        | 4                           | 0.9        | 4                                    | 0.9        | 11                         | 2.4         | 5                           | 1.1        |
| <b>Mississippi</b>     |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 56                                  | 29.9        | 0                              | 0.0        | 20                          | 10.7       | 0                           | 0.0        | 0                                    | 0.0        | 6                          | 3.2         | 2                           | 1.1        |
| Southern               | 34                                  | 8.5         | 2                              | 0.5        | 2                           | 0.5        | 4                           | 1.0        | 1                                    | 0.2        | 13                         | 3.2         | 10                          | 2.5        |
| <b>Texas</b>           |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 98                                  | 10.0        | 0                              | 0.0        | 37                          | 3.8        | 32                          | 3.3        | 4                                    | 0.4        | 15                         | 1.5         | 4                           | 0.4        |
| Northern               | 127                                 | 12.1        | 1                              | 0.1        | 19                          | 1.8        | 13                          | 1.2        | 4                                    | 0.4        | 33                         | 3.1         | 4                           | 0.4        |
| Southern               | 381                                 | 6.8         | 822                            | 14.7       | 551                         | 9.9        | 195                         | 3.5        | 7                                    | 0.1        | 168                        | 3.0         | 5                           | 0.1        |
| Western                | 427                                 | 7.5         | 145                            | 2.5        | 75                          | 1.3        | 95                          | 1.7        | 21                                   | 0.4        | 219                        | 3.8         | 43                          | 0.8        |
| <b>SIXTH CIRCUIT</b>   | <b>1,307</b>                        | <b>25.2</b> | <b>2</b>                       | <b>0.0</b> | <b>118</b>                  | <b>2.3</b> | <b>94</b>                   | <b>1.8</b> | <b>98</b>                            | <b>1.9</b> | <b>503</b>                 | <b>9.7</b>  | <b>68</b>                   | <b>1.3</b> |
| <b>Kentucky</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 208                                 | 36.0        | 0                              | 0.0        | 2                           | 0.3        | 3                           | 0.5        | 2                                    | 0.3        | 58                         | 10.1        | 6                           | 1.0        |
| Western                | 62                                  | 12.4        | 0                              | 0.0        | 26                          | 5.2        | 7                           | 1.4        | 3                                    | 0.6        | 29                         | 5.8         | 6                           | 1.2        |
| <b>Michigan</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 188                                 | 24.9        | 0                              | 0.0        | 9                           | 1.2        | 19                          | 2.5        | 18                                   | 2.4        | 87                         | 11.5        | 13                          | 1.7        |
| Western                | 85                                  | 19.2        | 0                              | 0.0        | 7                           | 1.6        | 9                           | 2.0        | 3                                    | 0.7        | 66                         | 14.9        | 4                           | 0.9        |
| <b>Ohio</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 215                                 | 24.4        | 0                              | 0.0        | 23                          | 2.6        | 24                          | 2.7        | 19                                   | 2.2        | 94                         | 10.7        | 15                          | 1.7        |
| Southern               | 223                                 | 35.7        | 2                              | 0.3        | 19                          | 3.0        | 15                          | 2.4        | 32                                   | 5.1        | 57                         | 9.1         | 4                           | 0.6        |
| <b>Tennessee</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 129                                 | 22.8        | 0                              | 0.0        | 2                           | 0.4        | 5                           | 0.9        | 1                                    | 0.2        | 27                         | 4.8         | 8                           | 1.4        |
| Middle                 | 57                                  | 20.0        | 0                              | 0.0        | 7                           | 2.5        | 7                           | 2.5        | 8                                    | 2.8        | 29                         | 10.2        | 5                           | 1.8        |
| Western                | 140                                 | 25.7        | 0                              | 0.0        | 23                          | 4.2        | 5                           | 0.9        | 12                                   | 2.2        | 56                         | 10.3        | 7                           | 1.3        |
| <b>SEVENTH CIRCUIT</b> | <b>514</b>                          | <b>17.7</b> | <b>0</b>                       | <b>0.0</b> | <b>58</b>                   | <b>2.0</b> | <b>75</b>                   | <b>2.6</b> | <b>72</b>                            | <b>2.5</b> | <b>340</b>                 | <b>11.7</b> | <b>69</b>                   | <b>2.4</b> |
| <b>Illinois</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Central                | 79                                  | 20.2        | 0                              | 0.0        | 12                          | 3.1        | 9                           | 2.3        | 9                                    | 2.3        | 51                         | 13.0        | 3                           | 0.8        |
| Northern               | 168                                 | 20.1        | 0                              | 0.0        | 17                          | 2.0        | 42                          | 5.0        | 45                                   | 5.4        | 94                         | 11.2        | 41                          | 4.9        |
| Southern               | 19                                  | 5.5         | 0                              | 0.0        | 3                           | 0.9        | 7                           | 2.0        | 9                                    | 2.6        | 16                         | 4.7         | 5                           | 1.5        |
| <b>Indiana</b>         |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 91                                  | 21.4        | 0                              | 0.0        | 5                           | 1.2        | 1                           | 0.2        | 1                                    | 0.2        | 18                         | 4.2         | 7                           | 1.6        |
| Southern               | 64                                  | 20.6        | 0                              | 0.0        | 9                           | 2.9        | 10                          | 3.2        | 2                                    | 0.6        | 47                         | 15.1        | 0                           | 0.0        |
| <b>Wisconsin</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 86                                  | 21.2        | 0                              | 0.0        | 12                          | 3.0        | 5                           | 1.2        | 4                                    | 1.0        | 101                        | 24.9        | 13                          | 3.2        |
| Western                | 7                                   | 3.6         | 0                              | 0.0        | 0                           | 0.0        | 1                           | 0.5        | 2                                    | 1.0        | 13                         | 6.7         | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>740</b>                          | <b>14.7</b> | <b>31</b>                      | <b>0.6</b> | <b>132</b>                  | <b>2.6</b> | <b>136</b>                  | <b>2.7</b> | <b>69</b>                            | <b>1.4</b> | <b>368</b>                 | <b>7.3</b>  | <b>41</b>                   | <b>0.8</b> |
| <b>Arkansas</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 78                                  | 21.5        | 0                              | 0.0        | 8                           | 2.2        | 7                           | 1.9        | 6                                    | 1.7        | 23                         | 6.3         | 2                           | 0.6        |
| Western                | 26                                  | 14.4        | 0                              | 0.0        | 2                           | 1.1        | 3                           | 1.7        | 0                                    | 0.0        | 11                         | 6.1         | 0                           | 0.0        |
| <b>Iowa</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Northern               | 68                                  | 15.0        | 0                              | 0.0        | 9                           | 2.0        | 3                           | 0.7        | 2                                    | 0.4        | 31                         | 6.8         | 2                           | 0.4        |
| Southern               | 71                                  | 19.1        | 0                              | 0.0        | 10                          | 2.7        | 12                          | 3.2        | 5                                    | 1.3        | 45                         | 12.1        | 1                           | 0.3        |
| Minnesota              | 140                                 | 26.0        | 0                              | 0.0        | 11                          | 2.0        | 24                          | 4.5        | 23                                   | 4.3        | 55                         | 10.2        | 3                           | 0.6        |
| <b>Missouri</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                | 136                                 | 14.0        | 0                              | 0.0        | 22                          | 2.3        | 23                          | 2.4        | 11                                   | 1.1        | 72                         | 7.4         | 9                           | 0.9        |
| Western                | 114                                 | 14.1        | 0                              | 0.0        | 12                          | 1.5        | 13                          | 1.6        | 11                                   | 1.4        | 39                         | 4.8         | 15                          | 1.9        |
| Nebraska               | 33                                  | 4.7         | 27                             | 3.8        | 35                          | 5.0        | 30                          | 4.3        | 3                                    | 0.4        | 51                         | 7.3         | 4                           | 0.6        |
| North Dakota           | 59                                  | 28.1        | 4                              | 1.9        | 7                           | 3.3        | 5                           | 2.4        | 0                                    | 0.0        | 6                          | 2.9         | 4                           | 1.9        |
| South Dakota           | 15                                  | 3.4         | 0                              | 0.0        | 16                          | 3.6        | 16                          | 3.6        | 8                                    | 1.8        | 35                         | 7.9         | 1                           | 0.2        |

| CIRCUIT<br>District      | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|--------------------------|---------------|--|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                          |               | n                                      | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>NINTH CIRCUIT</b>     | <b>13,419</b> | <b>5,934</b>                           | <b>44.2</b> | <b>96</b>                   | <b>0.7</b> | <b>23</b>                            | <b>0.2</b> | <b>63</b>                  | <b>0.5</b> | <b>25</b>                   | <b>0.2</b> |
| Alaska                   | 124           | 91                                     | 73.4        | 0                           | 0.0        | 1                                    | 0.8        | 0                          | 0.0        | 0                           | 0.0        |
| Arizona                  | 3,913         | 1,216                                  | 31.1        | 63                          | 1.6        | 8                                    | 0.2        | 8                          | 0.2        | 3                           | 0.1        |
| California               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                  | 1,268         | 666                                    | 52.5        | 1                           | 0.1        | 3                                    | 0.2        | 3                          | 0.2        | 2                           | 0.2        |
| Eastern                  | 944           | 504                                    | 53.4        | 3                           | 0.3        | 3                                    | 0.3        | 3                          | 0.3        | 0                           | 0.0        |
| Northern                 | 650           | 337                                    | 51.8        | 3                           | 0.5        | 3                                    | 0.5        | 4                          | 0.6        | 2                           | 0.3        |
| Southern                 | 3,155         | 1,311                                  | 41.6        | 3                           | 0.1        | 1                                    | 0.0        | 13                         | 0.4        | 7                           | 0.2        |
| Guam                     | 67            | 41                                     | 61.2        | 1                           | 1.5        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 1.5        |
| Hawaii                   | 354           | 162                                    | 45.8        | 0                           | 0.0        | 1                                    | 0.3        | 4                          | 1.1        | 0                           | 0.0        |
| Idaho                    | 249           | 125                                    | 50.2        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 1.2        | 0                           | 0.0        |
| Montana                  | 362           | 285                                    | 78.7        | 4                           | 1.1        | 1                                    | 0.3        | 5                          | 1.4        | 1                           | 0.3        |
| Nevada                   | 650           | 442                                    | 68.0        | 2                           | 0.3        | 1                                    | 0.2        | 4                          | 0.6        | 3                           | 0.5        |
| Northern Mariana Islands | 19            | 11                                     | 57.9        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Oregon                   | 552           | 282                                    | 51.1        | 5                           | 0.9        | 1                                    | 0.2        | 2                          | 0.4        | 2                           | 0.4        |
| Washington               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 361           | 153                                    | 42.4        | 1                           | 0.3        | 0                                    | 0.0        | 6                          | 1.7        | 2                           | 0.6        |
| Western                  | 751           | 308                                    | 41.0        | 10                          | 1.3        | 0                                    | 0.0        | 8                          | 1.1        | 2                           | 0.3        |
| <b>TENTH CIRCUIT</b>     | <b>5,614</b>  | <b>3,365</b>                           | <b>59.9</b> | <b>13</b>                   | <b>0.2</b> | <b>5</b>                             | <b>0.1</b> | <b>51</b>                  | <b>0.9</b> | <b>10</b>                   | <b>0.2</b> |
| Colorado                 | 526           | 311                                    | 59.1        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 1.0        | 2                           | 0.4        |
| Kansas                   | 643           | 395                                    | 61.4        | 1                           | 0.2        | 0                                    | 0.0        | 32                         | 5.0        | 1                           | 0.2        |
| New Mexico               | 2,510         | 1,421                                  | 56.6        | 3                           | 0.1        | 1                                    | 0.0        | 1                          | 0.0        | 2                           | 0.1        |
| Oklahoma                 |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 91            | 70                                     | 76.9        | 1                           | 1.1        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Northern                 | 230           | 189                                    | 82.2        | 1                           | 0.4        | 0                                    | 0.0        | 1                          | 0.4        | 0                           | 0.0        |
| Western                  | 319           | 231                                    | 72.4        | 3                           | 0.9        | 0                                    | 0.0        | 7                          | 2.2        | 0                           | 0.0        |
| Utah                     | 913           | 479                                    | 52.5        | 4                           | 0.4        | 3                                    | 0.3        | 4                          | 0.4        | 4                           | 0.4        |
| Wyoming                  | 382           | 269                                    | 70.4        | 0                           | 0.0        | 1                                    | 0.3        | 1                          | 0.3        | 1                           | 0.3        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,892</b>  | <b>4,667</b>                           | <b>67.7</b> | <b>17</b>                   | <b>0.2</b> | <b>14</b>                            | <b>0.2</b> | <b>60</b>                  | <b>0.9</b> | <b>9</b>                    | <b>0.1</b> |
| Alabama                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 242           | 134                                    | 55.4        | 1                           | 0.4        | 0                                    | 0.0        | 4                          | 1.7        | 0                           | 0.0        |
| Northern                 | 550           | 344                                    | 62.5        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 0.9        | 1                           | 0.2        |
| Southern                 | 355           | 234                                    | 65.9        | 0                           | 0.0        | 1                                    | 0.3        | 0                          | 0.0        | 1                           | 0.3        |
| Florida                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 1,601         | 952                                    | 59.5        | 2                           | 0.1        | 1                                    | 0.1        | 5                          | 0.3        | 2                           | 0.1        |
| Northern                 | 419           | 291                                    | 69.5        | 2                           | 0.5        | 5                                    | 1.2        | 4                          | 1.0        | 0                           | 0.0        |
| Southern                 | 2,204         | 1,581                                  | 71.7        | 4                           | 0.2        | 4                                    | 0.2        | 13                         | 0.6        | 1                           | 0.0        |
| Georgia                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 392           | 290                                    | 74.0        | 2                           | 0.5        | 0                                    | 0.0        | 5                          | 1.3        | 1                           | 0.3        |
| Northern                 | 593           | 394                                    | 66.4        | 3                           | 0.5        | 3                                    | 0.5        | 5                          | 0.8        | 3                           | 0.5        |
| Southern                 | 536           | 447                                    | 83.4        | 3                           | 0.6        | 0                                    | 0.0        | 19                         | 3.5        | 0                           | 0.0        |

| CIRCUIT<br>District      | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |             | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |            | REMAINING<br>BELOW<br>RANGE |            |
|--------------------------|-------------------------------------|-------------|--------------------------------|-------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                          | n                                   | %           | n                              | %           | n                           | %          | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>NINTH CIRCUIT</b>     | <b>1,341</b>                        | <b>10.0</b> | <b>3,712</b>                   | <b>27.7</b> | <b>701</b>                  | <b>5.2</b> | <b>301</b>                  | <b>2.2</b> | <b>185</b>                           | <b>1.4</b> | <b>849</b>                 | <b>6.3</b> | <b>189</b>                  | <b>1.4</b> |
| Alaska                   | 5                                   | 4.0         | 0                              | 0.0         | 5                           | 4.0        | 3                           | 2.4        | 4                                    | 3.2        | 12                         | 9.7        | 3                           | 2.4        |
| Arizona                  | 246                                 | 6.3         | 2,027                          | 51.8        | 112                         | 2.9        | 50                          | 1.3        | 45                                   | 1.2        | 101                        | 2.6        | 34                          | 0.9        |
| California               |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Central                  | 212                                 | 16.7        | 76                             | 6.0         | 83                          | 6.5        | 35                          | 2.8        | 35                                   | 2.8        | 104                        | 8.2        | 48                          | 3.8        |
| Eastern                  | 130                                 | 13.8        | 132                            | 14.0        | 50                          | 5.3        | 23                          | 2.4        | 10                                   | 1.1        | 76                         | 8.1        | 10                          | 1.1        |
| Northern                 | 95                                  | 14.6        | 39                             | 6.0         | 52                          | 8.0        | 18                          | 2.8        | 18                                   | 2.8        | 65                         | 10.0       | 14                          | 2.2        |
| Southern                 | 138                                 | 4.4         | 1,287                          | 40.8        | 116                         | 3.7        | 100                         | 3.2        | 21                                   | 0.7        | 106                        | 3.4        | 52                          | 1.6        |
| Guam                     | 9                                   | 13.4        | 0                              | 0.0         | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 15                         | 22.4       | 0                           | 0.0        |
| Hawaii                   | 114                                 | 32.2        | 0                              | 0.0         | 6                           | 1.7        | 2                           | 0.6        | 2                                    | 0.6        | 61                         | 17.2       | 2                           | 0.6        |
| Idaho                    | 51                                  | 20.5        | 28                             | 11.2        | 5                           | 2.0        | 1                           | 0.4        | 4                                    | 1.6        | 27                         | 10.8       | 5                           | 2.0        |
| Montana                  | 39                                  | 10.8        | 0                              | 0.0         | 0                           | 0.0        | 4                           | 1.1        | 1                                    | 0.3        | 21                         | 5.8        | 1                           | 0.3        |
| Nevada                   | 67                                  | 10.3        | 0                              | 0.0         | 54                          | 8.3        | 9                           | 1.4        | 6                                    | 0.9        | 55                         | 8.5        | 7                           | 1.1        |
| Northern Mariana Islands | 4                                   | 21.1        | 0                              | 0.0         | 2                           | 10.5       | 0                           | 0.0        | 1                                    | 5.3        | 1                          | 5.3        | 0                           | 0.0        |
| Oregon                   | 82                                  | 14.9        | 17                             | 3.1         | 51                          | 9.2        | 21                          | 3.8        | 5                                    | 0.9        | 75                         | 13.6       | 9                           | 1.6        |
| Washington               |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 34                                  | 9.4         | 85                             | 23.5        | 28                          | 7.8        | 5                           | 1.4        | 3                                    | 0.8        | 44                         | 12.2       | 0                           | 0.0        |
| Western                  | 115                                 | 15.3        | 21                             | 2.8         | 137                         | 18.2       | 30                          | 4.0        | 30                                   | 4.0        | 86                         | 11.5       | 4                           | 0.5        |
| <b>TENTH CIRCUIT</b>     | <b>510</b>                          | <b>9.1</b>  | <b>486</b>                     | <b>8.7</b>  | <b>518</b>                  | <b>9.2</b> | <b>198</b>                  | <b>3.5</b> | <b>69</b>                            | <b>1.2</b> | <b>349</b>                 | <b>6.2</b> | <b>40</b>                   | <b>0.7</b> |
| Colorado                 | 130                                 | 24.7        | 0                              | 0.0         | 16                          | 3.0        | 21                          | 4.0        | 6                                    | 1.1        | 30                         | 5.7        | 5                           | 1.0        |
| Kansas                   | 116                                 | 18.0        | 0                              | 0.0         | 52                          | 8.1        | 2                           | 0.3        | 0                                    | 0.0        | 42                         | 6.5        | 2                           | 0.3        |
| New Mexico               | 83                                  | 3.3         | 316                            | 12.6        | 379                         | 15.1       | 107                         | 4.3        | 33                                   | 1.3        | 152                        | 6.1        | 12                          | 0.5        |
| Oklahoma                 |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 13                                  | 14.3        | 0                              | 0.0         | 1                           | 1.1        | 0                           | 0.0        | 1                                    | 1.1        | 5                          | 5.5        | 0                           | 0.0        |
| Northern                 | 27                                  | 11.7        | 0                              | 0.0         | 3                           | 1.3        | 1                           | 0.4        | 0                                    | 0.0        | 7                          | 3.0        | 1                           | 0.4        |
| Western                  | 23                                  | 7.2         | 0                              | 0.0         | 1                           | 0.3        | 4                           | 1.3        | 0                                    | 0.0        | 46                         | 14.4       | 4                           | 1.3        |
| Utah                     | 82                                  | 9.0         | 170                            | 18.6        | 49                          | 5.4        | 44                          | 4.8        | 19                                   | 2.1        | 41                         | 4.5        | 14                          | 1.5        |
| Wyoming                  | 36                                  | 9.4         | 0                              | 0.0         | 17                          | 4.5        | 19                          | 5.0        | 10                                   | 2.6        | 26                         | 6.8        | 2                           | 0.5        |
| <b>ELEVENTH CIRCUIT</b>  | <b>1,227</b>                        | <b>17.8</b> | <b>30</b>                      | <b>0.4</b>  | <b>66</b>                   | <b>1.0</b> | <b>98</b>                   | <b>1.4</b> | <b>74</b>                            | <b>1.1</b> | <b>583</b>                 | <b>8.5</b> | <b>47</b>                   | <b>0.7</b> |
| Alabama                  |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 82                                  | 33.9        | 0                              | 0.0         | 4                           | 1.7        | 1                           | 0.4        | 0                                    | 0.0        | 16                         | 6.6        | 0                           | 0.0        |
| Northern                 | 139                                 | 25.3        | 0                              | 0.0         | 4                           | 0.7        | 6                           | 1.1        | 1                                    | 0.2        | 50                         | 9.1        | 0                           | 0.0        |
| Southern                 | 81                                  | 22.8        | 0                              | 0.0         | 1                           | 0.3        | 3                           | 0.8        | 1                                    | 0.3        | 33                         | 9.3        | 0                           | 0.0        |
| Florida                  |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 393                                 | 24.5        | 30                             | 1.9         | 15                          | 0.9        | 30                          | 1.9        | 18                                   | 1.1        | 142                        | 8.9        | 11                          | 0.7        |
| Northern                 | 87                                  | 20.8        | 0                              | 0.0         | 0                           | 0.0        | 4                           | 1.0        | 5                                    | 1.2        | 20                         | 4.8        | 1                           | 0.2        |
| Southern                 | 246                                 | 11.2        | 0                              | 0.0         | 26                          | 1.2        | 22                          | 1.0        | 34                                   | 1.5        | 245                        | 11.1       | 28                          | 1.3        |
| Georgia                  |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 72                                  | 18.4        | 0                              | 0.0         | 2                           | 0.5        | 5                           | 1.3        | 1                                    | 0.3        | 13                         | 3.3        | 1                           | 0.3        |
| Northern                 | 82                                  | 13.8        | 0                              | 0.0         | 12                          | 2.0        | 20                          | 3.4        | 14                                   | 2.4        | 51                         | 8.6        | 6                           | 1.0        |
| Southern                 | 45                                  | 8.4         | 0                              | 0.0         | 2                           | 0.4        | 7                           | 1.3        | 0                                    | 0.0        | 13                         | 2.4        | 0                           | 0.0        |

Of the 72,865 cases, 2,972 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Western Oklahoma (42.2%), Middle Georgia (27.1%), Central California (25.5%), Eastern Virginia (24.1%), Arizona (17.1%), Western Washington (11.3%), Middle Tennessee (10.1%), Southern Mississippi (7.0%), Maryland (6.6%), Western Kentucky (6.3%), Alaska (6.1%), Northern Alabama (5.5%), Southern Florida (5.2%), and Northern Florida (5.0%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.

**Table 10**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2007**

**National**

| PRIMARY OFFENSE              | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------------|---------------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              |               | n                            | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>                 | <b>69,801</b> | <b>42,446</b>                | <b>60.8</b> | <b>324</b>                  | <b>0.5</b> | <b>143</b>                           | <b>0.2</b> | <b>488</b>                 | <b>0.7</b> | <b>102</b>                  | <b>0.1</b> |
| Robbery                      | 1,109         | 733                          | 66.1        | 7                           | 0.6        | 5                                    | 0.5        | 12                         | 1.1        | 1                           | 0.1        |
| Drugs - Trafficking          | 24,199        | 13,022                       | 53.8        | 38                          | 0.2        | 14                                   | 0.1        | 35                         | 0.1        | 17                          | 0.1        |
| Drugs - Simple Possession    | 527           | 479                          | 90.9        | 5                           | 0.9        | 2                                    | 0.4        | 7                          | 1.3        | 4                           | 0.8        |
| Firearms                     | 8,328         | 5,826                        | 70.0        | 48                          | 0.6        | 29                                   | 0.3        | 60                         | 0.7        | 13                          | 0.2        |
| Larceny                      | 1,598         | 1,253                        | 78.4        | 7                           | 0.4        | 1                                    | 0.1        | 8                          | 0.5        | 6                           | 0.4        |
| Fraud                        | 7,160         | 4,627                        | 64.6        | 33                          | 0.5        | 25                                   | 0.3        | 77                         | 1.1        | 15                          | 0.2        |
| Embezzlement                 | 452           | 339                          | 75.0        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.2        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 1,115         | 814                          | 73.0        | 8                           | 0.7        | 4                                    | 0.4        | 9                          | 0.8        | 2                           | 0.2        |
| Immigration                  | 16,903        | 10,220                       | 60.5        | 113                         | 0.7        | 24                                   | 0.1        | 190                        | 1.1        | 25                          | 0.1        |
| Other Miscellaneous Offenses | 8,410         | 5,133                        | 61.0        | 65                          | 0.8        | 39                                   | 0.5        | 89                         | 1.1        | 19                          | 0.2        |

**Guam**

| PRIMARY OFFENSE              | TOTAL     | WITHIN<br>GUIDELINE<br>RANGE |             | ABOVE<br>RANGE<br>DEPARTURE |            | ABOVE RANGE<br>DEPARTURE<br>W/BOOKER |            | ABOVE<br>RANGE<br>W/BOOKER |            | REMAINING<br>ABOVE<br>RANGE |            |
|------------------------------|-----------|------------------------------|-------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              |           | n                            | %           | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>                 | <b>67</b> | <b>41</b>                    | <b>61.2</b> | <b>1</b>                    | <b>1.5</b> | <b>0</b>                             | <b>0.0</b> | <b>0</b>                   | <b>0.0</b> | <b>1</b>                    | <b>1.5</b> |
| Robbery                      | 0         | 0                            | --          | 0                           | --         | 0                                    | --         | 0                          | --         | 0                           | --         |
| Drugs - Trafficking          | 14        | 2                            | 14.3        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Drugs - Simple Possession    | 0         | 0                            | --          | 0                           | --         | 0                                    | --         | 0                          | --         | 0                           | --         |
| Firearms                     | 10        | 4                            | 40.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Larceny                      | 13        | 13                           | 100.0       | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Fraud                        | 4         | 2                            | 50.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Embezzlement                 | 0         | 0                            | --          | 0                           | --         | 0                                    | --         | 0                          | --         | 0                           | --         |
| Forgery/Counterfeiting       | 0         | 0                            | --          | 0                           | --         | 0                                    | --         | 0                          | --         | 0                           | --         |
| Immigration                  | 17        | 11                           | 64.7        | 1                           | 5.9        | 0                                    | 0.0        | 0                          | 0.0        | 1                           | 5.9        |
| Other Miscellaneous Offenses | 9         | 9                            | 100.0       | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |

### National

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |            | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|------------|-----------------------------|------------|
|                              | n                                   | %           | n                              | %          | n                           | %          | n                           | %          | n                                    | %          | n                          | %          | n                           | %          |
| <b>TOTAL</b>                 | <b>10,042</b>                       | <b>14.4</b> | <b>5,224</b>                   | <b>7.5</b> | <b>2,604</b>                | <b>3.7</b> | <b>1,756</b>                | <b>2.5</b> | <b>1,011</b>                         | <b>1.4</b> | <b>4,955</b>               | <b>7.1</b> | <b>706</b>                  | <b>1.0</b> |
| Robbery                      | 131                                 | 11.8        | 1                              | 0.1        | 34                          | 3.1        | 51                          | 4.6        | 22                                   | 2.0        | 103                        | 9.3        | 9                           | 0.8        |
| Drugs - Trafficking          | 6,177                               | 25.5        | 1,268                          | 5.2        | 822                         | 3.4        | 539                         | 2.2        | 368                                  | 1.5        | 1,707                      | 7.1        | 192                         | 0.8        |
| Drugs - Simple Possession    | 8                                   | 1.5         | 1                              | 0.2        | 3                           | 0.6        | 1                           | 0.2        | 3                                    | 0.6        | 9                          | 1.7        | 5                           | 0.9        |
| Firearms                     | 992                                 | 11.9        | 38                             | 0.5        | 223                         | 2.7        | 226                         | 2.7        | 162                                  | 1.9        | 641                        | 7.7        | 70                          | 0.8        |
| Larceny                      | 93                                  | 5.8         | 6                              | 0.4        | 41                          | 2.6        | 37                          | 2.3        | 14                                   | 0.9        | 103                        | 6.4        | 29                          | 1.8        |
| Fraud                        | 1,109                               | 15.5        | 5                              | 0.1        | 166                         | 2.3        | 189                         | 2.6        | 122                                  | 1.7        | 665                        | 9.3        | 127                         | 1.8        |
| Embezzlement                 | 14                                  | 3.1         | 0                              | 0.0        | 9                           | 2.0        | 6                           | 1.3        | 15                                   | 3.3        | 60                         | 13.3       | 8                           | 1.8        |
| Forgery/Counterfeiting       | 136                                 | 12.2        | 1                              | 0.1        | 17                          | 1.5        | 15                          | 1.3        | 14                                   | 1.3        | 78                         | 7.0        | 17                          | 1.5        |
| Immigration                  | 324                                 | 1.9         | 3,849                          | 22.8       | 865                         | 5.1        | 445                         | 2.6        | 111                                  | 0.7        | 617                        | 3.7        | 120                         | 0.7        |
| Other Miscellaneous Offenses | 1,058                               | 12.6        | 55                             | 0.7        | 424                         | 5.0        | 247                         | 2.9        | 180                                  | 2.1        | 972                        | 11.6       | 129                         | 1.5        |

### Guam

| PRIMARY OFFENSE              | §5K1.1<br>SUBSTANTIAL<br>ASSISTANCE |             | §5K3.1<br>EARLY<br>DISPOSITION |            | OTHER<br>GOV'T<br>SPONSORED |            | BELOW<br>RANGE<br>DEPARTURE |            | BELOW RANGE<br>DEPARTURE<br>W/BOOKER |            | BELOW<br>RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|----------------------------|-------------|-----------------------------|------------|
|                              | n                                   | %           | n                              | %          | n                           | %          | n                           | %          | n                                    | %          | n                          | %           | n                           | %          |
| <b>TOTAL</b>                 | <b>9</b>                            | <b>13.4</b> | <b>0</b>                       | <b>0.0</b> | <b>0</b>                    | <b>0.0</b> | <b>0</b>                    | <b>0.0</b> | <b>0</b>                             | <b>0.0</b> | <b>15</b>                  | <b>22.4</b> | <b>0</b>                    | <b>0.0</b> |
| Robbery                      | 0                                   | --          | 0                              | --         | 0                           | --         | 0                           | --         | 0                                    | --         | 0                          | --          | 0                           | --         |
| Drugs - Trafficking          | 7                                   | 50.0        | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 35.7        | 0                           | 0.0        |
| Drugs - Simple Possession    | 0                                   | --          | 0                              | --         | 0                           | --         | 0                           | --         | 0                                    | --         | 0                          | --          | 0                           | --         |
| Firearms                     | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 6                          | 60.0        | 0                           | 0.0        |
| Larceny                      | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0         | 0                           | 0.0        |
| Fraud                        | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 50.0        | 0                           | 0.0        |
| Embezzlement                 | 0                                   | --          | 0                              | --         | 0                           | --         | 0                           | --         | 0                                    | --         | 0                          | --          | 0                           | --         |
| Forgery/Counterfeiting       | 0                                   | --          | 0                              | --         | 0                           | --         | 0                           | --         | 0                                    | --         | 0                          | --          | 0                           | --         |
| Immigration                  | 2                                   | 11.8        | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 11.8        | 0                           | 0.0        |
| Other Miscellaneous Offenses | 0                                   | 0.0         | 0                              | 0.0        | 0                           | 0.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0         | 0                           | 0.0        |

Of the 72,865 guideline cases, 3,064 cases were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (2,972) or missing primary offense (100).

Of the 68 guideline cases from the District of Guam, one case was excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2007 Datafile, OPAFY07.