

# United States Sentencing Commission



## *Statistical Information Packet*

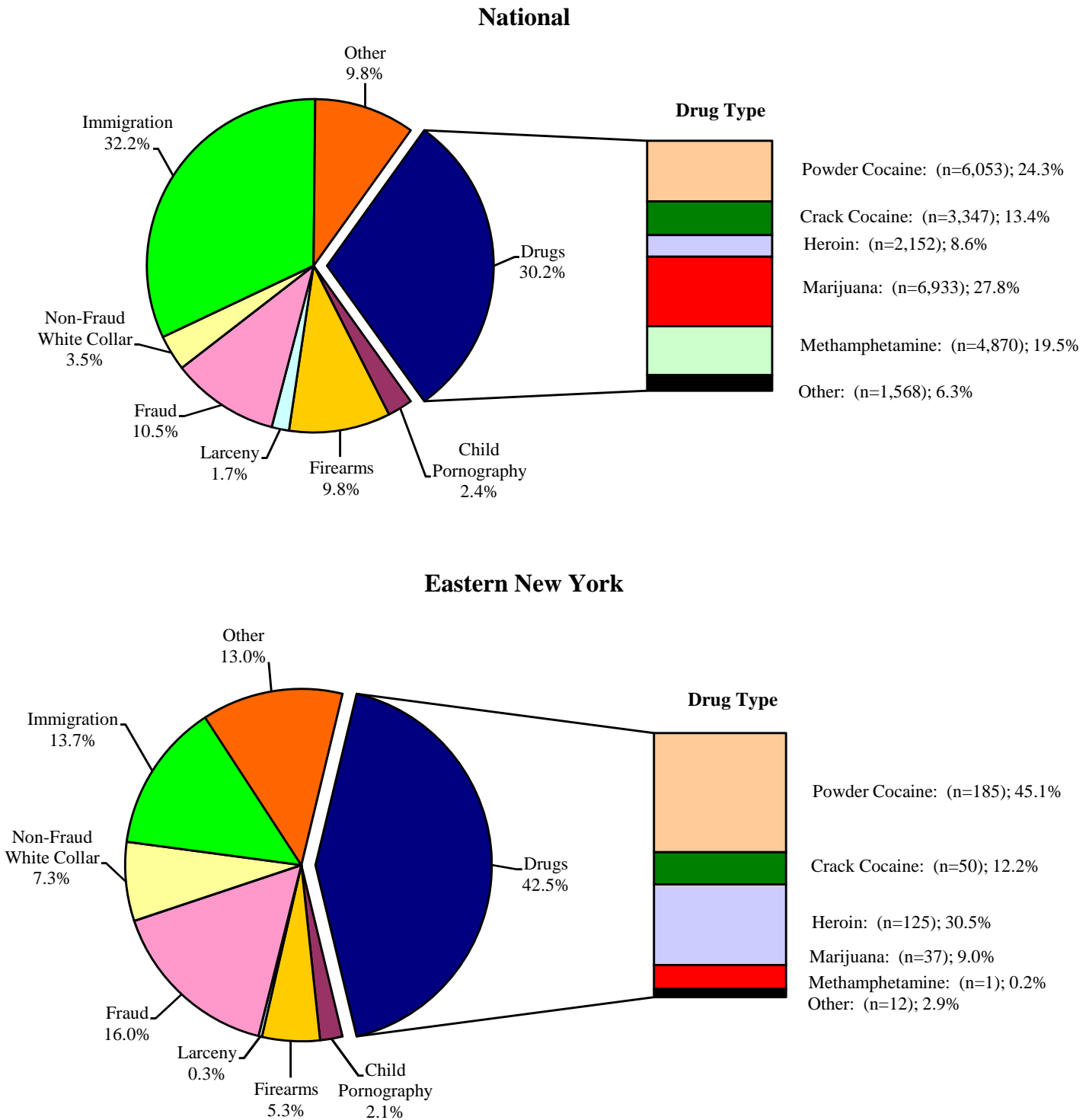
*Fiscal Year 2012*

*Eastern District of New York*

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**Figure A**  
**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2012**



<sup>1</sup> Of the 26,560 drug cases, 1,637 were excluded from the drug type analysis due to one of the following reasons: cases sentenced under §2D1.11 involving a listed chemical (255) and cases missing drug type (1,382).  
 Of the 965 guideline cases from the Eastern District of New York, no cases were excluded.

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

**Table 1**

**DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH  
PRIMARY OFFENSE CATEGORY  
Fiscal Year 2012**

| PRIMARY OFFENSE                    | National      |              | Eastern New York |              |
|------------------------------------|---------------|--------------|------------------|--------------|
|                                    | N             | %            | N                | %            |
| <b>TOTAL</b>                       | <b>84,173</b> | <b>100.0</b> | <b>965</b>       | <b>100.0</b> |
| Murder                             | 65            | 0.1          | 1                | 0.1          |
| Manslaughter                       | 50            | 0.1          | 0                | 0.0          |
| Kidnapping/Hostage Taking          | 49            | 0.1          | 2                | 0.2          |
| Sexual Abuse                       | 428           | 0.5          | 2                | 0.2          |
| Assault                            | 714           | 0.8          | 3                | 0.3          |
| Robbery                            | 852           | 1.0          | 2                | 0.2          |
| Arson                              | 48            | 0.1          | 1                | 0.1          |
| Drugs - Trafficking                | 24,736        | 29.4         | 409              | 42.4         |
| Drugs - Communication Facility     | 373           | 0.4          | 0                | 0.0          |
| Drugs - Simple Possession          | 1,451         | 1.7          | 1                | 0.1          |
| Firearms                           | 8,105         | 9.6          | 51               | 5.3          |
| Burglary/B&E                       | 42            | 0.0          | 0                | 0.0          |
| Auto Theft                         | 61            | 0.1          | 0                | 0.0          |
| Larceny                            | 1,397         | 1.7          | 3                | 0.3          |
| Fraud                              | 8,634         | 10.3         | 154              | 16.0         |
| Embezzlement                       | 326           | 0.4          | 4                | 0.4          |
| Forgery/Counterfeiting             | 876           | 1.0          | 10               | 1.0          |
| Bribery                            | 229           | 0.3          | 19               | 2.0          |
| Tax                                | 608           | 0.7          | 20               | 2.1          |
| Money Laundering                   | 822           | 1.0          | 17               | 1.8          |
| Racketeering/Extortion             | 912           | 1.1          | 70               | 7.3          |
| Gambling/Lottery                   | 45            | 0.1          | 8                | 0.8          |
| Civil Rights                       | 53            | 0.1          | 0                | 0.0          |
| Immigration                        | 26,548        | 31.5         | 132              | 13.7         |
| Child Pornography                  | 2,014         | 2.4          | 20               | 2.1          |
| Prison Offenses                    | 429           | 0.5          | 6                | 0.6          |
| Administration of Justice Offenses | 1,338         | 1.6          | 12               | 1.2          |
| Environmental/Wildlife             | 204           | 0.2          | 2                | 0.2          |
| National Defense                   | 114           | 0.1          | 3                | 0.3          |
| Antitrust                          | 20            | 0.0          | 0                | 0.0          |
| Food & Drug                        | 60            | 0.1          | 0                | 0.0          |
| Other Miscellaneous Offenses       | 2,570         | 3.1          | 13               | 1.3          |

Of the 84,173 guideline cases, none were excluded due to missing information on primary offense category.

Of the 965 guideline cases from the Eastern District of New York, no cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT  
Fiscal Year 2012**

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | N             | %           | N            | %          |
| <b>TOTAL</b>          | <b>84,169</b> | <b>81,647</b> | <b>97.0</b> | <b>2,522</b> | <b>3.0</b> |
| <b>D.C. CIRCUIT</b>   | <b>355</b>    | <b>336</b>    | <b>94.6</b> | <b>19</b>    | <b>5.4</b> |
| District of Columbia  | 355           | 336           | 94.6        | 19           | 5.4        |
| <b>FIRST CIRCUIT</b>  | <b>2,515</b>  | <b>2,419</b>  | <b>96.2</b> | <b>96</b>    | <b>3.8</b> |
| Maine                 | 191           | 183           | 95.8        | 8            | 4.2        |
| Massachusetts         | 519           | 473           | 91.1        | 46           | 8.9        |
| New Hampshire         | 158           | 154           | 97.5        | 4            | 2.5        |
| Puerto Rico           | 1,450         | 1,417         | 97.7        | 33           | 2.3        |
| Rhode Island          | 197           | 192           | 97.5        | 5            | 2.5        |
| <b>SECOND CIRCUIT</b> | <b>4,467</b>  | <b>4,283</b>  | <b>95.9</b> | <b>184</b>   | <b>4.1</b> |
| Connecticut           | 446           | 426           | 95.5        | 20           | 4.5        |
| New York              |               |               |             |              |            |
| Eastern               | 965           | 926           | 96.0        | 39           | 4.0        |
| Northern              | 622           | 600           | 96.5        | 22           | 3.5        |
| Southern              | 1,540         | 1,459         | 94.7        | 81           | 5.3        |
| Western               | 665           | 652           | 98.0        | 13           | 2.0        |
| Vermont               | 229           | 220           | 96.1        | 9            | 3.9        |
| <b>THIRD CIRCUIT</b>  | <b>2,858</b>  | <b>2,690</b>  | <b>94.1</b> | <b>168</b>   | <b>5.9</b> |
| Delaware              | 93            | 88            | 94.6        | 5            | 5.4        |
| New Jersey            | 854           | 825           | 96.6        | 29           | 3.4        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 826           | 748           | 90.6        | 78           | 9.4        |
| Middle                | 504           | 485           | 96.2        | 19           | 3.8        |
| Western               | 516           | 500           | 96.9        | 16           | 3.1        |
| Virgin Islands        | 65            | 44            | 67.7        | 21           | 32.3       |
| <b>FOURTH CIRCUIT</b> | <b>6,556</b>  | <b>6,301</b>  | <b>96.1</b> | <b>255</b>   | <b>3.9</b> |
| Maryland              | 1,059         | 1,006         | 95.0        | 53           | 5.0        |
| North Carolina        |               |               |             |              |            |
| Eastern               | 816           | 787           | 96.4        | 29           | 3.6        |
| Middle                | 421           | 405           | 96.2        | 16           | 3.8        |
| Western               | 435           | 418           | 96.1        | 17           | 3.9        |
| South Carolina        | 925           | 906           | 97.9        | 19           | 2.1        |
| Virginia              |               |               |             |              |            |
| Eastern               | 1,893         | 1,796         | 94.9        | 97           | 5.1        |
| Western               | 378           | 367           | 97.1        | 11           | 2.9        |
| West Virginia         |               |               |             |              |            |
| Northern              | 324           | 319           | 98.5        | 5            | 1.5        |
| Southern              | 305           | 297           | 97.4        | 8            | 2.6        |

| CIRCUIT<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | N             | %           | N          | %          |
| <b>FIFTH CIRCUIT</b>   | <b>19,327</b> | <b>18,982</b> | <b>98.2</b> | <b>345</b> | <b>1.8</b> |
| Louisiana              |               |               |             |            |            |
| Eastern                | 361           | 345           | 95.6        | 16         | 4.4        |
| Middle                 | 230           | 209           | 90.9        | 21         | 9.1        |
| Western                | 435           | 414           | 95.2        | 21         | 4.8        |
| Mississippi            |               |               |             |            |            |
| Northern               | 171           | 158           | 92.4        | 13         | 7.6        |
| Southern               | 289           | 280           | 96.9        | 9          | 3.1        |
| Texas                  |               |               |             |            |            |
| Eastern                | 922           | 890           | 96.5        | 32         | 3.5        |
| Northern               | 1,005         | 981           | 97.6        | 24         | 2.4        |
| Southern               | 6,586         | 6,466         | 98.2        | 120        | 1.8        |
| Western                | 9,328         | 9,239         | 99.0        | 89         | 1.0        |
| <b>SIXTH CIRCUIT</b>   | <b>5,599</b>  | <b>5,404</b>  | <b>96.5</b> | <b>195</b> | <b>3.5</b> |
| Kentucky               |               |               |             |            |            |
| Eastern                | 501           | 480           | 95.8        | 21         | 4.2        |
| Western                | 411           | 397           | 96.6        | 14         | 3.4        |
| Michigan               |               |               |             |            |            |
| Eastern                | 908           | 869           | 95.7        | 39         | 4.3        |
| Western                | 466           | 448           | 96.1        | 18         | 3.9        |
| Ohio                   |               |               |             |            |            |
| Northern               | 909           | 874           | 96.1        | 35         | 3.9        |
| Southern               | 630           | 623           | 98.9        | 7          | 1.1        |
| Tennessee              |               |               |             |            |            |
| Eastern                | 862           | 833           | 96.6        | 29         | 3.4        |
| Middle                 | 332           | 317           | 95.5        | 15         | 4.5        |
| Western                | 580           | 563           | 97.1        | 17         | 2.9        |
| <b>SEVENTH CIRCUIT</b> | <b>3,171</b>  | <b>3,042</b>  | <b>95.9</b> | <b>129</b> | <b>4.1</b> |
| Illinois               |               |               |             |            |            |
| Central                | 417           | 409           | 98.1        | 8          | 1.9        |
| Northern               | 845           | 779           | 92.2        | 66         | 7.8        |
| Southern               | 413           | 403           | 97.6        | 10         | 2.4        |
| Indiana                |               |               |             |            |            |
| Northern               | 407           | 393           | 96.6        | 14         | 3.4        |
| Southern               | 433           | 420           | 97.0        | 13         | 3.0        |
| Wisconsin              |               |               |             |            |            |
| Eastern                | 500           | 487           | 97.4        | 13         | 2.6        |
| Western                | 156           | 151           | 96.8        | 5          | 3.2        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,909</b>  | <b>4,741</b>  | <b>96.6</b> | <b>168</b> | <b>3.4</b> |
| Arkansas               |               |               |             |            |            |
| Eastern                | 397           | 372           | 93.7        | 25         | 6.3        |
| Western                | 328           | 320           | 97.6        | 8          | 2.4        |
| Iowa                   |               |               |             |            |            |
| Northern               | 390           | 379           | 97.2        | 11         | 2.8        |
| Southern               | 426           | 413           | 96.9        | 13         | 3.1        |
| Minnesota              | 446           | 422           | 94.6        | 24         | 5.4        |
| Missouri               |               |               |             |            |            |
| Eastern                | 790           | 778           | 98.5        | 12         | 1.5        |
| Western                | 783           | 750           | 95.8        | 33         | 4.2        |
| Nebraska               | 602           | 585           | 97.2        | 17         | 2.8        |
| North Dakota           | 288           | 282           | 97.9        | 6          | 2.1        |
| South Dakota           | 459           | 440           | 95.9        | 19         | 4.1        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | N             | %           | N          | %          |
| <b>NINTH CIRCUIT</b>     | <b>21,325</b> | <b>20,873</b> | <b>97.9</b> | <b>452</b> | <b>2.1</b> |
| Alaska                   | 211           | 198           | 93.8        | 13         | 6.2        |
| Arizona                  | 8,919         | 8,837         | 99.1        | 82         | 0.9        |
| California               |               |               |             |            |            |
| Central                  | 1,798         | 1,726         | 96.0        | 72         | 4.0        |
| Eastern                  | 1,035         | 1,006         | 97.2        | 29         | 2.8        |
| Northern                 | 752           | 713           | 94.8        | 39         | 5.2        |
| Southern                 | 5,309         | 5,228         | 98.5        | 81         | 1.5        |
| Guam                     | 59            | 56            | 94.9        | 3          | 5.1        |
| Hawaii                   | 242           | 234           | 96.7        | 8          | 3.3        |
| Idaho                    | 285           | 274           | 96.1        | 11         | 3.9        |
| Montana                  | 390           | 355           | 91.0        | 35         | 9.0        |
| Nevada                   | 621           | 595           | 95.8        | 26         | 4.2        |
| Northern Mariana Islands | 15            | 12            | 80.0        | 3          | 20.0       |
| Oregon                   | 651           | 642           | 98.6        | 9          | 1.4        |
| Washington               |               |               |             |            |            |
| Eastern                  | 305           | 292           | 95.7        | 13         | 4.3        |
| Western                  | 733           | 705           | 96.2        | 28         | 3.8        |
| <b>TENTH CIRCUIT</b>     | <b>6,105</b>  | <b>5,963</b>  | <b>97.7</b> | <b>142</b> | <b>2.3</b> |
| Colorado                 | 567           | 545           | 96.1        | 22         | 3.9        |
| Kansas                   | 722           | 684           | 94.7        | 38         | 5.3        |
| New Mexico               | 3,052         | 3,025         | 99.1        | 27         | 0.9        |
| Oklahoma                 |               |               |             |            |            |
| Eastern                  | 92            | 91            | 98.9        | 1          | 1.1        |
| Northern                 | 203           | 192           | 94.6        | 11         | 5.4        |
| Western                  | 518           | 498           | 96.1        | 20         | 3.9        |
| Utah                     | 675           | 662           | 98.1        | 13         | 1.9        |
| Wyoming                  | 276           | 266           | 96.4        | 10         | 3.6        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,982</b>  | <b>6,613</b>  | <b>94.7</b> | <b>369</b> | <b>5.3</b> |
| Alabama                  |               |               |             |            |            |
| Middle                   | 211           | 194           | 91.9        | 17         | 8.1        |
| Northern                 | 449           | 424           | 94.4        | 25         | 5.6        |
| Southern                 | 452           | 433           | 95.8        | 19         | 4.2        |
| Florida                  |               |               |             |            |            |
| Middle                   | 1,691         | 1,587         | 93.8        | 104        | 6.2        |
| Northern                 | 358           | 322           | 89.9        | 36         | 10.1       |
| Southern                 | 2,175         | 2,064         | 94.9        | 111        | 5.1        |
| Georgia                  |               |               |             |            |            |
| Middle                   | 454           | 440           | 96.9        | 14         | 3.1        |
| Northern                 | 665           | 629           | 94.6        | 36         | 5.4        |
| Southern                 | 527           | 520           | 98.7        | 7          | 1.3        |

Of the 84,173 guideline cases, four cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

**Table 3**

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY  
Fiscal Year 2012**

| PRIMARY OFFENSE                           | TOTAL         | National      |             |              |            | Eastern New York |             |           |            |
|---|---------------|---------------|-------------|--------------|------------|------------------|-------------|-----------|------------|
|   |               | PLEA          |             | TRIAL        |            | PLEA             |             | TRIAL     |            |
|   |               | N             | %           | N            | %          | N                | %           | N         | %          |
| <b>TOTAL</b>                              | <b>84,169</b> | <b>81,647</b> | <b>97.0</b> | <b>2,522</b> | <b>3.0</b> | <b>926</b>       | <b>96.0</b> | <b>39</b> | <b>4.0</b> |
| <b>Murder</b>                             | <b>65</b>     | 48            | 73.8        | 17           | 26.2       | 0                | 0.0         | 1         | 100.0      |
| <b>Manslaughter</b>                       | <b>50</b>     | 48            | 96.0        | 2            | 4.0        | 0                | --          | 0         | --         |
| <b>Kidnapping/Hostage Taking</b>          | <b>49</b>     | 45            | 91.8        | 4            | 8.2        | 2                | 100.0       | 0         | 0.0        |
| <b>Sexual Abuse</b>                       | <b>428</b>    | 372           | 86.9        | 56           | 13.1       | 1                | 50.0        | 1         | 50.0       |
| <b>Assault</b>                            | <b>714</b>    | 656           | 91.9        | 58           | 8.1        | 3                | 100.0       | 0         | 0.0        |
| <b>Robbery</b>                            | <b>852</b>    | 824           | 96.7        | 28           | 3.3        | 2                | 100.0       | 0         | 0.0        |
| <b>Arson</b>                              | <b>48</b>     | 46            | 95.8        | 2            | 4.2        | 1                | 100.0       | 0         | 0.0        |
| <b>Drugs - Trafficking</b>                | <b>24,736</b> | 23,988        | 97.0        | 748          | 3.0        | 397              | 97.1        | 12        | 2.9        |
| <b>Drugs - Communication Facility</b>     | <b>373</b>    | 373           | 100.0       | 0            | 0.0        | 0                | --          | 0         | --         |
| <b>Drugs - Simple Possession</b>          | <b>1,450</b>  | 1,438         | 99.2        | 12           | 0.8        | 1                | 100.0       | 0         | 0.0        |
| <b>Firearms</b>                           | <b>8,105</b>  | 7,595         | 93.7        | 510          | 6.3        | 41               | 80.4        | 10        | 19.6       |
| <b>Burglary/B&amp;E</b>                   | <b>42</b>     | 41            | 97.6        | 1            | 2.4        | 0                | --          | 0         | --         |
| <b>Auto Theft</b>                         | <b>61</b>     | 58            | 95.1        | 3            | 4.9        | 0                | --          | 0         | --         |
| <b>Larceny</b>                            | <b>1,396</b>  | 1,370         | 98.1        | 26           | 1.9        | 3                | 100.0       | 0         | 0.0        |
| <b>Fraud</b>                              | <b>8,634</b>  | 8,164         | 94.6        | 470          | 5.4        | 148              | 96.1        | 6         | 3.9        |
| <b>Embezzlement</b>                       | <b>326</b>    | 319           | 97.9        | 7            | 2.1        | 4                | 100.0       | 0         | 0.0        |
| <b>Forgery/Counterfeiting</b>             | <b>876</b>    | 864           | 98.6        | 12           | 1.4        | 10               | 100.0       | 0         | 0.0        |
| <b>Bribery</b>                            | <b>229</b>    | 215           | 93.9        | 14           | 6.1        | 18               | 94.7        | 1         | 5.3        |
| <b>Tax</b>                                | <b>608</b>    | 571           | 93.9        | 37           | 6.1        | 20               | 100.0       | 0         | 0.0        |
| <b>Money Laundering</b>                   | <b>822</b>    | 768           | 93.4        | 54           | 6.6        | 16               | 94.1        | 1         | 5.9        |
| <b>Racketeering/Extortion</b>             | <b>912</b>    | 857           | 94.0        | 55           | 6.0        | 69               | 98.6        | 1         | 1.4        |
| <b>Gambling/Lottery</b>                   | <b>45</b>     | 44            | 97.8        | 1            | 2.2        | 8                | 100.0       | 0         | 0.0        |
| <b>Civil Rights</b>                       | <b>53</b>     | 43            | 81.1        | 10           | 18.9       | 0                | --          | 0         | --         |
| <b>Immigration</b>                        | <b>26,547</b> | 26,389        | 99.4        | 158          | 0.6        | 129              | 97.7        | 3         | 2.3        |
| <b>Child Pornography</b>                  | <b>2,014</b>  | 1,935         | 96.1        | 79           | 3.9        | 19               | 95.0        | 1         | 5.0        |
| <b>Prison Offenses</b>                    | <b>429</b>    | 422           | 98.4        | 7            | 1.6        | 6                | 100.0       | 0         | 0.0        |
| <b>Administration of Justice Offenses</b> | <b>1,338</b>  | 1,288         | 96.3        | 50           | 3.7        | 12               | 100.0       | 0         | 0.0        |
| <b>Environmental/Wildlife</b>             | <b>204</b>    | 198           | 97.1        | 6            | 2.9        | 2                | 100.0       | 0         | 0.0        |
| <b>National Defense</b>                   | <b>114</b>    | 112           | 98.2        | 2            | 1.8        | 3                | 100.0       | 0         | 0.0        |
| <b>Antitrust</b>                          | <b>20</b>     | 18            | 90.0        | 2            | 10.0       | 0                | --          | 0         | --         |
| <b>Food &amp; Drug</b>                    | <b>60</b>     | 58            | 96.7        | 2            | 3.3        | 0                | --          | 0         | --         |
| <b>Other Miscellaneous Offenses</b>       | <b>2,569</b>  | 2,480         | 96.5        | 89           | 3.5        | 11               | 84.6        | 2         | 15.4       |

Of the 84,173 guideline cases, four cases were excluded due to missing information on mode of conviction.

Of the 965 guideline cases from the Eastern District of New York, no cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.



**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2012**

**National**

| PRIMARY OFFENSE                    | TOTAL         | Prison        |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |            |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
|                                    |               | N             | %           | N                               | %          | N                         | %          | N              | %          |
| <b>TOTAL</b>                       | <b>83,443</b> | <b>72,774</b> | <b>87.2</b> | <b>2,351</b>                    | <b>2.8</b> | <b>2,402</b>              | <b>2.9</b> | <b>5,916</b>   | <b>7.1</b> |
| Murder                             | 65            | 64            | 98.5        | 1                               | 1.5        | 0                         | 0.0        | 0              | 0.0        |
| Manslaughter                       | 50            | 48            | 96.0        | 2                               | 4.0        | 0                         | 0.0        | 0              | 0.0        |
| Kidnapping/Hostage Taking          | 49            | 49            | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Sexual Abuse                       | 428           | 401           | 93.7        | 18                              | 4.2        | 2                         | 0.5        | 7              | 1.6        |
| Assault                            | 705           | 566           | 80.3        | 44                              | 6.2        | 20                        | 2.8        | 75             | 10.6       |
| Robbery                            | 850           | 803           | 94.5        | 18                              | 2.1        | 13                        | 1.5        | 16             | 1.9        |
| Arson                              | 48            | 45            | 93.8        | 1                               | 2.1        | 0                         | 0.0        | 2              | 4.2        |
| Drugs - Trafficking                | 24,729        | 23,147        | 93.6        | 706                             | 2.9        | 371                       | 1.5        | 505            | 2.0        |
| Drugs - Communication Facility     | 373           | 299           | 80.2        | 14                              | 3.8        | 26                        | 7.0        | 34             | 9.1        |
| Drugs - Simple Possession          | 1,402         | 1,130         | 80.6        | 4                               | 0.3        | 11                        | 0.8        | 257            | 18.3       |
| Firearms                           | 8,097         | 7,472         | 92.3        | 217                             | 2.7        | 174                       | 2.1        | 234            | 2.9        |
| Burglary/B&E                       | 42            | 36            | 85.7        | 3                               | 7.1        | 1                         | 2.4        | 2              | 4.8        |
| Auto Theft                         | 60            | 51            | 85.0        | 3                               | 5.0        | 4                         | 6.7        | 2              | 3.3        |
| Larceny                            | 1,293         | 497           | 38.4        | 70                              | 5.4        | 193                       | 14.9       | 533            | 41.2       |
| Fraud                              | 8,598         | 5,883         | 68.4        | 552                             | 6.4        | 748                       | 8.7        | 1,415          | 16.5       |
| Embezzlement                       | 318           | 116           | 36.5        | 38                              | 11.9       | 52                        | 16.4       | 112            | 35.2       |
| Forgery/Counterfeiting             | 876           | 617           | 70.4        | 56                              | 6.4        | 77                        | 8.8        | 126            | 14.4       |
| Bribery                            | 228           | 157           | 68.9        | 20                              | 8.8        | 21                        | 9.2        | 30             | 13.2       |
| Tax                                | 605           | 328           | 54.2        | 61                              | 10.1       | 98                        | 16.2       | 118            | 19.5       |
| Money Laundering                   | 821           | 611           | 74.4        | 39                              | 4.8        | 69                        | 8.4        | 102            | 12.4       |
| Racketeering/Extortion             | 910           | 835           | 91.8        | 30                              | 3.3        | 18                        | 2.0        | 27             | 3.0        |
| Gambling/Lottery                   | 45            | 7             | 15.6        | 5                               | 11.1       | 7                         | 15.6       | 26             | 57.8       |
| Civil Rights                       | 53            | 39            | 73.6        | 2                               | 3.8        | 2                         | 3.8        | 10             | 18.9       |
| Immigration                        | 26,531        | 25,247        | 95.2        | 204                             | 0.8        | 137                       | 0.5        | 943            | 3.6        |
| Child Pornography                  | 2,013         | 1,953         | 97.0        | 36                              | 1.8        | 9                         | 0.4        | 15             | 0.7        |
| Prison Offenses                    | 429           | 387           | 90.2        | 13                              | 3.0        | 14                        | 3.3        | 15             | 3.5        |
| Administration of Justice Offenses | 1,327         | 933           | 70.3        | 90                              | 6.8        | 89                        | 6.7        | 215            | 16.2       |
| Environmental/Wildlife             | 188           | 33            | 17.6        | 7                               | 3.7        | 18                        | 9.6        | 130            | 69.1       |
| National Defense                   | 114           | 101           | 88.6        | 6                               | 5.3        | 1                         | 0.9        | 6              | 5.3        |
| Antitrust                          | 20            | 17            | 85.0        | 2                               | 10.0       | 1                         | 5.0        | 0              | 0.0        |
| Food & Drug                        | 57            | 19            | 33.3        | 1                               | 1.8        | 5                         | 8.8        | 32             | 56.1       |
| Other Miscellaneous Offenses       | 2,119         | 883           | 41.7        | 88                              | 4.2        | 221                       | 10.4       | 927            | 43.7       |

Of the 84,173 guideline cases, 730 cases were excluded due to one or both of the following reasons: missing sentencing information (12), or cases in which the defendant received no imprisonment or probation (718).

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2012**

**Eastern New York**

| PRIMARY OFFENSE                    | TOTAL      | Prison     |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |             |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
|                                    |            | N          | %           | N                               | %          | N                         | %          | N              | %           |
| <b>TOTAL</b>                       | <b>965</b> | <b>770</b> | <b>79.8</b> | <b>43</b>                       | <b>4.5</b> | <b>48</b>                 | <b>5.0</b> | <b>104</b>     | <b>10.8</b> |
| Murder                             | 1          | 1          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Manslaughter                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Kidnapping/Hostage Taking          | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Sexual Abuse                       | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Assault                            | 3          | 2          | 66.7        | 0                               | 0.0        | 0                         | 0.0        | 1              | 33.3        |
| Robbery                            | 2          | 1          | 50.0        | 0                               | 0.0        | 1                         | 50.0       | 0              | 0.0         |
| Arson                              | 1          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 1              | 100.0       |
| Drugs - Trafficking                | 409        | 344        | 84.1        | 25                              | 6.1        | 15                        | 3.7        | 25             | 6.1         |
| Drugs - Communication Facility     | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Drugs - Simple Possession          | 1          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 1              | 100.0       |
| Firearms                           | 51         | 49         | 96.1        | 1                               | 2.0        | 0                         | 0.0        | 1              | 2.0         |
| Burglary/B&E                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Auto Theft                         | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Larceny                            | 3          | 1          | 33.3        | 0                               | 0.0        | 0                         | 0.0        | 2              | 66.7        |
| Fraud                              | 154        | 104        | 67.5        | 2                               | 1.3        | 13                        | 8.4        | 35             | 22.7        |
| Embezzlement                       | 4          | 0          | 0.0         | 1                               | 25.0       | 2                         | 50.0       | 1              | 25.0        |
| Forgery/Counterfeiting             | 10         | 9          | 90.0        | 0                               | 0.0        | 0                         | 0.0        | 1              | 10.0        |
| Bribery                            | 19         | 14         | 73.7        | 0                               | 0.0        | 0                         | 0.0        | 5              | 26.3        |
| Tax                                | 20         | 7          | 35.0        | 0                               | 0.0        | 5                         | 25.0       | 8              | 40.0        |
| Money Laundering                   | 17         | 12         | 70.6        | 1                               | 5.9        | 0                         | 0.0        | 4              | 23.5        |
| Racketeering/Extortion             | 70         | 54         | 77.1        | 8                               | 11.4       | 4                         | 5.7        | 4              | 5.7         |
| Gambling/Lottery                   | 8          | 1          | 12.5        | 0                               | 0.0        | 1                         | 12.5       | 6              | 75.0        |
| Civil Rights                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Immigration                        | 132        | 124        | 93.9        | 2                               | 1.5        | 1                         | 0.8        | 5              | 3.8         |
| Child Pornography                  | 20         | 18         | 90.0        | 0                               | 0.0        | 1                         | 5.0        | 1              | 5.0         |
| Prison Offenses                    | 6          | 5          | 83.3        | 1                               | 16.7       | 0                         | 0.0        | 0              | 0.0         |
| Administration of Justice Offenses | 12         | 8          | 66.7        | 1                               | 8.3        | 2                         | 16.7       | 1              | 8.3         |
| Environmental/Wildlife             | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| National Defense                   | 3          | 3          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0         |
| Antitrust                          | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Food & Drug                        | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --          |
| Other Miscellaneous Offenses       | 13         | 7          | 53.8        | 1                               | 7.7        | 3                         | 23.1       | 2              | 15.4        |

Of the 965 guideline cases from the Eastern District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

**Table 6**

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2012**

| PRIMARY OFFENSE                     | TOTAL        | National        |             |                     |             | Eastern New York |             |                     |             |
|-------------------------------------|--------------|-----------------|-------------|---------------------|-------------|------------------|-------------|---------------------|-------------|
|                                     |              | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence  |             | Non-Prison Sentence |             |
|                                     |              | N               | %           | N                   | %           | N                | %           | N                   | %           |
| <b>TOTAL</b>                        | <b>5,121</b> | <b>1,797</b>    | <b>35.1</b> | <b>3,324</b>        | <b>64.9</b> | <b>16</b>        | <b>32.0</b> | <b>34</b>           | <b>68.0</b> |
| <b>Fraud</b>                        | <b>1,386</b> | 434             | 31.3        | 952                 | 68.7        | 5                | 33.3        | 10                  | 66.7        |
| <b>Larceny</b>                      | <b>600</b>   | 129             | 21.5        | 471                 | 78.5        | 0                | --          | 0                   | --          |
| <b>Immigration</b>                  | <b>349</b>   | 180             | 51.6        | 169                 | 48.4        | 1                | 20.0        | 4                   | 80.0        |
| <b>Embezzlement</b>                 | <b>149</b>   | 30              | 20.1        | 119                 | 79.9        | 0                | 0.0         | 1                   | 100.0       |
| <b>Drugs - Trafficking</b>          | <b>468</b>   | 197             | 42.1        | 271                 | 57.9        | 5                | 50.0        | 5                   | 50.0        |
| <b>Drugs - Simple Possession</b>    | <b>264</b>   | 122             | 46.2        | 142                 | 53.8        | 0                | 0.0         | 1                   | 100.0       |
| <b>Firearms</b>                     | <b>200</b>   | 95              | 47.5        | 105                 | 52.5        | 0                | --          | 0                   | --          |
| <b>Forgery/Counterfeiting</b>       | <b>250</b>   | 123             | 49.2        | 127                 | 50.8        | 1                | 100.0       | 0                   | 0.0         |
| <b>Other Miscellaneous Offenses</b> | <b>1,455</b> | 487             | 33.5        | 968                 | 66.5        | 4                | 23.5        | 13                  | 76.5        |

Of the 84,173 guideline cases, a U.S. Citizen was the defendant in 43,861 cases. Of these, 38,740 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (38,740), or missing sentencing information (7).

Of the 965 guideline cases from the Eastern District of New York, a U.S. Citizen was the defendant in 583 cases. Of these, 533 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, 2012 Datafile, USSCFY12.

**Table 7**

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2012**

| PRIMARY OFFENSE                           | National    |               |               | Eastern New York |               |            |
|---|-------------|---------------|---------------|------------------|---------------|------------|
|   | Mean Months | Median Months | Number        | Mean Months      | Median Months | Number     |
| <b>TOTAL</b>                              | <b>51</b>   | <b>30</b>     | <b>72,008</b> | <b>45</b>        | <b>27</b>     | <b>762</b> |
| <b>Murder</b>                             | 252         | 216           | 65            | --               | --            | 1          |
| <b>Manslaughter</b>                       | 61          | 46            | 49            | --               | --            | 0          |
| <b>Kidnapping/Hostage Taking</b>          | 197         | 168           | 49            | --               | --            | 2          |
| <b>Sexual Abuse</b>                       | 129         | 120           | 419           | --               | --            | 2          |
| <b>Assault</b>                            | 38          | 27            | 588           | --               | --            | 2          |
| <b>Robbery</b>                            | 80          | 63            | 812           | --               | --            | 1          |
| <b>Arson</b>                              | 80          | 60            | 46            | --               | --            | 0          |
| <b>Drugs - Trafficking</b>                | 72          | 57            | 23,469        | 46               | 29            | 334        |
| <b>Drugs - Communication Facility</b>     | 40          | 41            | 304           | --               | --            | 0          |
| <b>Drugs - Simple Possession</b>          | 5           | 6             | 1,064         | --               | --            | 0          |
| <b>Firearms</b>                           | 89          | 60            | 7,623         | 113              | 84            | 50         |
| <b>Burglary/B&amp;E</b>                   | 21          | 19            | 38            | --               | --            | 0          |
| <b>Auto Theft</b>                         | 70          | 32            | 54            | --               | --            | 0          |
| <b>Larceny</b>                            | 20          | 12            | 544           | --               | --            | 1          |
| <b>Fraud</b>                              | 33          | 24            | 5,960         | 36               | 24            | 100        |
| <b>Embezzlement</b>                       | 15          | 12            | 144           | --               | --            | 1          |
| <b>Forgery/Counterfeiting</b>             | 23          | 18            | 663           | 19               | 17            | 8          |
| <b>Bribery</b>                            | 23          | 18            | 173           | 20               | 23            | 14         |
| <b>Tax</b>                                | 24          | 18            | 383           | 14               | 12            | 7          |
| <b>Money Laundering</b>                   | 42          | 30            | 619           | 25               | 20            | 13         |
| <b>Racketeering/Extortion</b>             | 93          | 60            | 852           | 53               | 37            | 60         |
| <b>Gambling/Lottery</b>                   | 14          | 11            | 12            | --               | --            | 1          |
| <b>Civil Rights</b>                       | 55          | 18            | 41            | --               | --            | 0          |
| <b>Immigration</b>                        | 18          | 12            | 23,590        | 21               | 18            | 121        |
| <b>Child Pornography</b>                  | 132         | 92            | 1,972         | 83               | 60            | 18         |
| <b>Prison Offenses</b>                    | 15          | 12            | 392           | 14               | 12            | 6          |
| <b>Administration of Justice Offenses</b> | 24          | 18            | 979           | 23               | 24            | 8          |
| <b>Environmental/Wildlife</b>             | 8           | 5             | 37            | --               | --            | 2          |
| <b>National Defense</b>                   | 55          | 37            | 105           | 65               | 60            | 3          |
| <b>Antitrust</b>                          | 15          | 14            | 19            | --               | --            | 0          |
| <b>Food &amp; Drug</b>                    | 18          | 12            | 20            | --               | --            | 0          |
| <b>Other Miscellaneous Offenses</b>       | 38          | 12            | 923           | 78               | 12            | 7          |

Of the 84,173 guideline cases, 12,165 cases were excluded for one or both of the following reasons: zero months of prison ordered (11,439), or missing or indeterminable sentencing information (726).

Of the 965 guideline cases from the Eastern District of New York, 203 cases were excluded due to zero months of prison ordered.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

**Table 8**

**COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE  
Fiscal Year 2012**

|   | National      |              | Eastern New York |              |
|---|---------------|--------------|------------------|--------------|
|   | N             | %            | N                | %            |
| <b>TOTAL CASES<sup>1</sup></b>  | <b>82,674</b> | <b>100.0</b> | <b>965</b>       | <b>100.0</b> |
| <b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>                           | <b>43,333</b> | <b>52.4</b>  | <b>283</b>       | <b>29.3</b>  |
| <b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>                            | <b>1,631</b>  | <b>2.0</b>   | <b>10</b>        | <b>1.0</b>   |
| <b>DEPARTURE ABOVE GUIDELINE RANGE</b>                                  | <b>578</b>    | <b>0.7</b>   | <b>4</b>         | <b>0.4</b>   |
| Upward Departure From Guideline Range <sup>2</sup>                      | 451           | 0.5          | 1                | 0.1          |
| Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>      | 127           | 0.2          | 3                | 0.3          |
| <b>OTHERWISE ABOVE GUIDELINE RANGE</b>                                  | <b>1,053</b>  | <b>1.3</b>   | <b>6</b>         | <b>0.6</b>   |
| Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 977           | 1.2          | 6                | 0.6          |
| All Remaining Cases Above Guideline Range <sup>5</sup>                  | 76            | 0.1          | 0                | 0.0          |
| <b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>                     | <b>22,987</b> | <b>27.8</b>  | <b>241</b>       | <b>25.0</b>  |
| §5K1.1 Substantial Assistance Departure                                 | 9,677         | 11.7         | 170              | 17.6         |
| §5K3.1 Early Disposition Program Departure                              | 9,276         | 11.2         | 8                | 0.8          |
| Other Government Sponsored Below Range                                  | 4,034         | 4.9          | 63               | 6.5          |
| <b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>                             | <b>14,723</b> | <b>17.8</b>  | <b>431</b>       | <b>44.7</b>  |
| <b>DEPARTURE BELOW GUIDELINE RANGE</b>                                  | <b>2,708</b>  | <b>3.3</b>   | <b>102</b>       | <b>10.6</b>  |
| Downward Departure From Guideline Range <sup>2</sup>                    | 1,897         | 2.3          | 55               | 5.7          |
| Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>    | 811           | 1.0          | 47               | 4.9          |
| <b>OTHERWISE BELOW GUIDELINE RANGE</b>                                  | <b>12,015</b> | <b>14.5</b>  | <b>329</b>       | <b>34.1</b>  |
| Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup> | 11,487        | 13.9         | 321              | 33.3         |
| All Remaining Cases Below Guideline Range <sup>5</sup>                  | 528           | 0.6          | 8                | 0.8          |

<sup>1</sup> This table reflects the 84,173 cases sentenced nationally in Fiscal Year 2012, 965 of which were from the Eastern District of New York. Of these, 1,499 cases nationally were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range, while none from the Eastern District of New York were excluded.

<sup>2</sup> 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*.

<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 *United States 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 *United States 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: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

**Table 9**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT  
Fiscal Year 2012**

| 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>82,674</b> | <b>43,333</b>                          | <b>52.4</b> | <b>451</b>                  | <b>0.5</b> | <b>127</b>                           | <b>0.2</b> | <b>977</b>                 | <b>1.2</b> | <b>76</b>                   | <b>0.1</b> |
| <b>D.C. CIRCUIT</b>   | <b>353</b>    | <b>120</b>                             | <b>34.0</b> | <b>2</b>                    | <b>0.6</b> | <b>0</b>                             | <b>0.0</b> | <b>3</b>                   | <b>0.8</b> | <b>0</b>                    | <b>0.0</b> |
| District of Columbia  | 353           | 120                                    | 34.0        | 2                           | 0.6        | 0                                    | 0.0        | 3                          | 0.8        | 0                           | 0.0        |
| <b>FIRST CIRCUIT</b>  | <b>2,496</b>  | <b>1,553</b>                           | <b>62.2</b> | <b>14</b>                   | <b>0.6</b> | <b>4</b>                             | <b>0.2</b> | <b>44</b>                  | <b>1.8</b> | <b>6</b>                    | <b>0.2</b> |
| Maine                 | 191           | 113                                    | 59.2        | 1                           | 0.5        | 0                                    | 0.0        | 2                          | 1.0        | 0                           | 0.0        |
| Massachusetts         | 518           | 222                                    | 42.9        | 2                           | 0.4        | 2                                    | 0.4        | 4                          | 0.8        | 2                           | 0.4        |
| New Hampshire         | 158           | 66                                     | 41.8        | 2                           | 1.3        | 0                                    | 0.0        | 1                          | 0.6        | 0                           | 0.0        |
| Puerto Rico           | 1,433         | 1,068                                  | 74.5        | 9                           | 0.6        | 2                                    | 0.1        | 36                         | 2.5        | 4                           | 0.3        |
| Rhode Island          | 196           | 84                                     | 42.9        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.5        | 0                           | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>4,447</b>  | <b>1,640</b>                           | <b>36.9</b> | <b>10</b>                   | <b>0.2</b> | <b>5</b>                             | <b>0.1</b> | <b>29</b>                  | <b>0.7</b> | <b>1</b>                    | <b>0.0</b> |
| Connecticut           | 441           | 164                                    | 37.2        | 2                           | 0.5        | 0                                    | 0.0        | 8                          | 1.8        | 1                           | 0.2        |
| New York              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 965           | 283                                    | 29.3        | 1                           | 0.1        | 3                                    | 0.3        | 6                          | 0.6        | 0                           | 0.0        |
| Northern              | 616           | 298                                    | 48.4        | 3                           | 0.5        | 0                                    | 0.0        | 1                          | 0.2        | 0                           | 0.0        |
| Southern              | 1,532         | 513                                    | 33.5        | 0                           | 0.0        | 1                                    | 0.1        | 10                         | 0.7        | 0                           | 0.0        |
| Western               | 664           | 317                                    | 47.7        | 4                           | 0.6        | 1                                    | 0.2        | 3                          | 0.5        | 0                           | 0.0        |
| Vermont               | 229           | 65                                     | 28.4        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.4        | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>2,843</b>  | <b>1,238</b>                           | <b>43.5</b> | <b>6</b>                    | <b>0.2</b> | <b>2</b>                             | <b>0.1</b> | <b>28</b>                  | <b>1.0</b> | <b>3</b>                    | <b>0.1</b> |
| Delaware              | 93            | 33                                     | 35.5        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 1.1        | 0                           | 0.0        |
| New Jersey            | 848           | 414                                    | 48.8        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 0.4        | 0                           | 0.0        |
| Pennsylvania          |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 821           | 279                                    | 34.0        | 3                           | 0.4        | 1                                    | 0.1        | 18                         | 2.2        | 1                           | 0.1        |
| Middle                | 503           | 203                                    | 40.4        | 2                           | 0.4        | 0                                    | 0.0        | 1                          | 0.2        | 0                           | 0.0        |
| Western               | 514           | 276                                    | 53.7        | 1                           | 0.2        | 1                                    | 0.2        | 3                          | 0.6        | 0                           | 0.0        |
| Virgin Islands        | 64            | 33                                     | 51.6        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 3.1        | 2                           | 3.1        |
| <b>FOURTH CIRCUIT</b> | <b>6,400</b>  | <b>3,674</b>                           | <b>57.4</b> | <b>48</b>                   | <b>0.8</b> | <b>14</b>                            | <b>0.2</b> | <b>106</b>                 | <b>1.7</b> | <b>5</b>                    | <b>0.1</b> |
| Maryland              | 1,021         | 333                                    | 32.6        | 9                           | 0.9        | 1                                    | 0.1        | 26                         | 2.5        | 2                           | 0.2        |
| North Carolina        |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 770           | 420                                    | 54.5        | 17                          | 2.2        | 4                                    | 0.5        | 12                         | 1.6        | 0                           | 0.0        |
| Middle                | 421           | 309                                    | 73.4        | 2                           | 0.5        | 1                                    | 0.2        | 8                          | 1.9        | 1                           | 0.2        |
| Western               | 435           | 262                                    | 60.2        | 2                           | 0.5        | 0                                    | 0.0        | 5                          | 1.1        | 0                           | 0.0        |
| South Carolina        | 923           | 518                                    | 56.1        | 6                           | 0.7        | 0                                    | 0.0        | 6                          | 0.7        | 0                           | 0.0        |
| Virginia              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern               | 1,831         | 1,298                                  | 70.9        | 9                           | 0.5        | 6                                    | 0.3        | 29                         | 1.6        | 1                           | 0.1        |
| Western               | 373           | 186                                    | 49.9        | 3                           | 0.8        | 0                                    | 0.0        | 8                          | 2.1        | 1                           | 0.3        |
| West Virginia         |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern              | 324           | 195                                    | 60.2        | 0                           | 0.0        | 1                                    | 0.3        | 7                          | 2.2        | 0                           | 0.0        |
| Southern              | 302           | 153                                    | 50.7        | 0                           | 0.0        | 1                                    | 0.3        | 5                          | 1.7        | 0                           | 0.0        |

| CIRCUIT               | §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>9,677</b>                        | <b>11.7</b> | <b>9,276</b>                   | <b>11.2</b> | <b>4,034</b>                | <b>4.9</b>  | <b>1,897</b>                | <b>2.3</b> | <b>811</b>                           | <b>1.0</b> | <b>11,487</b>              | <b>13.9</b> | <b>528</b>                  | <b>0.6</b> |
| <b>D.C. CIRCUIT</b>   | <b>97</b>                           | <b>27.5</b> | <b>2</b>                       | <b>0.6</b>  | <b>49</b>                   | <b>13.9</b> | <b>17</b>                   | <b>4.8</b> | <b>7</b>                             | <b>2.0</b> | <b>53</b>                  | <b>15.0</b> | <b>3</b>                    | <b>0.8</b> |
| District of Columbia  | 97                                  | 27.5        | 2                              | 0.6         | 49                          | 13.9        | 17                          | 4.8        | 7                                    | 2.0        | 53                         | 15.0        | 3                           | 0.8        |
| <b>FIRST CIRCUIT</b>  | <b>209</b>                          | <b>8.4</b>  | <b>21</b>                      | <b>0.8</b>  | <b>200</b>                  | <b>8.0</b>  | <b>54</b>                   | <b>2.2</b> | <b>25</b>                            | <b>1.0</b> | <b>343</b>                 | <b>13.7</b> | <b>23</b>                   | <b>0.9</b> |
| Maine                 | 38                                  | 19.9        | 0                              | 0.0         | 1                           | 0.5         | 11                          | 5.8        | 0                                    | 0.0        | 22                         | 11.5        | 3                           | 1.6        |
| Massachusetts         | 52                                  | 10.0        | 1                              | 0.2         | 86                          | 16.6        | 12                          | 2.3        | 10                                   | 1.9        | 123                        | 23.7        | 2                           | 0.4        |
| New Hampshire         | 36                                  | 22.8        | 0                              | 0.0         | 15                          | 9.5         | 4                           | 2.5        | 3                                    | 1.9        | 31                         | 19.6        | 0                           | 0.0        |
| Puerto Rico           | 72                                  | 5.0         | 20                             | 1.4         | 88                          | 6.1         | 27                          | 1.9        | 12                                   | 0.8        | 77                         | 5.4         | 18                          | 1.3        |
| Rhode Island          | 11                                  | 5.6         | 0                              | 0.0         | 10                          | 5.1         | 0                           | 0.0        | 0                                    | 0.0        | 90                         | 45.9        | 0                           | 0.0        |
| <b>SECOND CIRCUIT</b> | <b>882</b>                          | <b>19.8</b> | <b>27</b>                      | <b>0.6</b>  | <b>149</b>                  | <b>3.4</b>  | <b>184</b>                  | <b>4.1</b> | <b>124</b>                           | <b>2.8</b> | <b>1,365</b>               | <b>30.7</b> | <b>31</b>                   | <b>0.7</b> |
| Connecticut           | 87                                  | 19.7        | 0                              | 0.0         | 11                          | 2.5         | 35                          | 7.9        | 12                                   | 2.7        | 118                        | 26.8        | 3                           | 0.7        |
| New York              |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 170                                 | 17.6        | 8                              | 0.8         | 63                          | 6.5         | 55                          | 5.7        | 47                                   | 4.9        | 321                        | 33.3        | 8                           | 0.8        |
| Northern              | 152                                 | 24.7        | 0                              | 0.0         | 8                           | 1.3         | 16                          | 2.6        | 4                                    | 0.6        | 126                        | 20.5        | 8                           | 1.3        |
| Southern              | 246                                 | 16.1        | 19                             | 1.2         | 15                          | 1.0         | 46                          | 3.0        | 43                                   | 2.8        | 629                        | 41.1        | 10                          | 0.7        |
| Western               | 177                                 | 26.7        | 0                              | 0.0         | 31                          | 4.7         | 8                           | 1.2        | 1                                    | 0.2        | 120                        | 18.1        | 2                           | 0.3        |
| Vermont               | 50                                  | 21.8        | 0                              | 0.0         | 21                          | 9.2         | 24                          | 10.5       | 17                                   | 7.4        | 51                         | 22.3        | 0                           | 0.0        |
| <b>THIRD CIRCUIT</b>  | <b>702</b>                          | <b>24.7</b> | <b>13</b>                      | <b>0.5</b>  | <b>174</b>                  | <b>6.1</b>  | <b>33</b>                   | <b>1.2</b> | <b>38</b>                            | <b>1.3</b> | <b>578</b>                 | <b>20.3</b> | <b>28</b>                   | <b>1.0</b> |
| Delaware              | 8                                   | 8.6         | 0                              | 0.0         | 12                          | 12.9        | 0                           | 0.0        | 0                                    | 0.0        | 37                         | 39.8        | 2                           | 2.2        |
| New Jersey            | 227                                 | 26.8        | 4                              | 0.5         | 24                          | 2.8         | 7                           | 0.8        | 11                                   | 1.3        | 151                        | 17.8        | 7                           | 0.8        |
| Pennsylvania          |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 253                                 | 30.8        | 6                              | 0.7         | 45                          | 5.5         | 12                          | 1.5        | 10                                   | 1.2        | 179                        | 21.8        | 14                          | 1.7        |
| Middle                | 113                                 | 22.5        | 0                              | 0.0         | 78                          | 15.5        | 5                           | 1.0        | 6                                    | 1.2        | 95                         | 18.9        | 0                           | 0.0        |
| Western               | 89                                  | 17.3        | 3                              | 0.6         | 14                          | 2.7         | 8                           | 1.6        | 11                                   | 2.1        | 104                        | 20.2        | 4                           | 0.8        |
| Virgin Islands        | 12                                  | 18.8        | 0                              | 0.0         | 1                           | 1.6         | 1                           | 1.6        | 0                                    | 0.0        | 12                         | 18.8        | 1                           | 1.6        |
| <b>FOURTH CIRCUIT</b> | <b>1,019</b>                        | <b>15.9</b> | <b>12</b>                      | <b>0.2</b>  | <b>288</b>                  | <b>4.5</b>  | <b>111</b>                  | <b>1.7</b> | <b>50</b>                            | <b>0.8</b> | <b>1,036</b>               | <b>16.2</b> | <b>37</b>                   | <b>0.6</b> |
| Maryland              | 273                                 | 26.7        | 7                              | 0.7         | 135                         | 13.2        | 18                          | 1.8        | 19                                   | 1.9        | 188                        | 18.4        | 10                          | 1.0        |
| North Carolina        |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 241                                 | 31.3        | 0                              | 0.0         | 1                           | 0.1         | 7                           | 0.9        | 5                                    | 0.6        | 55                         | 7.1         | 8                           | 1.0        |
| Middle                | 45                                  | 10.7        | 0                              | 0.0         | 1                           | 0.2         | 3                           | 0.7        | 0                                    | 0.0        | 50                         | 11.9        | 1                           | 0.2        |
| Western               | 91                                  | 20.9        | 0                              | 0.0         | 20                          | 4.6         | 5                           | 1.1        | 4                                    | 0.9        | 45                         | 10.3        | 1                           | 0.2        |
| South Carolina        | 159                                 | 17.2        | 2                              | 0.2         | 38                          | 4.1         | 13                          | 1.4        | 0                                    | 0.0        | 177                        | 19.2        | 4                           | 0.4        |
| Virginia              |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Eastern               | 55                                  | 3.0         | 2                              | 0.1         | 45                          | 2.5         | 52                          | 2.8        | 18                                   | 1.0        | 307                        | 16.8        | 9                           | 0.5        |
| Western               | 94                                  | 25.2        | 0                              | 0.0         | 14                          | 3.8         | 12                          | 3.2        | 3                                    | 0.8        | 51                         | 13.7        | 1                           | 0.3        |
| West Virginia         |                                     |             |                                |             |                             |             |                             |            |                                      |            |                            |             |                             |            |
| Northern              | 31                                  | 9.6         | 1                              | 0.3         | 27                          | 8.3         | 0                           | 0.0        | 0                                    | 0.0        | 61                         | 18.8        | 1                           | 0.3        |
| Southern              | 30                                  | 9.9         | 0                              | 0.0         | 7                           | 2.3         | 1                           | 0.3        | 1                                    | 0.3        | 102                        | 33.8        | 2                           | 0.7        |

| 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>18,750</b> | <b>13,054</b>                          | <b>69.6</b> | <b>107</b>                  | <b>0.6</b> | <b>44</b>                            | <b>0.2</b> | <b>275</b>                 | <b>1.5</b> | <b>16</b>                   | <b>0.1</b> |
| Louisiana              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 361           | 214                                    | 59.3        | 9                           | 2.5        | 5                                    | 1.4        | 17                         | 4.7        | 2                           | 0.6        |
| Middle                 | 230           | 132                                    | 57.4        | 4                           | 1.7        | 0                                    | 0.0        | 4                          | 1.7        | 0                           | 0.0        |
| Western                | 393           | 228                                    | 58.0        | 4                           | 1.0        | 6                                    | 1.5        | 18                         | 4.6        | 1                           | 0.3        |
| Mississippi            |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 169           | 115                                    | 68.0        | 0                           | 0.0        | 0                                    | 0.0        | 6                          | 3.6        | 0                           | 0.0        |
| Southern               | 278           | 216                                    | 77.7        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 1.8        | 0                           | 0.0        |
| Texas                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 921           | 626                                    | 68.0        | 16                          | 1.7        | 1                                    | 0.1        | 10                         | 1.1        | 1                           | 0.1        |
| Northern               | 998           | 553                                    | 55.4        | 10                          | 1.0        | 24                                   | 2.4        | 28                         | 2.8        | 1                           | 0.1        |
| Southern               | 6,575         | 4,053                                  | 61.6        | 43                          | 0.7        | 5                                    | 0.1        | 36                         | 0.5        | 4                           | 0.1        |
| Western                | 8,825         | 6,917                                  | 78.4        | 21                          | 0.2        | 3                                    | 0.0        | 151                        | 1.7        | 7                           | 0.1        |
| <b>SIXTH CIRCUIT</b>   | <b>5,566</b>  | <b>2,758</b>                           | <b>49.6</b> | <b>25</b>                   | <b>0.4</b> | <b>11</b>                            | <b>0.2</b> | <b>83</b>                  | <b>1.5</b> | <b>6</b>                    | <b>0.1</b> |
| Kentucky               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 501           | 274                                    | 54.7        | 3                           | 0.6        | 2                                    | 0.4        | 9                          | 1.8        | 0                           | 0.0        |
| Western                | 411           | 262                                    | 63.7        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Michigan               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 903           | 477                                    | 52.8        | 1                           | 0.1        | 0                                    | 0.0        | 9                          | 1.0        | 0                           | 0.0        |
| Western                | 465           | 269                                    | 57.8        | 4                           | 0.9        | 3                                    | 0.6        | 11                         | 2.4        | 1                           | 0.2        |
| Ohio                   |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 908           | 408                                    | 44.9        | 1                           | 0.1        | 0                                    | 0.0        | 15                         | 1.7        | 2                           | 0.2        |
| Southern               | 628           | 185                                    | 29.5        | 4                           | 0.6        | 0                                    | 0.0        | 6                          | 1.0        | 0                           | 0.0        |
| Tennessee              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 857           | 507                                    | 59.2        | 2                           | 0.2        | 2                                    | 0.2        | 15                         | 1.8        | 1                           | 0.1        |
| Middle                 | 316           | 111                                    | 35.1        | 4                           | 1.3        | 1                                    | 0.3        | 10                         | 3.2        | 1                           | 0.3        |
| Western                | 577           | 265                                    | 45.9        | 6                           | 1.0        | 3                                    | 0.5        | 8                          | 1.4        | 1                           | 0.2        |
| <b>SEVENTH CIRCUIT</b> | <b>3,166</b>  | <b>1,531</b>                           | <b>48.4</b> | <b>15</b>                   | <b>0.5</b> | <b>8</b>                             | <b>0.3</b> | <b>44</b>                  | <b>1.4</b> | <b>4</b>                    | <b>0.1</b> |
| Illinois               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                | 416           | 240                                    | 57.7        | 2                           | 0.5        | 0                                    | 0.0        | 7                          | 1.7        | 0                           | 0.0        |
| Northern               | 845           | 337                                    | 39.9        | 2                           | 0.2        | 2                                    | 0.2        | 7                          | 0.8        | 0                           | 0.0        |
| Southern               | 413           | 299                                    | 72.4        | 5                           | 1.2        | 2                                    | 0.5        | 6                          | 1.5        | 2                           | 0.5        |
| Indiana                |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 404           | 233                                    | 57.7        | 2                           | 0.5        | 2                                    | 0.5        | 4                          | 1.0        | 0                           | 0.0        |
| Southern               | 432           | 221                                    | 51.2        | 2                           | 0.5        | 0                                    | 0.0        | 14                         | 3.2        | 1                           | 0.2        |
| Wisconsin              |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 500           | 122                                    | 24.4        | 0                           | 0.0        | 0                                    | 0.0        | 6                          | 1.2        | 1                           | 0.2        |
| Western                | 156           | 79                                     | 50.6        | 2                           | 1.3        | 2                                    | 1.3        | 0                          | 0.0        | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,896</b>  | <b>2,584</b>                           | <b>52.8</b> | <b>31</b>                   | <b>0.6</b> | <b>8</b>                             | <b>0.2</b> | <b>82</b>                  | <b>1.7</b> | <b>2</b>                    | <b>0.0</b> |
| Arkansas               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 396           | 243                                    | 61.4        | 0                           | 0.0        | 1                                    | 0.3        | 18                         | 4.5        | 0                           | 0.0        |
| Western                | 326           | 230                                    | 70.6        | 1                           | 0.3        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Iowa                   |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Northern               | 390           | 223                                    | 57.2        | 11                          | 2.8        | 3                                    | 0.8        | 6                          | 1.5        | 0                           | 0.0        |
| Southern               | 426           | 143                                    | 33.6        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.5        | 0                           | 0.0        |
| Minnesota              | 446           | 136                                    | 30.5        | 0                           | 0.0        | 0                                    | 0.0        | 5                          | 1.1        | 0                           | 0.0        |
| Missouri               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                | 790           | 406                                    | 51.4        | 1                           | 0.1        | 2                                    | 0.3        | 13                         | 1.6        | 0                           | 0.0        |
| Western                | 775           | 402                                    | 51.9        | 3                           | 0.4        | 0                                    | 0.0        | 22                         | 2.8        | 1                           | 0.1        |
| Nebraska               | 600           | 339                                    | 56.5        | 1                           | 0.2        | 0                                    | 0.0        | 9                          | 1.5        | 0                           | 0.0        |
| North Dakota           | 288           | 150                                    | 52.1        | 1                           | 0.3        | 0                                    | 0.0        | 4                          | 1.4        | 1                           | 0.3        |
| South Dakota           | 459           | 312                                    | 68.0        | 13                          | 2.8        | 2                                    | 0.4        | 3                          | 0.7        | 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 RANGE<br>W/BOOKER |             | REMAINING<br>BELOW<br>RANGE |            |
|------------------------|-------------------------------------|-------------|--------------------------------|------------|-----------------------------|------------|-----------------------------|------------|--------------------------------------|------------|-------------------------|-------------|-----------------------------|------------|
|                        | N                                   | %           | N                              | %          | N                           | %          | N                           | %          | N                                    | %          | N                       | %           | N                           | %          |
| <b>FIFTH CIRCUIT</b>   | <b>1,484</b>                        | <b>7.9</b>  | <b>763</b>                     | <b>4.1</b> | <b>400</b>                  | <b>2.1</b> | <b>691</b>                  | <b>3.7</b> | <b>70</b>                            | <b>0.4</b> | <b>1,675</b>            | <b>8.9</b>  | <b>171</b>                  | <b>0.9</b> |
| <b>Louisiana</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 43                                  | 11.9        | 2                              | 0.6        | 12                          | 3.3        | 6                           | 1.7        | 10                                   | 2.8        | 37                      | 10.2        | 4                           | 1.1        |
| Middle                 | 38                                  | 16.5        | 11                             | 4.8        | 2                           | 0.9        | 0                           | 0.0        | 0                                    | 0.0        | 39                      | 17.0        | 0                           | 0.0        |
| Western                | 56                                  | 14.2        | 1                              | 0.3        | 4                           | 1.0        | 2                           | 0.5        | 3                                    | 0.8        | 70                      | 17.8        | 0                           | 0.0        |
| <b>Mississippi</b>     |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 27                                  | 16.0        | 0                              | 0.0        | 3                           | 1.8        | 1                           | 0.6        | 0                                    | 0.0        | 17                      | 10.1        | 0                           | 0.0        |
| Southern               | 24                                  | 8.6         | 0                              | 0.0        | 3                           | 1.1        | 5                           | 1.8        | 0                                    | 0.0        | 23                      | 8.3         | 2                           | 0.7        |
| <b>Texas</b>           |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 85                                  | 9.2         | 8                              | 0.9        | 105                         | 11.4       | 19                          | 2.1        | 2                                    | 0.2        | 44                      | 4.8         | 4                           | 0.4        |
| Northern               | 181                                 | 18.1        | 13                             | 1.3        | 54                          | 5.4        | 12                          | 1.2        | 5                                    | 0.5        | 117                     | 11.7        | 0                           | 0.0        |
| Southern               | 475                                 | 7.2         | 686                            | 10.4       | 88                          | 1.3        | 470                         | 7.1        | 29                                   | 0.4        | 677                     | 10.3        | 9                           | 0.1        |
| Western                | 555                                 | 6.3         | 42                             | 0.5        | 129                         | 1.5        | 176                         | 2.0        | 21                                   | 0.2        | 651                     | 7.4         | 152                         | 1.7        |
| <b>SIXTH CIRCUIT</b>   | <b>1,178</b>                        | <b>21.2</b> | <b>31</b>                      | <b>0.6</b> | <b>273</b>                  | <b>4.9</b> | <b>93</b>                   | <b>1.7</b> | <b>92</b>                            | <b>1.7</b> | <b>989</b>              | <b>17.8</b> | <b>27</b>                   | <b>0.5</b> |
| <b>Kentucky</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 109                                 | 21.8        | 0                              | 0.0        | 18                          | 3.6        | 2                           | 0.4        | 2                                    | 0.4        | 82                      | 16.4        | 0                           | 0.0        |
| Western                | 61                                  | 14.8        | 18                             | 4.4        | 21                          | 5.1        | 8                           | 1.9        | 3                                    | 0.7        | 38                      | 9.2         | 0                           | 0.0        |
| <b>Michigan</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 145                                 | 16.1        | 3                              | 0.3        | 33                          | 3.7        | 10                          | 1.1        | 11                                   | 1.2        | 211                     | 23.4        | 3                           | 0.3        |
| Western                | 54                                  | 11.6        | 0                              | 0.0        | 4                           | 0.9        | 14                          | 3.0        | 14                                   | 3.0        | 90                      | 19.4        | 1                           | 0.2        |
| <b>Ohio</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 261                                 | 28.7        | 0                              | 0.0        | 27                          | 3.0        | 9                           | 1.0        | 8                                    | 0.9        | 166                     | 18.3        | 11                          | 1.2        |
| Southern               | 167                                 | 26.6        | 7                              | 1.1        | 74                          | 11.8       | 25                          | 4.0        | 26                                   | 4.1        | 128                     | 20.4        | 6                           | 1.0        |
| <b>Tennessee</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 207                                 | 24.2        | 0                              | 0.0        | 12                          | 1.4        | 14                          | 1.6        | 6                                    | 0.7        | 89                      | 10.4        | 2                           | 0.2        |
| Middle                 | 59                                  | 18.7        | 0                              | 0.0        | 59                          | 18.7       | 4                           | 1.3        | 4                                    | 1.3        | 63                      | 19.9        | 0                           | 0.0        |
| Western                | 115                                 | 19.9        | 3                              | 0.5        | 25                          | 4.3        | 7                           | 1.2        | 18                                   | 3.1        | 122                     | 21.1        | 4                           | 0.7        |
| <b>SEVENTH CIRCUIT</b> | <b>474</b>                          | <b>15.0</b> | <b>19</b>                      | <b>0.6</b> | <b>163</b>                  | <b>5.1</b> | <b>77</b>                   | <b>2.4</b> | <b>114</b>                           | <b>3.6</b> | <b>676</b>              | <b>21.4</b> | <b>41</b>                   | <b>1.3</b> |
| <b>Illinois</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Central                | 59                                  | 14.2        | 0                              | 0.0        | 12                          | 2.9        | 8                           | 1.9        | 9                                    | 2.2        | 78                      | 18.8        | 1                           | 0.2        |
| Northern               | 122                                 | 14.4        | 15                             | 1.8        | 18                          | 2.1        | 26                          | 3.1        | 69                                   | 8.2        | 221                     | 26.2        | 26                          | 3.1        |
| Southern               | 20                                  | 4.8         | 0                              | 0.0        | 12                          | 2.9        | 7                           | 1.7        | 22                                   | 5.3        | 32                      | 7.7         | 6                           | 1.5        |
| <b>Indiana</b>         |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 85                                  | 21.0        | 1                              | 0.2        | 22                          | 5.4        | 5                           | 1.2        | 4                                    | 1.0        | 44                      | 10.9        | 2                           | 0.5        |
| Southern               | 67                                  | 15.5        | 0                              | 0.0        | 33                          | 7.6        | 5                           | 1.2        | 0                                    | 0.0        | 89                      | 20.6        | 0                           | 0.0        |
| <b>Wisconsin</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 111                                 | 22.2        | 1                              | 0.2        | 65                          | 13.0       | 1                           | 0.2        | 0                                    | 0.0        | 187                     | 37.4        | 6                           | 1.2        |
| Western                | 10                                  | 6.4         | 2                              | 1.3        | 1                           | 0.6        | 25                          | 16.0       | 10                                   | 6.4        | 25                      | 16.0        | 0                           | 0.0        |
| <b>EIGHTH CIRCUIT</b>  | <b>744</b>                          | <b>15.2</b> | <b>74</b>                      | <b>1.5</b> | <b>241</b>                  | <b>4.9</b> | <b>91</b>                   | <b>1.9</b> | <b>49</b>                            | <b>1.0</b> | <b>968</b>              | <b>19.8</b> | <b>22</b>                   | <b>0.4</b> |
| <b>Arkansas</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 41                                  | 10.4        | 0                              | 0.0        | 9                           | 2.3        | 5                           | 1.3        | 7                                    | 1.8        | 69                      | 17.4        | 3                           | 0.8        |
| Western                | 47                                  | 14.4        | 5                              | 1.5        | 3                           | 0.9        | 4                           | 1.2        | 0                                    | 0.0        | 36                      | 11.0        | 0                           | 0.0        |
| <b>Iowa</b>            |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 84                                  | 21.5        | 0                              | 0.0        | 12                          | 3.1        | 1                           | 0.3        | 0                                    | 0.0        | 50                      | 12.8        | 0                           | 0.0        |
| Southern               | 106                                 | 24.9        | 1                              | 0.2        | 54                          | 12.7       | 0                           | 0.0        | 3                                    | 0.7        | 114                     | 26.8        | 3                           | 0.7        |
| <b>Minnesota</b>       |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 94                                  | 21.1        | 4                              | 0.9        | 7                           | 1.6        | 10                          | 2.2        | 8                                    | 1.8        | 181                     | 40.6        | 1                           | 0.2        |
| <b>Missouri</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Eastern                | 108                                 | 13.7        | 1                              | 0.1        | 54                          | 6.8        | 13                          | 1.6        | 18                                   | 2.3        | 171                     | 21.6        | 3                           | 0.4        |
| Western                | 145                                 | 18.7        | 0                              | 0.0        | 37                          | 4.8        | 7                           | 0.9        | 4                                    | 0.5        | 151                     | 19.5        | 3                           | 0.4        |
| <b>Nebraska</b>        |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 36                                  | 6.0         | 51                             | 8.5        | 39                          | 6.5        | 5                           | 0.8        | 3                                    | 0.5        | 111                     | 18.5        | 6                           | 1.0        |
| <b>North Dakota</b>    |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 75                                  | 26.0        | 9                              | 3.1        | 10                          | 3.5        | 6                           | 2.1        | 2                                    | 0.7        | 28                      | 9.7         | 2                           | 0.7        |
| <b>South Dakota</b>    |                                     |             |                                |            |                             |            |                             |            |                                      |            |                         |             |                             |            |
| Northern               | 8                                   | 1.7         | 3                              | 0.7        | 16                          | 3.5        | 40                          | 8.7        | 4                                    | 0.9        | 57                      | 12.4        | 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>20,847</b> | <b>7,870</b>                           | <b>37.8</b> | <b>159</b>                  | <b>0.8</b> | <b>19</b>                            | <b>0.1</b> | <b>135</b>                 | <b>0.6</b> | <b>26</b>                   | <b>0.1</b> |
| Alaska                   | 209           | 75                                     | 35.9        | 0                           | 0.0        | 2                                    | 1.0        | 2                          | 1.0        | 0                           | 0.0        |
| Arizona                  | 8,502         | 3,832                                  | 45.1        | 119                         | 1.4        | 5                                    | 0.1        | 25                         | 0.3        | 4                           | 0.0        |
| California               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Central                  | 1,795         | 551                                    | 30.7        | 7                           | 0.4        | 2                                    | 0.1        | 27                         | 1.5        | 2                           | 0.1        |
| Eastern                  | 1,034         | 453                                    | 43.8        | 4                           | 0.4        | 1                                    | 0.1        | 10                         | 1.0        | 1                           | 0.1        |
| Northern                 | 747           | 315                                    | 42.2        | 0                           | 0.0        | 4                                    | 0.5        | 12                         | 1.6        | 0                           | 0.0        |
| Southern                 | 5,304         | 1,211                                  | 22.8        | 10                          | 0.2        | 0                                    | 0.0        | 13                         | 0.2        | 16                          | 0.3        |
| Guam                     | 58            | 31                                     | 53.4        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Hawaii                   | 241           | 99                                     | 41.1        | 1                           | 0.4        | 0                                    | 0.0        | 2                          | 0.8        | 0                           | 0.0        |
| Idaho                    | 283           | 135                                    | 47.7        | 2                           | 0.7        | 0                                    | 0.0        | 2                          | 0.7        | 0                           | 0.0        |
| Montana                  | 390           | 247                                    | 63.3        | 4                           | 1.0        | 0                                    | 0.0        | 9                          | 2.3        | 1                           | 0.3        |
| Nevada                   | 620           | 333                                    | 53.7        | 6                           | 1.0        | 0                                    | 0.0        | 12                         | 1.9        | 1                           | 0.2        |
| Northern Mariana Islands | 15            | 12                                     | 80.0        | 0                           | 0.0        | 1                                    | 6.7        | 0                          | 0.0        | 0                           | 0.0        |
| Oregon                   | 626           | 188                                    | 30.0        | 1                           | 0.2        | 0                                    | 0.0        | 7                          | 1.1        | 1                           | 0.2        |
| Washington               |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 304           | 121                                    | 39.8        | 2                           | 0.7        | 3                                    | 1.0        | 6                          | 2.0        | 0                           | 0.0        |
| Western                  | 719           | 267                                    | 37.1        | 3                           | 0.4        | 1                                    | 0.1        | 8                          | 1.1        | 0                           | 0.0        |
| <b>TENTH CIRCUIT</b>     | <b>6,073</b>  | <b>3,297</b>                           | <b>54.3</b> | <b>27</b>                   | <b>0.4</b> | <b>2</b>                             | <b>0.0</b> | <b>48</b>                  | <b>0.8</b> | <b>2</b>                    | <b>0.0</b> |
| Colorado                 | 565           | 233                                    | 41.2        | 0                           | 0.0        | 0                                    | 0.0        | 3                          | 0.5        | 0                           | 0.0        |
| Kansas                   | 699           | 342                                    | 48.9        | 2                           | 0.3        | 1                                    | 0.1        | 20                         | 2.9        | 0                           | 0.0        |
| New Mexico               | 3,050         | 1,851                                  | 60.7        | 13                          | 0.4        | 1                                    | 0.0        | 8                          | 0.3        | 2                           | 0.1        |
| Oklahoma                 |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Eastern                  | 92            | 55                                     | 59.8        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 1.1        | 0                           | 0.0        |
| Northern                 | 203           | 127                                    | 62.6        | 2                           | 1.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Western                  | 515           | 328                                    | 63.7        | 2                           | 0.4        | 0                                    | 0.0        | 12                         | 2.3        | 0                           | 0.0        |
| Utah                     | 675           | 226                                    | 33.5        | 5                           | 0.7        | 0                                    | 0.0        | 3                          | 0.4        | 0                           | 0.0        |
| Wyoming                  | 274           | 135                                    | 49.3        | 3                           | 1.1        | 0                                    | 0.0        | 1                          | 0.4        | 0                           | 0.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,837</b>  | <b>4,014</b>                           | <b>58.7</b> | <b>7</b>                    | <b>0.1</b> | <b>10</b>                            | <b>0.1</b> | <b>100</b>                 | <b>1.5</b> | <b>5</b>                    | <b>0.1</b> |
| Alabama                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 210           | 104                                    | 49.5        | 1                           | 0.5        | 0                                    | 0.0        | 6                          | 2.9        | 0                           | 0.0        |
| Northern                 | 438           | 286                                    | 65.3        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.5        | 2                           | 0.5        |
| Southern                 | 452           | 272                                    | 60.2        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.4        | 0                           | 0.0        |
| Florida                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 1,687         | 768                                    | 45.5        | 2                           | 0.1        | 2                                    | 0.1        | 19                         | 1.1        | 1                           | 0.1        |
| Northern                 | 348           | 222                                    | 63.8        | 0                           | 0.0        | 0                                    | 0.0        | 2                          | 0.6        | 1                           | 0.3        |
| Southern                 | 2,122         | 1,308                                  | 61.6        | 1                           | 0.0        | 5                                    | 0.2        | 27                         | 1.3        | 1                           | 0.0        |
| Georgia                  |               |  |             |                             |            |                                      |            |                            |            |                             |            |
| Middle                   | 415           | 318                                    | 76.6        | 0                           | 0.0        | 3                                    | 0.7        | 6                          | 1.4        | 0                           | 0.0        |
| Northern                 | 640           | 311                                    | 48.6        | 3                           | 0.5        | 0                                    | 0.0        | 13                         | 2.0        | 0                           | 0.0        |
| Southern                 | 525           | 425                                    | 81.0        | 0                           | 0.0        | 0                                    | 0.0        | 23                         | 4.4        | 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>1,491</b>                        | <b>7.2</b>  | <b>7,419</b>                   | <b>35.6</b> | <b>1,333</b>                | <b>6.4</b> | <b>390</b>                  | <b>1.9</b> | <b>114</b>                           | <b>0.5</b> | <b>1,792</b>               | <b>8.6</b>  | <b>99</b>                   | <b>0.5</b> |
| Alaska                   | 48                                  | 23.0        | 0                              | 0.0         | 33                          | 15.8       | 0                           | 0.0        | 3                                    | 1.4        | 46                         | 22.0        | 0                           | 0.0        |
| Arizona                  | 236                                 | 2.8         | 3,489                          | 41.0        | 265                         | 3.1        | 104                         | 1.2        | 18                                   | 0.2        | 390                        | 4.6         | 15                          | 0.2        |
| <b>California</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Central                  | 234                                 | 13.0        | 387                            | 21.6        | 170                         | 9.5        | 56                          | 3.1        | 31                                   | 1.7        | 283                        | 15.8        | 45                          | 2.5        |
| Eastern                  | 125                                 | 12.1        | 273                            | 26.4        | 46                          | 4.4        | 10                          | 1.0        | 2                                    | 0.2        | 106                        | 10.3        | 3                           | 0.3        |
| Northern                 | 84                                  | 11.2        | 80                             | 10.7        | 121                         | 16.2       | 6                           | 0.8        | 13                                   | 1.7        | 111                        | 14.9        | 1                           | 0.1        |
| Southern                 | 367                                 | 6.9         | 2,951                          | 55.6        | 221                         | 4.2        | 168                         | 3.2        | 27                                   | 0.5        | 302                        | 5.7         | 18                          | 0.3        |
| Guam                     | 19                                  | 32.8        | 0                              | 0.0         | 1                           | 1.7        | 1                           | 1.7        | 0                                    | 0.0        | 6                          | 10.3        | 0                           | 0.0        |
| Hawaii                   | 54                                  | 22.4        | 0                              | 0.0         | 2                           | 0.8        | 2                           | 0.8        | 0                                    | 0.0        | 78                         | 32.4        | 3                           | 1.2        |
| Idaho                    | 59                                  | 20.8        | 22                             | 7.8         | 10                          | 3.5        | 6                           | 2.1        | 2                                    | 0.7        | 42                         | 14.8        | 3                           | 1.1        |
| Montana                  | 58                                  | 14.9        | 0                              | 0.0         | 14                          | 3.6        | 1                           | 0.3        | 0                                    | 0.0        | 55                         | 14.1        | 1                           | 0.3        |
| Nevada                   | 70                                  | 11.3        | 34                             | 5.5         | 51                          | 8.2        | 20                          | 3.2        | 1                                    | 0.2        | 87                         | 14.0        | 5                           | 0.8        |
| Northern Mariana Islands | 1                                   | 6.7         | 0                              | 0.0         | 1                           | 6.7        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0         | 0                           | 0.0        |
| Oregon                   | 79                                  | 12.6        | 114                            | 18.2        | 107                         | 17.1       | 5                           | 0.8        | 3                                    | 0.5        | 121                        | 19.3        | 0                           | 0.0        |
| <b>Washington</b>        |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                  | 18                                  | 5.9         | 29                             | 9.5         | 56                          | 18.4       | 3                           | 1.0        | 5                                    | 1.6        | 59                         | 19.4        | 2                           | 0.7        |
| Western                  | 39                                  | 5.4         | 40                             | 5.6         | 235                         | 32.7       | 8                           | 1.1        | 9                                    | 1.3        | 106                        | 14.7        | 3                           | 0.4        |
| <b>TENTH CIRCUIT</b>     | <b>404</b>                          | <b>6.7</b>  | <b>832</b>                     | <b>13.7</b> | <b>568</b>                  | <b>9.4</b> | <b>91</b>                   | <b>1.5</b> | <b>44</b>                            | <b>0.7</b> | <b>734</b>                 | <b>12.1</b> | <b>24</b>                   | <b>0.4</b> |
| Colorado                 | 116                                 | 20.5        | 46                             | 8.1         | 87                          | 15.4       | 3                           | 0.5        | 4                                    | 0.7        | 72                         | 12.7        | 1                           | 0.2        |
| Kansas                   | 74                                  | 10.6        | 19                             | 2.7         | 120                         | 17.2       | 9                           | 1.3        | 4                                    | 0.6        | 104                        | 14.9        | 4                           | 0.6        |
| New Mexico               | 79                                  | 2.6         | 562                            | 18.4        | 230                         | 7.5        | 51                          | 1.7        | 23                                   | 0.8        | 214                        | 7.0         | 16                          | 0.5        |
| <b>Oklahoma</b>          |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Eastern                  | 17                                  | 18.5        | 0                              | 0.0         | 4                           | 4.3        | 0                           | 0.0        | 2                                    | 2.2        | 13                         | 14.1        | 0                           | 0.0        |
| Northern                 | 35                                  | 17.2        | 1                              | 0.5         | 0                           | 0.0        | 5                           | 2.5        | 1                                    | 0.5        | 32                         | 15.8        | 0                           | 0.0        |
| Western                  | 30                                  | 5.8         | 0                              | 0.0         | 9                           | 1.7        | 4                           | 0.8        | 2                                    | 0.4        | 127                        | 24.7        | 1                           | 0.2        |
| Utah                     | 35                                  | 5.2         | 190                            | 28.1        | 68                          | 10.1       | 14                          | 2.1        | 3                                    | 0.4        | 129                        | 19.1        | 2                           | 0.3        |
| Wyoming                  | 18                                  | 6.6         | 14                             | 5.1         | 50                          | 18.2       | 5                           | 1.8        | 5                                    | 1.8        | 43                         | 15.7        | 0                           | 0.0        |
| <b>ELEVENTH CIRCUIT</b>  | <b>993</b>                          | <b>14.5</b> | <b>63</b>                      | <b>0.9</b>  | <b>196</b>                  | <b>2.9</b> | <b>65</b>                   | <b>1.0</b> | <b>84</b>                            | <b>1.2</b> | <b>1,278</b>               | <b>18.7</b> | <b>22</b>                   | <b>0.3</b> |
| <b>Alabama</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Middle                   | 57                                  | 27.1        | 4                              | 1.9         | 8                           | 3.8        | 2                           | 1.0        | 1                                    | 0.5        | 27                         | 12.9        | 0                           | 0.0        |
| Northern                 | 88                                  | 20.1        | 0                              | 0.0         | 1                           | 0.2        | 1                           | 0.2        | 2                                    | 0.5        | 55                         | 12.6        | 1                           | 0.2        |
| Southern                 | 79                                  | 17.5        | 0                              | 0.0         | 2                           | 0.4        | 4                           | 0.9        | 1                                    | 0.2        | 92                         | 20.4        | 0                           | 0.0        |
| <b>Florida</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Middle                   | 337                                 | 20.0        | 26                             | 1.5         | 30                          | 1.8        | 26                          | 1.5        | 23                                   | 1.4        | 450                        | 26.7        | 3                           | 0.2        |
| Northern                 | 58                                  | 16.7        | 3                              | 0.9         | 0                           | 0.0        | 7                           | 2.0        | 7                                    | 2.0        | 47                         | 13.5        | 1                           | 0.3        |
| Southern                 | 216                                 | 10.2        | 24                             | 1.1         | 50                          | 2.4        | 10                          | 0.5        | 45                                   | 2.1        | 424                        | 20.0        | 11                          | 0.5        |
| <b>Georgia</b>           |                                     |             |                                |             |                             |            |                             |            |                                      |            |                            |             |                             |            |
| Middle                   | 36                                  | 8.7         | 5                              | 1.2         | 6                           | 1.4        | 1                           | 0.2        | 1                                    | 0.2        | 38                         | 9.2         | 1                           | 0.2        |
| Northern                 | 77                                  | 12.0        | 0                              | 0.0         | 94                          | 14.7       | 12                          | 1.9        | 3                                    | 0.5        | 126                        | 19.7        | 1                           | 0.2        |
| Southern                 | 45                                  | 8.6         | 1                              | 0.2         | 5                           | 1.0        | 2                           | 0.4        | 1                                    | 0.2        | 19                         | 3.6         | 4                           | 0.8        |

Of the 84,173 cases, 1,499 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: Western Louisiana (9.7%), Middle Georgia (8.6%), Eastern North Carolina (5.6%), and Western Texas (5.4%).

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.

**Table 10**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY SELECTED PRIMARY OFFENSE CATEGORY  
Fiscal Year 2012**

**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>82,674</b> | <b>43,333</b>                | <b>52.4</b> | <b>451</b>                  | <b>0.5</b> | <b>127</b>                           | <b>0.2</b> | <b>977</b>                 | <b>1.2</b> | <b>76</b>                   | <b>0.1</b> |
| Robbery                      | 849           | 463                          | 54.5        | 10                          | 1.2        | 5                                    | 0.6        | 22                         | 2.6        | 1                           | 0.1        |
| Drugs - Trafficking          | 24,711        | 10,595                       | 42.9        | 66                          | 0.3        | 15                                   | 0.1        | 121                        | 0.5        | 9                           | 0.0        |
| Drugs - Simple Possession    | 1,119         | 1,090                        | 97.4        | 3                           | 0.3        | 0                                    | 0.0        | 3                          | 0.3        | 0                           | 0.0        |
| Firearms                     | 8,096         | 4,764                        | 58.8        | 76                          | 0.9        | 28                                   | 0.3        | 204                        | 2.5        | 15                          | 0.2        |
| Larceny                      | 1,322         | 920                          | 69.6        | 3                           | 0.2        | 3                                    | 0.2        | 18                         | 1.4        | 0                           | 0.0        |
| Fraud                        | 8,237         | 4,154                        | 50.4        | 37                          | 0.4        | 16                                   | 0.2        | 111                        | 1.3        | 10                          | 0.1        |
| Embezzlement                 | 322           | 185                          | 57.5        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.3        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 874           | 572                          | 65.4        | 3                           | 0.3        | 7                                    | 0.8        | 19                         | 2.2        | 0                           | 0.0        |
| Immigration                  | 26,255        | 14,897                       | 56.7        | 166                         | 0.6        | 26                                   | 0.1        | 248                        | 0.9        | 26                          | 0.1        |
| Other Miscellaneous Offenses | 10,889        | 5,693                        | 52.3        | 87                          | 0.8        | 27                                   | 0.2        | 230                        | 2.1        | 15                          | 0.1        |

**Eastern New York**

| 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>965</b> | <b>283</b>                   | <b>29.3</b> | <b>1</b>                    | <b>0.1</b> | <b>3</b>                             | <b>0.3</b> | <b>6</b>                   | <b>0.6</b> | <b>0</b>                    | <b>0.0</b> |
| Robbery                      | 2          | 0                            | 0.0         | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Drugs - Trafficking          | 409        | 80                           | 19.6        | 0                           | 0.0        | 1                                    | 0.2        | 0                          | 0.0        | 0                           | 0.0        |
| Drugs - Simple Possession    | 1          | 1                            | 100.0       | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Firearms                     | 51         | 26                           | 51.0        | 0                           | 0.0        | 1                                    | 2.0        | 2                          | 3.9        | 0                           | 0.0        |
| Larceny                      | 3          | 1                            | 33.3        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Fraud                        | 154        | 41                           | 26.6        | 0                           | 0.0        | 0                                    | 0.0        | 1                          | 0.6        | 0                           | 0.0        |
| Embezzlement                 | 4          | 0                            | 0.0         | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Forgery/Counterfeiting       | 10         | 4                            | 40.0        | 0                           | 0.0        | 0                                    | 0.0        | 0                          | 0.0        | 0                           | 0.0        |
| Immigration                  | 132        | 73                           | 55.3        | 0                           | 0.0        | 1                                    | 0.8        | 2                          | 1.5        | 0                           | 0.0        |
| Other Miscellaneous Offenses | 199        | 57                           | 28.6        | 1                           | 0.5        | 0                                    | 0.0        | 1                          | 0.5        | 0                           | 0.0        |

### National

| PRIMARY OFFENSE              | §5K1.1       |             | §5K3.1       |             | OTHER        |            | BELOW        |            | BELOW RANGE |            | BELOW         |             | REMAINING  |            |
|------------------------------|--------------|-------------|--------------|-------------|--------------|------------|--------------|------------|-------------|------------|---------------|-------------|------------|------------|
|                              | SUBSTANTIAL  |             | EARLY        |             | GOV'T        |            | RANGE        |            | DEPARTURE   |            | RANGE         |             | BELOW      |            |
|                              | ASSISTANCE   | DISPOSITION | SPONSORED    | DEPARTURE   | W/BOOKER     | W/BOOKER   | RANGE        | DEPARTURE  | W/BOOKER    | W/BOOKER   | RANGE         | BELOW       | RANGE      |            |
|                              | N            | %           | N            | %           | N            | %          | N            | %          | N           | %          | N             | %           | N          | %          |
| <b>TOTAL</b>                 | <b>9,677</b> | <b>11.7</b> | <b>9,276</b> | <b>11.2</b> | <b>4,034</b> | <b>4.9</b> | <b>1,897</b> | <b>2.3</b> | <b>811</b>  | <b>1.0</b> | <b>11,487</b> | <b>13.9</b> | <b>528</b> | <b>0.6</b> |
| Robbery                      | 90           | 10.6        | 3            | 0.4         | 59           | 6.9        | 22           | 2.6        | 13          | 1.5        | 157           | 18.5        | 4          | 0.5        |
| Drugs - Trafficking          | 5,806        | 23.5        | 1,995        | 8.1         | 1,338        | 5.4        | 511          | 2.1        | 292         | 1.2        | 3,856         | 15.6        | 107        | 0.4        |
| Drugs - Simple Possession    | 4            | 0.4         | 2            | 0.2         | 4            | 0.4        | 0            | 0.0        | 0           | 0.0        | 7             | 0.6         | 6          | 0.5        |
| Firearms                     | 858          | 10.6        | 12           | 0.1         | 531          | 6.6        | 167          | 2.1        | 88          | 1.1        | 1,300         | 16.1        | 53         | 0.7        |
| Larceny                      | 80           | 6.1         | 0            | 0.0         | 49           | 3.7        | 23           | 1.7        | 14          | 1.1        | 198           | 15.0        | 14         | 1.1        |
| Fraud                        | 1,442        | 17.5        | 10           | 0.1         | 499          | 6.1        | 145          | 1.8        | 120         | 1.5        | 1,602         | 19.4        | 91         | 1.1        |
| Embezzlement                 | 11           | 3.4         | 1            | 0.3         | 17           | 5.3        | 6            | 1.9        | 5           | 1.6        | 87            | 27.0        | 9          | 2.8        |
| Forgery/Counterfeiting       | 70           | 8.0         | 2            | 0.2         | 30           | 3.4        | 14           | 1.6        | 6           | 0.7        | 141           | 16.1        | 10         | 1.1        |
| Immigration                  | 274          | 1.0         | 7,223        | 27.5        | 485          | 1.8        | 764          | 2.9        | 106         | 0.4        | 1,884         | 7.2         | 156        | 0.6        |
| Other Miscellaneous Offenses | 1,042        | 9.6         | 28           | 0.3         | 1,022        | 9.4        | 245          | 2.2        | 167         | 1.5        | 2,255         | 20.7        | 78         | 0.7        |

### Eastern New York

| PRIMARY OFFENSE              | §5K1.1      |             | §5K3.1    |            | OTHER     |            | BELOW     |            | BELOW RANGE |            | BELOW      |             | REMAINING |            |
|------------------------------|-------------|-------------|-----------|------------|-----------|------------|-----------|------------|-------------|------------|------------|-------------|-----------|------------|
|                              | SUBSTANTIAL |             | EARLY     |            | GOV'T     |            | RANGE     |            | DEPARTURE   |            | RANGE      |             | BELOW     |            |
|                              | ASSISTANCE  | DISPOSITION | SPONSORED | DEPARTURE  | W/BOOKER  | W/BOOKER   | RANGE     | DEPARTURE  | W/BOOKER    | W/BOOKER   | RANGE      | BELOW       | RANGE     |            |
|                              | N           | %           | N         | %          | N         | %          | N         | %          | N           | %          | N          | %           | N         | %          |
| <b>TOTAL</b>                 | <b>170</b>  | <b>17.6</b> | <b>8</b>  | <b>0.8</b> | <b>63</b> | <b>6.5</b> | <b>55</b> | <b>5.7</b> | <b>47</b>   | <b>4.9</b> | <b>321</b> | <b>33.3</b> | <b>8</b>  | <b>0.8</b> |
| Robbery                      | 1           | 50.0        | 0         | 0.0        | 0         | 0.0        | 0         | 0.0        | 0           | 0.0        | 1          | 50.0        | 0         | 0.0        |
| Drugs - Trafficking          | 87          | 21.3        | 0         | 0.0        | 13        | 3.2        | 33        | 8.1        | 25          | 6.1        | 169        | 41.3        | 1         | 0.2        |
| Drugs - Simple Possession    | 0           | 0.0         | 0         | 0.0        | 0         | 0.0        | 0         | 0.0        | 0           | 0.0        | 0          | 0.0         | 0         | 0.0        |
| Firearms                     | 7           | 13.7        | 0         | 0.0        | 1         | 2.0        | 3         | 5.9        | 0           | 0.0        | 9          | 17.6        | 2         | 3.9        |
| Larceny                      | 1           | 33.3        | 0         | 0.0        | 0         | 0.0        | 0         | 0.0        | 0           | 0.0        | 1          | 33.3        | 0         | 0.0        |
| Fraud                        | 43          | 27.9        | 0         | 0.0        | 21        | 13.6       | 7         | 4.5        | 4           | 2.6        | 34         | 22.1        | 3         | 1.9        |
| Embezzlement                 | 0           | 0.0         | 0         | 0.0        | 1         | 25.0       | 0         | 0.0        | 0           | 0.0        | 3          | 75.0        | 0         | 0.0        |
| Forgery/Counterfeiting       | 2           | 20.0        | 0         | 0.0        | 0         | 0.0        | 0         | 0.0        | 1           | 10.0       | 3          | 30.0        | 0         | 0.0        |
| Immigration                  | 2           | 1.5         | 8         | 6.1        | 0         | 0.0        | 5         | 3.8        | 9           | 6.8        | 30         | 22.7        | 2         | 1.5        |
| Other Miscellaneous Offenses | 27          | 13.6        | 0         | 0.0        | 27        | 13.6       | 7         | 3.5        | 8           | 4.0        | 71         | 35.7        | 0         | 0.0        |

Of the 84,173 guideline cases, 1,499 cases were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 965 guideline cases from the Eastern District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.