United States Sentencing Commission

Statistical Information Packet

Fiscal Year 2010

Eastern District of Louisiana

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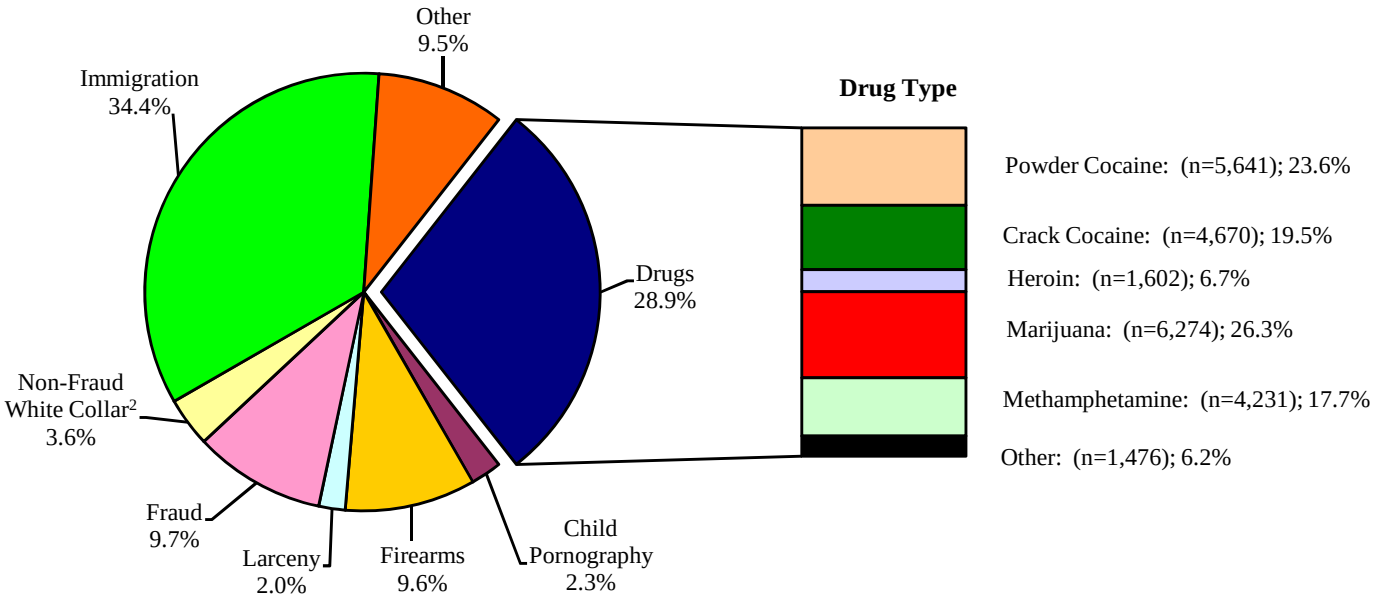
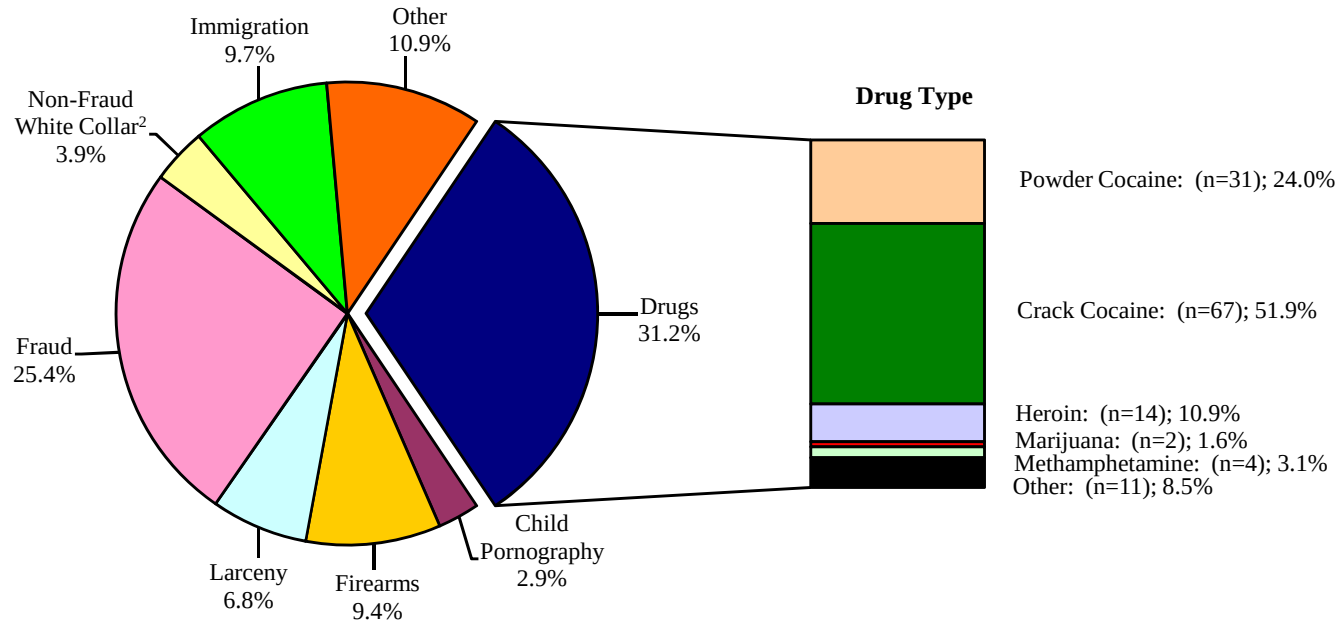
Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY[1]
Fiscal Year 2010

National



Eastern Louisiana



[1] Of the 83,946 guideline cases, 1,149 cases were excluded due to missing drug type.
Of the 414 guideline cases from the Eastern District of Louisiana, no case was excluded.

[2] The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 1

DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY
Fiscal Year 2010

	National		Eastern Louisiana	
PRIMARY OFFENSE	**N**	**%**	**N**	**%**
TOTAL	**83,946**	**100.0**	**414**	**100.0**
Murder	66	0.1	0	0.0
Manslaughter	64	0.1	0	0.0
Kidnapping/Hostage Taking	39	0.0	0	0.0
Sexual Abuse	384	0.5	0	0.0
Assault	631	0.8	5	1.2
Robbery	1,081	1.3	7	1.7
Arson	75	0.1	1	0.2
Drugs - Trafficking	23,506	28.0	127	30.7
Drugs - Communication Facility	512	0.6	2	0.5
Drugs - Simple Possession	1,025	1.2	0	0.0
Firearms	7,986	9.5	39	9.4
Burglary/B&E	36	0.0	1	0.2
Auto Theft	91	0.1	0	0.0
Larceny	1,621	1.9	28	6.8
Fraud	8,067	9.6	105	25.4
Embezzlement	435	0.5	0	0.0
Forgery/Counterfeiting	880	1.0	3	0.7
Bribery	224	0.3	8	1.9
Tax	665	0.8	2	0.5
Money Laundering	806	1.0	3	0.7
Racketeering/Extortion	675	0.8	1	0.2
Gambling/Lottery	76	0.1	0	0.0
Civil Rights	61	0.1	1	0.2
Immigration	28,504	34.0	40	9.7
Child Pornography	1,886	2.2	12	2.9
Prison Offenses	424	0.5	1	0.2
Administration of Justice Offenses	1,157	1.4	11	2.7
Environmental/Wildlife	188	0.2	1	0.2
National Defense	70	0.1	0	0.0
Antitrust	16	0.0	0	0.0
Food & Drug	84	0.1	2	0.5
Other Miscellaneous Offenses	2,611	3.1	14	3.4

Of the 83,946 guideline cases, no cases were excluded due to missing information on primary offense category.

Of the 414 guideline cases from the Eastern District of Louisiana, no case was excluded.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 2

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2010

CIRCUIT		PLEA		TRIAL	
District	TOTAL	N	%	N	%
TOTAL	**83,941**	**81,217**	**96.8**	**2,724**	**3.2**
D.C. CIRCUIT	**394**	**370**	**93.9**	**24**	**6.1**
District of Columbia	**394**	370	93.9	24	6.1
FIRST CIRCUIT	**1,889**	**1,780**	**94.2**	**109**	**5.8**
Maine	**169**	159	94.1	10	5.9
Massachusetts	**449**	415	92.4	34	7.6
New Hampshire	**231**	222	96.1	9	3.9
Puerto Rico	**881**	833	94.6	48	5.4
Rhode Island	**159**	151	95.0	8	5.0
SECOND CIRCUIT	**4,399**	**4,191**	**95.3**	**208**	**4.7**
Connecticut	**428**	406	94.9	22	5.1
New York					
Eastern	**1,176**	1,095	93.1	81	6.9
Northern	**515**	494	95.9	21	4.1
Southern	**1,435**	1,361	94.8	74	5.2
Western	**667**	658	98.7	9	1.3
Vermont	**178**	177	99.4	1	0.6
THIRD CIRCUIT	**2,954**	**2,766**	**93.6**	**188**	**6.4**
Delaware	**131**	120	91.6	11	8.4
New Jersey	**818**	791	96.7	27	3.3
Pennsylvania					
Eastern	**936**	850	90.8	86	9.2
Middle	**495**	463	93.5	32	6.5
Western	**498**	477	95.8	21	4.2
Virgin Islands	**76**	65	85.5	11	14.5
FOURTH CIRCUIT	**6,833**	**6,458**	**94.5**	**375**	**5.5**
Maryland	**794**	734	92.4	60	7.6
North Carolina					
Eastern	**766**	727	94.9	39	5.1
Middle	**552**	528	95.7	24	4.3
Western	**502**	471	93.8	31	6.2
South Carolina	**1,250**	1,197	95.8	53	4.2
Virginia					
Eastern	**2,072**	1,941	93.7	131	6.3
Western	**369**	348	94.3	21	5.7
West Virginia					
Northern	**286**	278	97.2	8	2.8
Southern	**242**	234	96.7	8	3.3

CIRCUIT		PLEA		TRIAL	
District	TOTAL	N	%	N	%
FIFTH CIRCUIT	**20,623**	**20,267**	**98.3**	**356**	**1.7**
Louisiana					
Eastern	**414**	400	96.6	14	3.4
Middle	**202**	190	94.1	12	5.9
Western	**397**	357	89.9	40	10.1
Mississippi					
Northern	**172**	156	90.7	16	9.3
Southern	**332**	322	97.0	10	3.0
Texas					
Eastern	**848**	827	97.5	21	2.5
Northern	**931**	877	94.2	54	5.8
Southern	**8,494**	8,393	98.8	101	1.2
Western	**8,833**	8,745	99.0	88	1.0
SIXTH CIRCUIT	**5,622**	**5,424**	**96.5**	**198**	**3.5**
Kentucky					
Eastern	**637**	614	96.4	23	3.6
Western	**508**	491	96.7	17	3.3
Michigan					
Eastern	**750**	720	96.0	30	4.0
Western	**544**	524	96.3	20	3.7
Ohio					
Northern	**667**	643	96.4	24	3.6
Southern	**682**	662	97.1	20	2.9
Tennessee					
Eastern	**847**	810	95.6	37	4.4
Middle	**309**	301	97.4	8	2.6
Western	**678**	659	97.2	19	2.8
SEVENTH CIRCUIT	**3,053**	**2,884**	**94.5**	**169**	**5.5**
Illinois					
Central	**376**	351	93.4	25	6.6
Northern	**882**	805	91.3	77	8.7
Southern	**318**	303	95.3	15	4.7
Indiana					
Northern	**464**	448	96.6	16	3.4
Southern	**331**	315	95.2	16	4.8
Wisconsin					
Eastern	**472**	458	97.0	14	3.0
Western	**210**	204	97.1	6	2.9
EIGHTH CIRCUIT	**4,929**	**4,748**	**96.3**	**181**	**3.7**
Arkansas					
Eastern	**392**	379	96.7	13	3.3
Western	**258**	251	97.3	7	2.7
Iowa					
Northern	**344**	330	95.9	14	4.1
Southern	**456**	423	92.8	33	7.2
Minnesota	**505**	486	96.2	19	3.8
Missouri					
Eastern	**1,048**	1,028	98.1	20	1.9
Western	**659**	640	97.1	19	2.9
Nebraska	**602**	582	96.7	20	3.3
North Dakota	**261**	245	93.9	16	6.1
South Dakota	**404**	384	95.0	20	5.0

CIRCUIT		PLEA		TRIAL	
District	TOTAL	N	%	N	%
NINTH CIRCUIT	**19,014**	**18,593**	**97.8**	**421**	**2.2**
Alaska	**158**	144	91.1	14	8.9
Arizona	**6,792**	6,745	99.3	47	0.7
California					
Central	**2,127**	2,032	95.5	95	4.5
Eastern	**1,004**	966	96.2	38	3.8
Northern	**884**	863	97.6	21	2.4
Southern	**4,586**	4,512	98.4	74	1.6
Guam	**58**	53	91.4	5	8.6
Hawaii	**166**	160	96.4	6	3.6
Idaho	**301**	292	97.0	9	3.0
Montana	**378**	346	91.5	32	8.5
Nevada	**620**	594	95.8	26	4.2
Northern Mariana Islands	**28**	23	82.1	5	17.9
Oregon	**633**	620	97.9	13	2.1
Washington					
Eastern	**404**	398	98.5	6	1.5
Western	**875**	845	96.6	30	3.4
TENTH CIRCUIT	**6,986**	**6,850**	**98.1**	**136**	**1.9**
Colorado	**531**	515	97.0	16	3.0
Kansas	**728**	694	95.3	34	4.7
New Mexico	**3,723**	3,708	99.6	15	0.4
Oklahoma					
Eastern	**113**	106	93.8	7	6.2
Northern	**155**	142	91.6	13	8.4
Western	**419**	402	95.9	17	4.1
Utah	**900**	878	97.6	22	2.4
Wyoming	**417**	405	97.1	12	2.9
ELEVENTH CIRCUIT	**7,245**	**6,886**	**95.0**	**359**	**5.0**
Alabama					
Middle	**243**	225	92.6	18	7.4
Northern	**432**	416	96.3	16	3.7
Southern	**307**	291	94.8	16	5.2
Florida					
Middle	**1,678**	1,594	95.0	84	5.0
Northern	**396**	356	89.9	40	10.1
Southern	**2,355**	2,237	95.0	118	5.0
Georgia					
Middle	**421**	414	98.3	7	1.7
Northern	**703**	654	93.0	49	7.0
Southern	**710**	699	98.5	11	1.5

Of the 83,946 guideline cases, five cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 3

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY
Fiscal Year 2010

		National				Eastern Louisiana			
		PLEA		TRIAL		PLEA		TRIAL	
PRIMARY OFFENSE	TOTAL	N	%	N	%	N	%	N	%
TOTAL	**83,941**	**81,217**	**96.8**	**2,724**	**3.2**	**400**	**96.6**	**14**	**3.4**
Murder	**66**	45	68.2	21	31.8	0	--	0	--
Manslaughter	**64**	60	93.8	4	6.3	0	--	0	--
Kidnapping/Hostage Taking	**39**	36	92.3	3	7.7	0	--	0	--
Sexual Abuse	**384**	336	87.5	48	12.5	0	--	0	--
Assault	**631**	568	90.0	63	10.0	5	100.0	0	0.0
Robbery	**1,081**	1,040	96.2	41	3.8	7	100.0	0	0.0
Arson	**75**	65	86.7	10	13.3	1	100.0	0	0.0
Drugs - Trafficking	**23,506**	22,649	96.4	857	3.6	123	96.9	4	3.1
Drugs - Communication Facility	**512**	511	99.8	1	0.2	2	100.0	0	0.0
Drugs - Simple Possession	**1,024**	1,004	98.0	20	2.0	0	--	0	--
Firearms	**7,986**	7,485	93.7	501	6.3	38	97.4	1	2.6
Burglary/B&E	**36**	36	100.0	0	0.0	1	100.0	0	0.0
Auto Theft	**91**	89	97.8	2	2.2	0	--	0	--
Larceny	**1,621**	1,579	97.4	42	2.6	28	100.0	0	0.0
Fraud	**8,067**	7,675	95.1	392	4.9	101	96.2	4	3.8
Embezzlement	**435**	417	95.9	18	4.1	0	--	0	--
Forgery/Counterfeiting	**880**	873	99.2	7	0.8	3	100.0	0	0.0
Bribery	**224**	204	91.1	20	8.9	7	87.5	1	12.5
Tax	**665**	602	90.5	63	9.5	2	100.0	0	0.0
Money Laundering	**806**	750	93.1	56	6.9	3	100.0	0	0.0
Racketeering/Extortion	**675**	623	92.3	52	7.7	0	0.0	1	100.0
Gambling/Lottery	**76**	73	96.1	3	3.9	0	--	0	--
Civil Rights	**61**	51	83.6	10	16.4	1	100.0	0	0.0
Immigration	**28,504**	28,321	99.4	183	0.6	38	95.0	2	5.0
Child Pornography	**1,886**	1,801	95.5	85	4.5	12	100.0	0	0.0
Prison Offenses	**424**	419	98.8	5	1.2	1	100.0	0	0.0
Administration of Justice Offenses	**1,157**	1,090	94.2	67	5.8	11	100.0	0	0.0
Environmental/Wildlife	**188**	176	93.6	12	6.4	1	100.0	0	0.0
National Defense	**70**	64	91.4	6	8.6	0	--	0	--
Antitrust	**16**	15	93.8	1	6.3	0	--	0	--
Food & Drug	**84**	80	95.2	4	4.8	2	100.0	0	0.0
Other Miscellaneous Offenses	**2,607**	2,480	95.1	127	4.9	13	92.9	1	7.1

Of the 83,946 guideline cases, five cases were excluded due to missing mode of conviction.

Of the 414 guideline cases from the Eastern District of Louisiana, no case was excluded.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 4

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2010

National

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	**83,120**	**72,615**	**87.4**	**2,045**	**2.5**	**2,356**	**2.8**	**6,104**	**7.3**
Murder	**66**	64	97.0	1	1.5	0	0.0	1	1.5
Manslaughter	**64**	61	95.3	2	3.1	1	1.6	0	0.0
Kidnapping/Hostage Taking	**38**	38	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	**383**	364	95.0	7	1.8	7	1.8	5	1.3
Assault	**622**	492	79.1	26	4.2	23	3.7	81	13.0
Robbery	**1,080**	1,002	92.8	35	3.2	20	1.9	23	2.1
Arson	**75**	68	90.7	4	5.3	1	1.3	2	2.7
Drugs - Trafficking	**23,499**	22,081	94.0	582	2.5	319	1.4	517	2.2
Drugs - Communication Facility	**512**	413	80.7	10	2.0	29	5.7	60	11.7
Drugs - Simple Possession	**986**	676	68.6	1	0.1	24	2.4	285	28.9
Firearms	**7,976**	7,344	92.1	187	2.3	186	2.3	259	3.2
Burglary/B&E	**36**	27	75.0	0	0.0	5	13.9	4	11.1
Auto Theft	**91**	68	74.7	2	2.2	8	8.8	13	14.3
Larceny	**1,506**	542	36.0	70	4.6	225	14.9	669	44.4
Fraud	**8,028**	5,766	71.8	467	5.8	625	7.8	1,170	14.6
Embezzlement	**423**	149	35.2	41	9.7	52	12.3	181	42.8
Forgery/Counterfeiting	**879**	581	66.1	53	6.0	80	9.1	165	18.8
Bribery	**223**	148	66.4	15	6.7	26	11.7	34	15.2
Tax	**661**	355	53.7	61	9.2	115	17.4	130	19.7
Money Laundering	**806**	584	72.5	36	4.5	53	6.6	133	16.5
Racketeering/Extortion	**674**	589	87.4	18	2.7	17	2.5	50	7.4
Gambling/Lottery	**76**	23	30.3	1	1.3	19	25.0	33	43.4
Civil Rights	**59**	40	67.8	1	1.7	8	13.6	10	16.9
Immigration	**28,499**	27,258	95.6	223	0.8	170	0.6	848	3.0
Child Pornography	**1,884**	1,821	96.7	36	1.9	11	0.6	16	0.8
Prison Offenses	**423**	383	90.5	20	4.7	6	1.4	14	3.3
Administration of Justice Offenses	**1,137**	747	65.7	65	5.7	88	7.7	237	20.8
Environmental/Wildlife	**143**	36	25.2	7	4.9	14	9.8	86	60.1
National Defense	**69**	60	87.0	1	1.4	3	4.3	5	7.2
Antitrust	**15**	10	66.7	2	13.3	1	6.7	2	13.3
Food & Drug	**73**	21	28.8	5	6.8	5	6.8	42	57.5
Other Miscellaneous Offenses	**2,114**	804	38.0	66	3.1	215	10.2	1,029	48.7

Of the 83,946 guideline cases, 826 cases were excluded due to one or more of the following reasons: missing sentencing information (12), or cases in which the defendant received no imprisonment or probation (814).

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2010

Eastern Louisiana

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	**414**	**307**	**74.2**	**15**	**3.6**	**34**	**8.2**	**58**	**14.0**
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	**5**	2	40.0	1	20.0	0	0.0	2	40.0
Robbery	**7**	6	85.7	0	0.0	1	14.3	0	0.0
Arson	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	**127**	124	97.6	2	1.6	0	0.0	1	0.8
Drugs - Communication Facility	**2**	2	100.0	0	0.0	0	0.0	0	0.0
Drugs - Simple Possession	**0**	0	--	0	--	0	--	0	--
Firearms	**39**	37	94.9	1	2.6	1	2.6	0	0.0
Burglary/B&E	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Auto Theft	**0**	0	--	0	--	0	--	0	--
Larceny	**28**	7	25.0	2	7.1	5	17.9	14	50.0
Fraud	**105**	53	50.5	3	2.9	23	21.9	26	24.8
Embezzlement	**0**	0	--	0	--	0	--	0	--
Forgery/Counterfeiting	**3**	1	33.3	0	0.0	0	0.0	2	66.7
Bribery	**8**	6	75.0	2	25.0	0	0.0	0	0.0
Tax	**2**	0	0.0	0	0.0	1	50.0	1	50.0
Money Laundering	**3**	1	33.3	1	33.3	0	0.0	1	33.3
Racketeering/Extortion	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Gambling/Lottery	**0**	0	--	0	--	0	--	0	--
Civil Rights	**1**	0	0.0	0	0.0	0	0.0	1	100.0
Immigration	**40**	39	97.5	0	0.0	0	0.0	1	2.5
Child Pornography	**12**	11	91.7	1	8.3	0	0.0	0	0.0
Prison Offenses	**1**	1	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	**11**	6	54.5	1	9.1	0	0.0	4	36.4
Environmental/Wildlife	**1**	0	0.0	0	0.0	0	0.0	1	100.0
National Defense	**0**	0	--	0	--	0	--	0	--
Antitrust	**0**	0	--	0	--	0	--	0	--
Food & Drug	**2**	1	50.0	0	0.0	1	50.0	0	0.0
Other Miscellaneous Offenses	**14**	7	50.0	1	7.1	2	14.3	4	28.6

Of the 414 guideline cases from the Eastern District of Louisiana, no case was excluded.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 6

INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES BY PRIMARY OFFENSE CATEGORY Fiscal Year 2010

		National				Eastern Louisiana			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
PRIMARY OFFENSE	TOTAL	N	%	N	%	N	%	N	%
TOTAL	**4,958**	**1,434**	**28.9**	**3,524**	**71.1**	**13**	**16.0**	**68**	**84.0**
Fraud	**1,260**	367	29.1	893	70.9	7	15.2	39	84.8
Larceny	**724**	140	19.3	584	80.7	0	0.0	16	100.0
Immigration	**336**	161	47.9	175	52.1	0	0.0	1	100.0
Embezzlement	**220**	25	11.4	195	88.6	0	--	0	--
Drugs - Trafficking	**340**	118	34.7	222	65.3	0	--	0	--
Drugs - Simple Possession	**275**	115	41.8	160	58.2	0	--	0	--
Firearms	**195**	79	40.5	116	59.5	1	50.0	1	50.0
Forgery/Counterfeiting	**263**	99	37.6	164	62.4	1	50.0	1	50.0
Other Miscellaneous Offenses	**1,345**	330	24.5	1,015	75.5	4	28.6	10	71.4

Of the 83,946 guideline cases, a U.S. Citizen was the defendant in 42,685 cases. Of these, 37,727 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison sentence (37,727), or missing sentencing information (7).

Of the 414 guideline cases from the Eastern District of Louisiana, a U.S. Citizen was the defendant in 353 cases. Of these, 272 cases were excluded because the defendant was ineligible for a non-prison sentence.

This table was limited to U.S. Citizens beginning in Fiscal Year 2010.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 7

LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2010

	National			Eastern Louisiana		
PRIMARY OFFENSE	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	**51.1**	**30.0**	**72,170**	**73.8**	**46.0**	**321**
Murder	284.7	262.0	64	--	--	0
Manslaughter	73.5	46.0	63	--	--	0
Kidnapping/Hostage Taking	167.0	147.5	38	--	--	0
Sexual Abuse	113.1	108.0	368	--	--	0
Assault	47.0	30.0	499	136.0	36.0	3
Robbery	80.3	63.0	1,030	89.5	65.5	6
Arson	81.3	60.0	72	--	--	1
Drugs - Trafficking	78.4	60.0	22,355	116.8	114.0	126
Drugs - Communication Facility	41.2	40.0	419	--	--	2
Drugs - Simple Possession	5.4	4.0	632	--	--	0
Firearms	90.7	60.0	7,455	71.2	58.5	38
Burglary/B&E	22.1	22.5	26	--	--	1
Auto Theft	65.7	31.0	70	--	--	0
Larceny	18.0	12.0	594	20.9	18.0	9
Fraud	30.5	18.0	5,926	33.8	21.0	56
Embezzlement	15.5	12.0	183	--	--	0
Forgery/Counterfeiting	19.8	15.0	603	--	--	1
Bribery	25.8	20.0	160	40.6	28.5	8
Tax	23.5	18.0	410	--	--	0
Money Laundering	39.7	24.0	606	--	--	2
Racketeering/Extortion	86.4	51.0	596	--	--	1
Gambling/Lottery	14.1	12.0	24	--	--	0
Civil Rights	32.5	18.0	41	--	--	0
Immigration	18.3	12.0	25,954	21.6	14.0	38
Child Pornography	120.1	82.0	1,849	119.3	90.0	12
Prison Offenses	16.3	12.0	394	--	--	1
Administration of Justice Offenses	25.9	18.0	778	18.6	15.0	7
Environmental/Wildlife	11.4	10.0	38	--	--	0
National Defense	62.0	46.0	59	--	--	0
Antitrust	7.8	9.0	12	--	--	0
Food & Drug	33.0	13.0	25	--	--	1
Other Miscellaneous Offenses	31.3	12.0	827	7.5	5.6	8

Of the 83,946 guideline cases, 11,776 cases were excluded for one or more of the following reasons: zero months prison ordered (10,934), or missing or indeterminable sentencing information (842).

Of the 414 guideline cases from the Eastern District of Louisiana, 93 cases were excluded due to zero months prison ordered.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 8

COMPARISON OF SENTENCE IMPOSED AND POSITION RELATIVE TO THE GUIDELINE RANGE
Fiscal Year 2010

	National		Eastern Louisiana	
	N	%	N	%
TOTAL CASES[1]	**81,859**	**100.0**	**413**	**100.0**
CASES SENTENCED WITHIN GUIDELINE RANGE	**45,028**	**55.0**	**285**	**69.0**
CASES SENTENCED ABOVE GUIDELINE RANGE	**1,512**	**1.8**	**19**	**4.6**
DEPARTURE ABOVE GUIDELINE RANGE	**469**	**0.6**	**9**	**2.2**
Upward Departure From Guideline Range[2]	350	0.4	2	0.5
Upward Departure With *Booker* /18 U.S.C. § 3553[3]	119	0.1	7	1.7
OTHERWISE ABOVE GUIDELINE RANGE	**1,043**	**1.3**	**10**	**2.4**
Above Guideline Range With *Booker* /18 U.S.C. § 3553[4]	916	1.1	10	2.4
All Remaining Cases Above Guideline Range[5]	127	0.2	0	0.0
GOVERNMENT SPONSORED BELOW RANGE[6]	**20,754**	**25.4**	**36**	**8.7**
§5K1.1 Substantial Assistance Departure	9,421	11.5	28	6.8
§5K3.1 Early Disposition Program Departure	8,119	9.9	0	0.0
Other Government Sponsored Below Range	3,214	3.9	8	1.9
NON-GOVERNMENT SPONSORED BELOW RANGE	**14,565**	**17.8**	**73**	**17.7**
DEPARTURE BELOW GUIDELINE RANGE	**2,552**	**3.1**	**10**	**2.4**
Downward Departure From Guideline Range[2]	1,687	2.1	6	1.5
Downward Departure With *Booker* /18 U.S.C. § 3553[3]	865	1.1	4	1.0
OTHERWISE BELOW GUIDELINE RANGE	**12,013**	**14.7**	**63**	**15.3**
Below Guideline Range With *Booker* /18 U.S.C. § 3553[4]	11,116	13.6	55	13.3
All Remaining Cases Below Guideline Range[5]	897	1.1	8	1.9

[1] This table reflects the 83,946 cases sentenced nationally in Fiscal Year 2010, 414 of which were from the Eastern District of Louisiana. Of these, 2,087 cases nationally and one case from the Eastern District of Louisiana were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

[2] All cases with departures in which the court did not indicate as a reason either *United States 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.*

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

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

[5] 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.

[6] 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: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 9

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Year 2010

CIRCUIT		SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE *W/BOOKER*		ABOVE RANGE *W/BOOKER*		REMAINING ABOVE RANGE	
District	TOTAL	N	%	N	%	N	%	N	%	N	%
TOTAL	**81,859**	**45,028**	**55.0**	**350**	**0.4**	**119**	**0.1**	**916**	**1.1**	**127**	**0.2**
D.C. CIRCUIT	**380**	**127**	**33.4**	**4**	**1.1**	**2**	**0.5**	**3**	**0.8**	**0**	**0.0**
District of Columbia	**380**	127	33.4	4	1.1	2	0.5	3	0.8	0	0.0
FIRST CIRCUIT	**1,880**	**1,029**	**54.7**	**5**	**0.3**	**1**	**0.1**	**17**	**0.9**	**7**	**0.4**
Maine	**169**	75	44.4	0	0.0	1	0.6	2	1.2	0	0.0
Massachusetts	**442**	142	32.1	3	0.7	0	0.0	5	1.1	3	0.7
New Hampshire	**231**	98	42.4	1	0.4	0	0.0	5	2.2	0	0.0
Puerto Rico	**879**	642	73.0	1	0.1	0	0.0	4	0.5	4	0.5
Rhode Island	**159**	72	45.3	0	0.0	0	0.0	1	0.6	0	0.0
SECOND CIRCUIT	**4,380**	**1,743**	**39.8**	**11**	**0.3**	**3**	**0.1**	**25**	**0.6**	**5**	**0.1**
Connecticut	**425**	159	37.4	1	0.2	1	0.2	4	0.9	0	0.0
New York											
Eastern	**1,175**	372	31.7	2	0.2	0	0.0	13	1.1	1	0.1
Northern	**505**	304	60.2	1	0.2	0	0.0	0	0.0	1	0.2
Southern	**1,431**	467	32.6	1	0.1	1	0.1	5	0.3	1	0.1
Western	**667**	362	54.3	5	0.7	1	0.1	3	0.4	2	0.3
Vermont	**177**	79	44.6	1	0.6	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	**2,936**	**1,301**	**44.3**	**8**	**0.3**	**2**	**0.1**	**22**	**0.7**	**5**	**0.2**
Delaware	**131**	42	32.1	0	0.0	0	0.0	6	4.6	0	0.0
New Jersey	**818**	402	49.1	2	0.2	0	0.0	5	0.6	0	0.0
Pennsylvania											
Eastern	**928**	346	37.3	1	0.1	0	0.0	5	0.5	2	0.2
Middle	**494**	210	42.5	4	0.8	1	0.2	1	0.2	0	0.0
Western	**492**	261	53.0	0	0.0	0	0.0	4	0.8	3	0.6
Virgin Islands	**73**	40	54.8	1	1.4	1	1.4	1	1.4	0	0.0
FOURTH CIRCUIT	**6,621**	**4,090**	**61.8**	**42**	**0.6**	**15**	**0.2**	**91**	**1.4**	**6**	**0.1**
Maryland	**732**	338	46.2	11	1.5	4	0.5	12	1.6	3	0.4
North Carolina											
Eastern	**739**	396	53.6	9	1.2	3	0.4	3	0.4	0	0.0
Middle	**552**	404	73.2	1	0.2	1	0.2	14	2.5	0	0.0
Western	**502**	285	56.8	3	0.6	0	0.0	5	1.0	0	0.0
South Carolina	**1,237**	750	60.6	7	0.6	2	0.2	10	0.8	3	0.2
Virginia											
Eastern	**1,971**	1,453	73.7	8	0.4	4	0.2	25	1.3	0	0.0
Western	**363**	181	49.9	0	0.0	1	0.3	18	5.0	0	0.0
West Virginia											
Northern	**283**	155	54.8	1	0.4	0	0.0	3	1.1	0	0.0
Southern	**242**	128	52.9	2	0.8	0	0.0	1	0.4	0	0.0

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
District	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
TOTAL	**9,421**	**11.5**	**8,119**	**9.9**	**3,214**	**3.9**	**1,687**	**2.1**	**865**	**1.1**	**11,116**	**13.6**	**897**	**1.1**
D.C. CIRCUIT	**115**	**30.3**	**0**	**0.0**	**47**	**12.4**	**10**	**2.6**	**8**	**2.1**	**57**	**15.0**	**7**	**1.8**
District of Columbia	115	30.3	0	0.0	47	12.4	10	2.6	8	2.1	57	15.0	7	1.8
FIRST CIRCUIT	**254**	**13.5**	**31**	**1.6**	**131**	**7.0**	**30**	**1.6**	**21**	**1.1**	**338**	**18.0**	**16**	**0.9**
Maine	61	36.1	0	0.0	1	0.6	2	1.2	0	0.0	27	16.0	0	0.0
Massachusetts	49	11.1	0	0.0	82	18.6	13	2.9	8	1.8	133	30.1	4	0.9
New Hampshire	61	26.4	0	0.0	22	9.5	2	0.9	4	1.7	36	15.6	2	0.9
Puerto Rico	66	7.5	31	3.5	25	2.8	13	1.5	7	0.8	76	8.6	10	1.1
Rhode Island	17	10.7	0	0.0	1	0.6	0	0.0	2	1.3	66	41.5	0	0.0
SECOND CIRCUIT	**846**	**19.3**	**0**	**0.0**	**115**	**2.6**	**120**	**2.7**	**122**	**2.8**	**1,315**	**30.0**	**75**	**1.7**
Connecticut	67	15.8	0	0.0	10	2.4	33	7.8	23	5.4	123	28.9	4	0.9
New York														
Eastern	263	22.4	0	0.0	30	2.6	47	4.0	45	3.8	382	32.5	20	1.7
Northern	103	20.4	0	0.0	9	1.8	7	1.4	6	1.2	73	14.5	1	0.2
Southern	228	15.9	0	0.0	27	1.9	21	1.5	37	2.6	600	41.9	43	3.0
Western	164	24.6	0	0.0	31	4.6	3	0.4	2	0.3	88	13.2	6	0.9
Vermont	21	11.9	0	0.0	8	4.5	9	5.1	9	5.1	49	27.7	1	0.6
THIRD CIRCUIT	**733**	**25.0**	**0**	**0.0**	**94**	**3.2**	**47**	**1.6**	**50**	**1.7**	**634**	**21.6**	**40**	**1.4**
Delaware	24	18.3	0	0.0	1	0.8	1	0.8	1	0.8	52	39.7	4	3.1
New Jersey	225	27.5	0	0.0	13	1.6	15	1.8	7	0.9	142	17.4	7	0.9
Pennsylvania														
Eastern	297	32.0	0	0.0	22	2.4	8	0.9	19	2.0	209	22.5	19	2.0
Middle	97	19.6	0	0.0	47	9.5	12	2.4	11	2.2	110	22.3	1	0.2
Western	75	15.2	0	0.0	7	1.4	10	2.0	12	2.4	115	23.4	5	1.0
Virgin Islands	15	20.5	0	0.0	4	5.5	1	1.4	0	0.0	6	8.2	4	5.5
FOURTH CIRCUIT	**1,012**	**15.3**	**0**	**0.0**	**207**	**3.1**	**92**	**1.4**	**46**	**0.7**	**949**	**14.3**	**71**	**1.1**
Maryland	163	22.3	0	0.0	69	9.4	12	1.6	15	2.0	96	13.1	9	1.2
North Carolina														
Eastern	262	35.5	0	0.0	2	0.3	3	0.4	1	0.1	54	7.3	6	0.8
Middle	60	10.9	0	0.0	1	0.2	4	0.7	2	0.4	62	11.2	3	0.5
Western	140	27.9	0	0.0	6	1.2	7	1.4	1	0.2	51	10.2	4	0.8
South Carolina	190	15.4	0	0.0	42	3.4	17	1.4	7	0.6	192	15.5	17	1.4
Virginia														
Eastern	81	4.1	0	0.0	39	2.0	42	2.1	18	0.9	273	13.9	28	1.4
Western	64	17.6	0	0.0	16	4.4	5	1.4	2	0.6	74	20.4	2	0.6
West Virginia														
Northern	26	9.2	0	0.0	32	11.3	1	0.4	0	0.0	63	22.3	2	0.7
Southern	26	10.7	0	0.0	0	0.0	1	0.4	0	0.0	84	34.7	0	0.0

CIRCUIT		SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
District	**TOTAL**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
FIFTH CIRCUIT	**19,869**	**14,170**	**71.3**	**85**	**0.4**	**30**	**0.2**	**301**	**1.5**	**27**	**0.1**
Louisiana											
Eastern	**413**	285	69.0	2	0.5	7	1.7	10	2.4	0	0.0
Middle	**202**	121	59.9	8	4.0	1	0.5	4	2.0	0	0.0
Western	**368**	262	71.2	4	1.1	5	1.4	9	2.4	6	1.6
Mississippi											
Northern	**169**	102	60.4	0	0.0	0	0.0	13	7.7	0	0.0
Southern	**324**	234	72.2	0	0.0	0	0.0	7	2.2	1	0.3
Texas											
Eastern	**848**	663	78.2	4	0.5	0	0.0	4	0.5	2	0.2
Northern	**931**	596	64.0	15	1.6	10	1.1	44	4.7	3	0.3
Southern	**8,479**	5,481	64.6	36	0.4	4	0.0	79	0.9	4	0.0
Western	**8,135**	6,426	79.0	16	0.2	3	0.0	131	1.6	11	0.1
SIXTH CIRCUIT	**5,577**	**2,779**	**49.8**	**24**	**0.4**	**11**	**0.2**	**69**	**1.2**	**7**	**0.1**
Kentucky											
Eastern	**636**	274	43.1	2	0.3	1	0.2	11	1.7	0	0.0
Western	**505**	270	53.5	1	0.2	0	0.0	3	0.6	0	0.0
Michigan											
Eastern	**749**	333	44.5	2	0.3	0	0.0	5	0.7	0	0.0
Western	**541**	320	59.1	11	2.0	3	0.6	14	2.6	0	0.0
Ohio											
Northern	**665**	371	55.8	1	0.2	1	0.2	12	1.8	4	0.6
Southern	**679**	265	39.0	0	0.0	3	0.4	9	1.3	2	0.3
Tennessee											
Eastern	**839**	477	56.9	1	0.1	2	0.2	6	0.7	1	0.1
Middle	**294**	127	43.2	5	1.7	1	0.3	4	1.4	0	0.0
Western	**669**	342	51.1	1	0.1	0	0.0	5	0.7	0	0.0
SEVENTH CIRCUIT	**3,043**	**1,458**	**47.9**	**20**	**0.7**	**13**	**0.4**	**53**	**1.7**	**8**	**0.3**
Illinois											
Central	**375**	207	55.2	1	0.3	0	0.0	3	0.8	0	0.0
Northern	**880**	364	41.4	7	0.8	2	0.2	15	1.7	1	0.1
Southern	**318**	215	67.6	9	2.8	9	2.8	5	1.6	1	0.3
Indiana											
Northern	**460**	258	56.1	1	0.2	0	0.0	9	2.0	5	1.1
Southern	**329**	167	50.8	1	0.3	1	0.3	11	3.3	0	0.0
Wisconsin											
Eastern	**471**	140	29.7	0	0.0	0	0.0	9	1.9	1	0.2
Western	**210**	107	51.0	1	0.5	1	0.5	1	0.5	0	0.0
EIGHTH CIRCUIT	**4,907**	**2,614**	**53.3**	**39**	**0.8**	**8**	**0.2**	**70**	**1.4**	**5**	**0.1**
Arkansas											
Eastern	**391**	242	61.9	3	0.8	1	0.3	10	2.6	0	0.0
Western	**258**	194	75.2	0	0.0	0	0.0	1	0.4	0	0.0
Iowa											
Northern	**344**	192	55.8	9	2.6	2	0.6	11	3.2	2	0.6
Southern	**452**	190	42.0	3	0.7	0	0.0	5	1.1	0	0.0
Minnesota	**504**	149	29.6	2	0.4	2	0.4	4	0.8	0	0.0
Missouri											
Eastern	**1,039**	492	47.4	8	0.8	0	0.0	9	0.9	0	0.0
Western	**654**	343	52.4	2	0.3	0	0.0	21	3.2	1	0.2
Nebraska	**601**	360	59.9	3	0.5	0	0.0	2	0.3	1	0.2
North Dakota	**261**	169	64.8	0	0.0	1	0.4	1	0.4	1	0.4
South Dakota	**403**	283	70.2	9	2.2	2	0.5	6	1.5	0	0.0

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
District	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	**1,224**	**6.2**	**1,139**	**5.7**	**315**	**1.6**	**696**	**3.5**	**63**	**0.3**	**1,628**	**8.2**	**191**	**1.0**
Louisiana														
Eastern	28	6.8	0	0.0	8	1.9	6	1.5	4	1.0	55	13.3	8	1.9
Middle	28	13.9	0	0.0	0	0.0	0	0.0	1	0.5	38	18.8	1	0.5
Western	33	9.0	0	0.0	3	0.8	4	1.1	6	1.6	22	6.0	14	3.8
Mississippi														
Northern	39	23.1	0	0.0	1	0.6	0	0.0	1	0.6	9	5.3	4	2.4
Southern	34	10.5	0	0.0	4	1.2	2	0.6	1	0.3	33	10.2	8	2.5
Texas														
Eastern	59	7.0	0	0.0	48	5.7	14	1.7	4	0.5	45	5.3	5	0.6
Northern	130	14.0	0	0.0	8	0.9	5	0.5	5	0.5	110	11.8	5	0.5
Southern	403	4.8	1,084	12.8	125	1.5	495	5.8	13	0.2	727	8.6	28	0.3
Western	470	5.8	55	0.7	118	1.5	170	2.1	28	0.3	589	7.2	118	1.5
SIXTH CIRCUIT	**1,276**	**22.9**	**2**	**0.0**	**208**	**3.7**	**78**	**1.4**	**105**	**1.9**	**945**	**16.9**	**73**	**1.3**
Kentucky														
Eastern	259	40.7	0	0.0	11	1.7	3	0.5	2	0.3	70	11.0	3	0.5
Western	110	21.8	0	0.0	47	9.3	3	0.6	2	0.4	64	12.7	5	1.0
Michigan														
Eastern	169	22.6	1	0.1	19	2.5	11	1.5	14	1.9	191	25.5	4	0.5
Western	70	12.9	0	0.0	1	0.2	12	2.2	9	1.7	96	17.7	5	0.9
Ohio														
Northern	112	16.8	1	0.2	9	1.4	13	2.0	13	2.0	117	17.6	11	1.7
Southern	177	26.1	0	0.0	64	9.4	17	2.5	30	4.4	90	13.3	22	3.2
Tennessee														
Eastern	209	24.9	0	0.0	6	0.7	6	0.7	4	0.5	115	13.7	12	1.4
Middle	42	14.3	0	0.0	32	10.9	6	2.0	9	3.1	66	22.4	2	0.7
Western	128	19.1	0	0.0	19	2.8	7	1.0	22	3.3	136	20.3	9	1.3
SEVENTH CIRCUIT	**462**	**15.2**	**1**	**0.0**	**124**	**4.1**	**63**	**2.1**	**97**	**3.2**	**694**	**22.8**	**50**	**1.6**
Illinois														
Central	72	19.2	0	0.0	8	2.1	6	1.6	4	1.1	71	18.9	3	0.8
Northern	124	14.1	1	0.1	10	1.1	24	2.7	68	7.7	252	28.6	12	1.4
Southern	16	5.0	0	0.0	6	1.9	8	2.5	10	3.1	28	8.8	11	3.5
Indiana														
Northern	84	18.3	0	0.0	21	4.6	10	2.2	7	1.5	59	12.8	6	1.3
Southern	52	15.8	0	0.0	25	7.6	4	1.2	1	0.3	65	19.8	2	0.6
Wisconsin														
Eastern	99	21.0	0	0.0	54	11.5	7	1.5	3	0.6	142	30.1	16	3.4
Western	15	7.1	0	0.0	0	0.0	4	1.9	4	1.9	77	36.7	0	0.0
EIGHTH CIRCUIT	**760**	**15.5**	**31**	**0.6**	**194**	**4.0**	**63**	**1.3**	**66**	**1.3**	**1,007**	**20.5**	**50**	**1.0**
Arkansas														
Eastern	38	9.7	0	0.0	19	4.9	10	2.6	3	0.8	57	14.6	8	2.0
Western	26	10.1	0	0.0	0	0.0	1	0.4	2	0.8	33	12.8	1	0.4
Iowa														
Northern	76	22.1	0	0.0	8	2.3	1	0.3	2	0.6	41	11.9	0	0.0
Southern	103	22.8	0	0.0	32	7.1	1	0.2	3	0.7	113	25.0	2	0.4
Minnesota	123	24.4	0	0.0	9	1.8	12	2.4	22	4.4	179	35.5	2	0.4
Missouri														
Eastern	198	19.1	0	0.0	48	4.6	2	0.2	12	1.2	258	24.8	12	1.2
Western	125	19.1	0	0.0	25	3.8	6	0.9	3	0.5	119	18.2	9	1.4
Nebraska	17	2.8	31	5.2	37	6.2	12	2.0	4	0.7	123	20.5	11	1.8
North Dakota	47	18.0	0	0.0	8	3.1	7	2.7	3	1.1	21	8.0	3	1.1
South Dakota	7	1.7	0	0.0	8	2.0	11	2.7	12	3.0	63	15.6	2	0.5

CIRCUIT		SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/*BOOKER*		REMAINING ABOVE RANGE	
District	**TOTAL**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
NINTH CIRCUIT	**18,330**	**7,357**	**40.1**	**71**	**0.4**	**18**	**0.1**	**113**	**0.6**	**29**	**0.2**
Alaska	**156**	64	41.0	2	1.3	0	0.0	0	0.0	0	0.0
Arizona	**6,198**	2,698	43.5	44	0.7	5	0.1	25	0.4	4	0.1
California											
Central	**2,110**	721	34.2	3	0.1	5	0.2	19	0.9	7	0.3
Eastern	**995**	403	40.5	1	0.1	2	0.2	12	1.2	3	0.3
Northern	**876**	432	49.3	3	0.3	1	0.1	10	1.1	5	0.6
Southern	**4,580**	1,396	30.5	4	0.1	1	0.0	5	0.1	8	0.2
Guam	**55**	39	70.9	0	0.0	2	3.6	0	0.0	0	0.0
Hawaii	**166**	62	37.3	0	0.0	0	0.0	3	1.8	0	0.0
Idaho	**300**	128	42.7	0	0.0	0	0.0	1	0.3	0	0.0
Montana	**376**	259	68.9	2	0.5	0	0.0	11	2.9	1	0.3
Nevada	**618**	385	62.3	4	0.6	0	0.0	8	1.3	1	0.2
Northern Mariana Islands	**28**	21	75.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	**609**	246	40.4	0	0.0	0	0.0	7	1.1	0	0.0
Washington											
Eastern	**403**	145	36.0	2	0.5	2	0.5	7	1.7	0	0.0
Western	**860**	358	41.6	6	0.7	0	0.0	5	0.6	0	0.0
TENTH CIRCUIT	**6,947**	**4,110**	**59.2**	**21**	**0.3**	**3**	**0.0**	**45**	**0.6**	**13**	**0.2**
Colorado	**523**	301	57.6	0	0.0	1	0.2	6	1.1	1	0.2
Kansas	**708**	389	54.9	6	0.8	2	0.3	18	2.5	1	0.1
New Mexico	**3,719**	2,284	61.4	9	0.2	0	0.0	4	0.1	6	0.2
Oklahoma											
Eastern	**113**	72	63.7	0	0.0	0	0.0	1	0.9	0	0.0
Northern	**155**	101	65.2	0	0.0	0	0.0	1	0.6	0	0.0
Western	**415**	295	71.1	0	0.0	0	0.0	8	1.9	0	0.0
Utah	**897**	407	45.4	5	0.6	0	0.0	4	0.4	3	0.3
Wyoming	**417**	261	62.6	1	0.2	0	0.0	3	0.7	2	0.5
ELEVENTH CIRCUIT	**6,989**	**4,250**	**60.8**	**20**	**0.3**	**13**	**0.2**	**107**	**1.5**	**15**	**0.2**
Alabama											
Middle	**243**	141	58.0	0	0.0	0	0.0	4	1.6	0	0.0
Northern	**423**	268	63.4	1	0.2	1	0.2	4	0.9	1	0.2
Southern	**307**	185	60.3	0	0.0	2	0.7	6	2.0	1	0.3
Florida											
Middle	**1,677**	877	52.3	4	0.2	1	0.1	29	1.7	2	0.1
Northern	**390**	262	67.2	1	0.3	2	0.5	4	1.0	1	0.3
Southern	**2,269**	1,432	63.1	4	0.2	3	0.1	25	1.1	8	0.4
Georgia											
Middle	**298**	221	74.2	2	0.7	2	0.7	8	2.7	2	0.7
Northern	**673**	321	47.7	2	0.3	2	0.3	8	1.2	0	0.0
Southern	**709**	543	76.6	6	0.8	0	0.0	19	2.7	0	0.0

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
District	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
NINTH CIRCUIT	**1,328**	**7.2**	**6,050**	**33.0**	**1,016**	**5.5**	**288**	**1.6**	**169**	**0.9**	**1,638**	**8.9**	**253**	**1.4**
Alaska	20	12.8	1	0.6	23	14.7	2	1.3	5	3.2	36	23.1	3	1.9
Arizona	176	2.8	2,660	42.9	143	2.3	77	1.2	31	0.5	290	4.7	45	0.7
California														
Central	243	11.5	419	19.9	179	8.5	57	2.7	51	2.4	315	14.9	91	4.3
Eastern	95	9.5	309	31.1	49	4.9	15	1.5	5	0.5	93	9.3	8	0.8
Northern	65	7.4	94	10.7	96	11.0	13	1.5	22	2.5	128	14.6	7	0.8
Southern	276	6.0	2,386	52.1	106	2.3	91	2.0	27	0.6	231	5.0	49	1.1
Guam	7	12.7	0	0.0	2	3.6	0	0.0	0	0.0	4	7.3	1	1.8
Hawaii	49	29.5	0	0.0	3	1.8	0	0.0	0	0.0	48	28.9	1	0.6
Idaho	74	24.7	33	11.0	6	2.0	1	0.3	3	1.0	49	16.3	5	1.7
Montana	48	12.8	0	0.0	8	2.1	4	1.1	3	0.8	39	10.4	1	0.3
Nevada	50	8.1	0	0.0	43	7.0	7	1.1	1	0.2	99	16.0	20	3.2
Northern Mariana Islands	1	3.6	0	0.0	1	3.6	0	0.0	2	7.1	3	10.7	0	0.0
Oregon	92	15.1	43	7.1	102	16.7	6	1.0	8	1.3	96	15.8	9	1.5
Washington														
Eastern	50	12.4	67	16.6	35	8.7	7	1.7	3	0.7	81	20.1	4	1.0
Western	82	9.5	38	4.4	220	25.6	8	0.9	8	0.9	126	14.7	9	1.0
TENTH CIRCUIT	**421**	**6.1**	**865**	**12.5**	**638**	**9.2**	**122**	**1.8**	**47**	**0.7**	**639**	**9.2**	**23**	**0.3**
Colorado	82	15.7	0	0.0	21	4.0	15	2.9	5	1.0	87	16.6	4	0.8
Kansas	122	17.2	0	0.0	93	13.1	1	0.1	1	0.1	74	10.5	1	0.1
New Mexico	70	1.9	659	17.7	439	11.8	72	1.9	20	0.5	148	4.0	8	0.2
Oklahoma														
Eastern	25	22.1	0	0.0	1	0.9	0	0.0	0	0.0	14	12.4	0	0.0
Northern	25	16.1	0	0.0	0	0.0	0	0.0	0	0.0	28	18.1	0	0.0
Western	31	7.5	0	0.0	4	1.0	0	0.0	4	1.0	72	17.3	1	0.2
Utah	32	3.6	203	22.6	45	5.0	26	2.9	8	0.9	158	17.6	6	0.7
Wyoming	34	8.2	3	0.7	35	8.4	8	1.9	9	2.2	58	13.9	3	0.7
ELEVENTH CIRCUIT	**990**	**14.2**	**0**	**0.0**	**125**	**1.8**	**78**	**1.1**	**71**	**1.0**	**1,272**	**18.2**	**48**	**0.7**
Alabama														
Middle	62	25.5	0	0.0	6	2.5	0	0.0	1	0.4	29	11.9	0	0.0
Northern	85	20.1	0	0.0	4	0.9	1	0.2	0	0.0	56	13.2	2	0.5
Southern	50	16.3	0	0.0	4	1.3	2	0.7	1	0.3	53	17.3	3	1.0
Florida														
Middle	323	19.3	0	0.0	27	1.6	16	1.0	23	1.4	364	21.7	11	0.7
Northern	65	16.7	0	0.0	1	0.3	5	1.3	5	1.3	44	11.3	0	0.0
Southern	195	8.6	0	0.0	38	1.7	22	1.0	27	1.2	489	21.6	26	1.1
Georgia														
Middle	41	13.8	0	0.0	8	2.7	0	0.0	1	0.3	12	4.0	1	0.3
Northern	97	14.4	0	0.0	28	4.2	25	3.7	13	1.9	173	25.7	4	0.6
Southern	72	10.2	0	0.0	9	1.3	7	1.0	0	0.0	52	7.3	1	0.1

Of the 83,946 cases, 2,087 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Georgia (29.2%), Arizona (8.7%), Western Texas (7.9%), Maryland (7.8%), Western Louisiana (7.3%), Guam (5.2%), and Eastern Virginia (5.0%).

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.

Table 10

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY SELECTED PRIMARY OFFENSE CATEGORY Fiscal Year 2010

National

		WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
PRIMARY OFFENSE	**TOTAL**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
TOTAL	**81,859**	**45,028**	**55.0**	**350**	**0.4**	**119**	**0.1**	**916**	**1.1**	**127**	**0.2**
Robbery	**1,079**	621	57.6	15	1.4	5	0.5	30	2.8	5	0.5
Drugs - Trafficking	**23,458**	10,530	44.9	63	0.3	16	0.1	110	0.5	23	0.1
Drugs - Simple Possession	**746**	708	94.9	5	0.7	1	0.1	4	0.5	0	0.0
Firearms	**7,969**	4,667	58.6	71	0.9	24	0.3	169	2.1	33	0.4
Larceny	**1,541**	1,097	71.2	6	0.4	4	0.3	21	1.4	6	0.4
Fraud	**7,471**	4,149	55.5	24	0.3	19	0.3	112	1.5	16	0.2
Embezzlement	**432**	301	69.7	1	0.2	0	0.0	0	0.0	1	0.2
Forgery/Counterfeiting	**877**	577	65.8	8	0.9	3	0.3	22	2.5	1	0.1
Immigration	**27,922**	16,763	60.0	77	0.3	19	0.1	272	1.0	23	0.1
Other Miscellaneous Offenses	**10,364**	5,615	54.2	80	0.8	28	0.3	176	1.7	19	0.2

Eastern Louisiana

		WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/*BOOKER*		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
PRIMARY OFFENSE	**TOTAL**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**	**N**	**%**
TOTAL	**413**	**285**	**69.0**	**2**	**0.5**	**7**	**1.7**	**10**	**2.4**	**0**	**0.0**
Robbery	**7**	4	57.1	0	0.0	0	0.0	1	14.3	0	0.0
Drugs - Trafficking	**127**	78	61.4	0	0.0	0	0.0	2	1.6	0	0.0
Drugs - Simple Possession	**0**	0	--	0	--	0	--	0	--	0	--
Firearms	**39**	28	71.8	1	2.6	2	5.1	2	5.1	0	0.0
Larceny	**28**	21	75.0	0	0.0	0	0.0	1	3.6	0	0.0
Fraud	**105**	74	70.5	1	1.0	3	2.9	1	1.0	0	0.0
Embezzlement	**0**	0	--	0	--	0	--	0	--	0	--
Forgery/Counterfeiting	**3**	2	66.7	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	**40**	37	92.5	0	0.0	0	0.0	1	2.5	0	0.0
Other Miscellaneous Offenses	**64**	41	64.1	0	0.0	2	3.1	2	3.1	0	0.0

National

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**9,421**	**11.5**	**8,119**	**9.9**	**3,214**	**3.9**	**1,687**	**2.1**	**865**	**1.1**	**11,116**	**13.6**	**897**	**1.1**
Robbery	100	9.3	2	0.2	39	3.6	36	3.3	31	2.9	188	17.4	7	0.6
Drugs - Trafficking	5,768	24.6	1,336	5.7	986	4.2	361	1.5	296	1.3	3,764	16.0	205	0.9
Drugs - Simple Possession	7	0.9	3	0.4	4	0.5	1	0.1	0	0.0	7	0.9	6	0.8
Firearms	911	11.4	9	0.1	384	4.8	132	1.7	98	1.2	1,368	17.2	103	1.3
Larceny	81	5.3	3	0.2	41	2.7	21	1.4	10	0.6	218	14.1	33	2.1
Fraud	1,196	16.0	4	0.1	286	3.8	120	1.6	106	1.4	1,322	17.7	117	1.6
Embezzlement	15	3.5	3	0.7	19	4.4	7	1.6	7	1.6	70	16.2	8	1.9
Forgery/Counterfeiting	84	9.6	2	0.2	25	2.9	12	1.4	8	0.9	121	13.8	14	1.6
Immigration	288	1.0	6,716	24.1	672	2.4	782	2.8	128	0.5	1,947	7.0	235	0.8
Other Miscellaneous Offenses	971	9.4	41	0.4	758	7.3	215	2.1	181	1.7	2,111	20.4	169	1.6

Eastern Louisiana

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/*BOOKER*		BELOW RANGE W/*BOOKER*		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	**28**	**6.8**	**0**	**0.0**	**8**	**1.9**	**6**	**1.5**	**4**	**1.0**	**55**	**13.3**	**8**	**1.9**
Robbery	0	0.0	0	0.0	0	0.0	0	0.0	1	14.3	1	14.3	0	0.0
Drugs - Trafficking	18	14.2	0	0.0	2	1.6	1	0.8	0	0.0	23	18.1	3	2.4
Drugs - Simple Possession	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Firearms	1	2.6	0	0.0	0	0.0	1	2.6	0	0.0	4	10.3	0	0.0
Larceny	0	0.0	0	0.0	2	7.1	0	0.0	0	0.0	4	14.3	0	0.0
Fraud	5	4.8	0	0.0	1	1.0	3	2.9	1	1.0	13	12.4	3	2.9
Embezzlement	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Forgery/Counterfeiting	0	0.0	0	0.0	0	0.0	1	33.3	0	0.0	0	0.0	0	0.0
Immigration	0	0.0	0	0.0	1	2.5	0	0.0	0	0.0	1	2.5	0	0.0
Other Miscellaneous Offenses	4	6.3	0	0.0	2	3.1	0	0.0	2	3.1	9	14.1	2	3.1

Of the 83,946 guideline cases, 2,087 cases were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 414 guideline cases from the Eastern District of Louisiana, one case was excluded due to missing information from the from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, OPAFY10.