

# United States Sentencing Commission



## *Statistical Information Packet*

*Fiscal Year 2016*

*District of South Dakota*

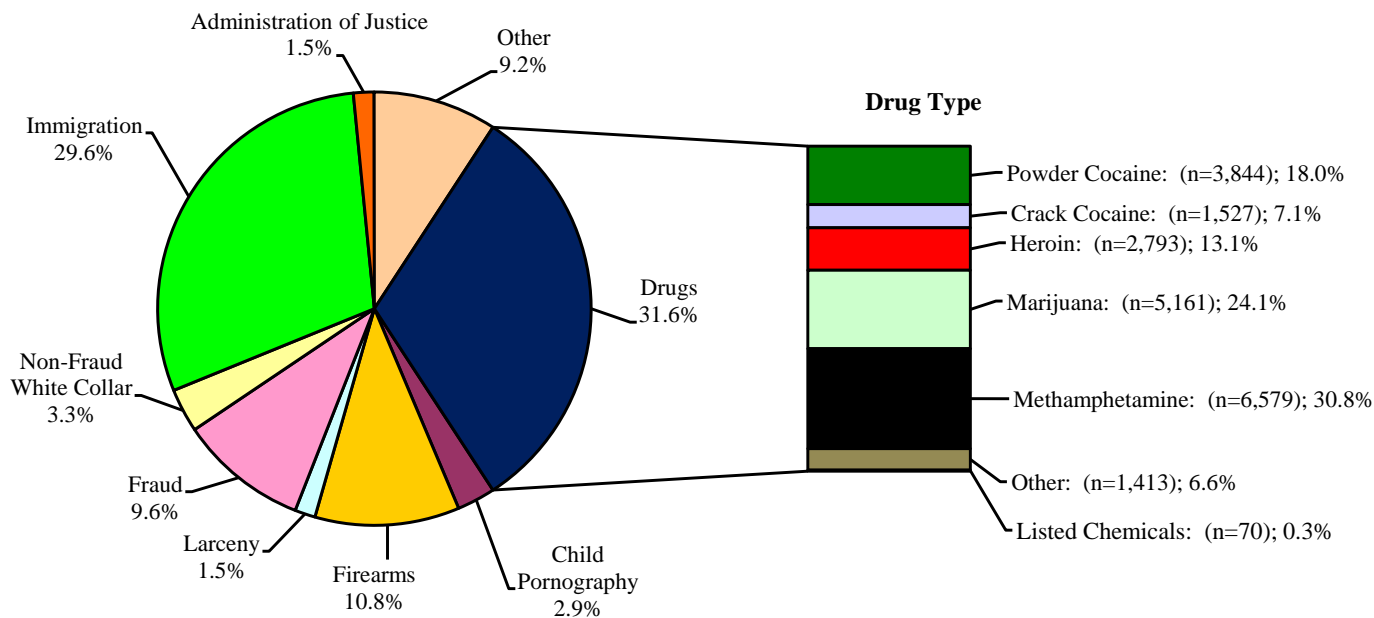
## TABLE OF CONTENTS

<b>Figure A</b>	Offenders in Each Primary Offense Category	1
<b>Table 1</b>	Distribution of Guideline Offenders in Each Primary Offense Category	2
<b>Table 2</b>	Guilty Pleas and Trials in Each Circuit and District	3
<b>Table 3</b>	Guilty Pleas and Trials in Each Primary Offense Category	6
<b>Table 4</b>	Type of Sentence Imposed by Primary Offense Category (National)	7
<b>Table 5</b>	Type of Sentence Imposed by Primary Offense Category (District)	8
<b>Table 6</b>	Incarceration Rate of U.S. Citizen Defendants Eligible for Non-Prison Sentences by Primary Offense Category	9
<b>Table 7</b>	Length of Imprisonment by Primary Offense Category	10
<b>Table 8</b>	Comparison of Sentence Imposed and Position Relative to the Guideline Range	11
<b>Table 9</b>	Sentences Relative to the Guideline Range by Circuit and District	12
<b>Table 10</b>	Sentences Relative to the Guideline Range by Selected Primary Offense Category	18

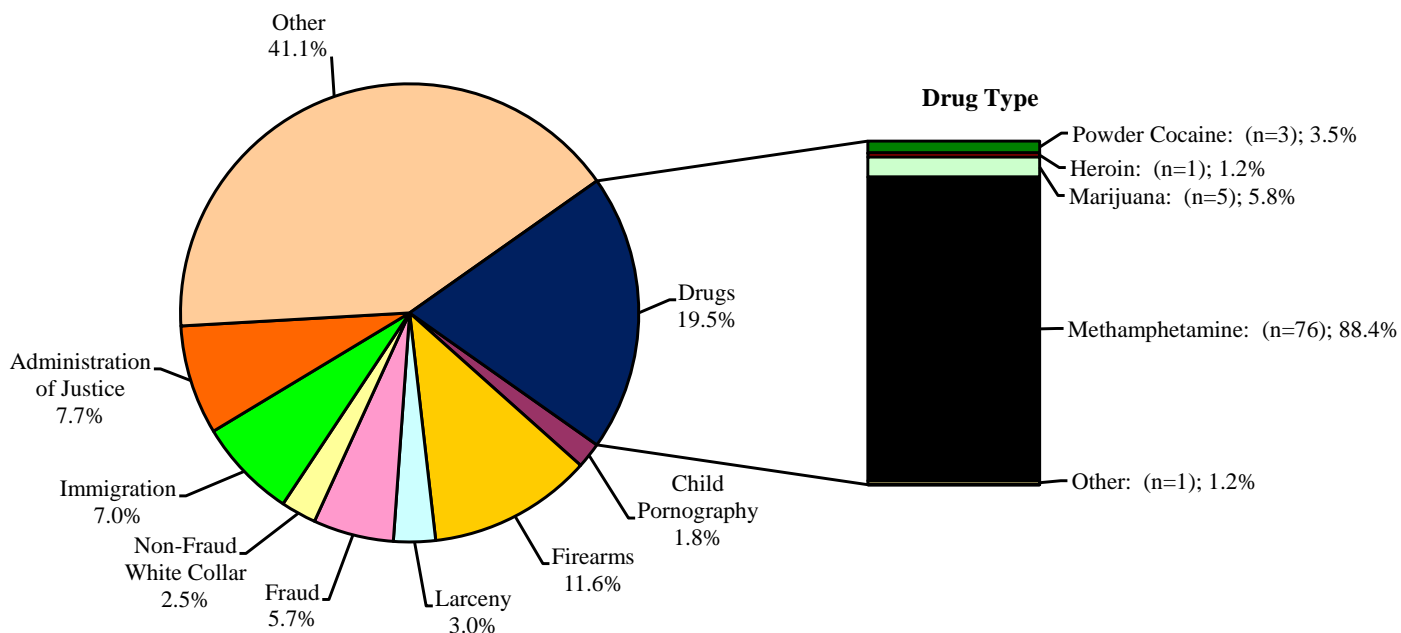
**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2016**

**National**



**South Dakota**



<sup>1</sup> Of the 67,742 guideline cases, no cases were excluded.

Of the 440 guideline cases from the District of South Dakota, no cases were excluded.

The Drugs category includes the following offense types: trafficking, use of a communication facility, and simple possession. 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 2016**

PRIMARY OFFENSE	National		South Dakota	
	N	%	N	%
<b>TOTAL</b>	<b>67,742</b>	<b>100.0</b>	<b>440</b>	<b>100.0</b>
Murder	85	0.1	3	0.7
Manslaughter	57	0.1	3	0.7
Kidnapping/Hostage Taking	39	0.1	0	0.0
Sexual Abuse	620	0.9	29	6.6
Assault	808	1.2	87	19.8
Robbery	702	1.0	2	0.5
Arson	46	0.1	5	1.1
Drugs - Trafficking	19,232	28.4	84	19.1
Drugs - Communication Facility	271	0.4	0	0.0
Drugs - Simple Possession	1,884	2.8	2	0.5
Firearms	7,305	10.8	51	11.6
Burglary/B&E	23	0.0	7	1.6
Auto Theft	45	0.1	0	0.0
Larceny	1,034	1.5	13	3.0
Fraud	6,517	9.6	25	5.7
Embezzlement	321	0.5	5	1.1
Forgery/Counterfeiting	450	0.7	0	0.0
Bribery	197	0.3	0	0.0
Tax	523	0.8	4	0.9
Money Laundering	724	1.1	2	0.5
Racketeering/Extortion	914	1.3	0	0.0
Gambling/Lottery	74	0.1	0	0.0
Civil Rights	43	0.1	1	0.2
Immigration	20,051	29.6	31	7.0
Child Pornography	1,937	2.9	8	1.8
Prison Offenses	475	0.7	8	1.8
Administration of Justice Offenses	1,041	1.5	34	7.7
Environmental/Wildlife	156	0.2	1	0.2
National Defense	100	0.1	0	0.0
Antitrust	21	0.0	0	0.0
Food & Drug	114	0.2	0	0.0
Other Miscellaneous Offenses	1,933	2.9	35	8.0

Of the 67,742 guideline cases, no cases were excluded.

Of the 440 guideline cases from the District of South Dakota, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT  
Fiscal Year 2016**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>67,742</b>	<b>65,893</b>	<b>97.3</b>	<b>1,849</b>	<b>2.7</b>
<b>D.C. CIRCUIT</b>	<b>255</b>	<b>249</b>	<b>97.6</b>	<b>6</b>	<b>2.4</b>
District of Columbia	255	249	97.6	6	2.4
<b>FIRST CIRCUIT</b>	<b>2,051</b>	<b>1,988</b>	<b>96.9</b>	<b>63</b>	<b>3.1</b>
Maine	202	193	95.5	9	4.5
Massachusetts	496	472	95.2	24	4.8
New Hampshire	177	172	97.2	5	2.8
Puerto Rico	1,086	1,061	97.7	25	2.3
Rhode Island	90	90	100.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,420</b>	<b>3,287</b>	<b>96.1</b>	<b>133</b>	<b>3.9</b>
Connecticut	304	297	97.7	7	2.3
New York					
Eastern	796	755	94.8	41	5.2
Northern	317	297	93.7	20	6.3
Southern	1,350	1,301	96.4	49	3.6
Western	465	450	96.8	15	3.2
Vermont	188	187	99.5	1	0.5
<b>THIRD CIRCUIT</b>	<b>2,095</b>	<b>1,982</b>	<b>94.6</b>	<b>113</b>	<b>5.4</b>
Delaware	72	67	93.1	5	6.9
New Jersey	669	626	93.6	43	6.4
Pennsylvania					
Eastern	585	548	93.7	37	6.3
Middle	306	295	96.4	11	3.6
Western	404	390	96.5	14	3.5
Virgin Islands	59	56	94.9	3	5.1
<b>FOURTH CIRCUIT</b>	<b>5,345</b>	<b>5,166</b>	<b>96.7</b>	<b>179</b>	<b>3.3</b>
Maryland	733	700	95.5	33	4.5
North Carolina					
Eastern	651	635	97.5	16	2.5
Middle	423	418	98.8	5	1.2
Western	658	640	97.3	18	2.7
South Carolina	627	612	97.6	15	2.4
Virginia					
Eastern	1,413	1,347	95.3	66	4.7
Western	313	297	94.9	16	5.1
West Virginia					
Northern	310	303	97.7	7	2.3
Southern	217	214	98.6	3	1.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>16,074</b>	<b>15,850</b>	<b>98.6</b>	<b>224</b>	<b>1.4</b>
Louisiana					
Eastern	341	325	95.3	16	4.7
Middle	163	157	96.3	6	3.7
Western	252	242	96.0	10	4.0
Mississippi					
Northern	169	166	98.2	3	1.8
Southern	238	234	98.3	4	1.7
Texas					
Eastern	827	805	97.3	22	2.7
Northern	1,374	1,340	97.5	34	2.5
Southern	6,482	6,411	98.9	71	1.1
Western	6,228	6,170	99.1	58	0.9
<b>SIXTH CIRCUIT</b>	<b>4,523</b>	<b>4,382</b>	<b>96.9</b>	<b>141</b>	<b>3.1</b>
Kentucky					
Eastern	439	415	94.5	24	5.5
Western	332	328	98.8	4	1.2
Michigan					
Eastern	901	864	95.9	37	4.1
Western	330	319	96.7	11	3.3
Ohio					
Northern	585	564	96.4	21	3.6
Southern	502	491	97.8	11	2.2
Tennessee					
Eastern	748	737	98.5	11	1.5
Middle	220	212	96.4	8	3.6
Western	466	452	97.0	14	3.0
<b>SEVENTH CIRCUIT</b>	<b>2,272</b>	<b>2,163</b>	<b>95.2</b>	<b>109</b>	<b>4.8</b>
Illinois					
Central	259	248	95.8	11	4.2
Northern	640	574	89.7	66	10.3
Southern	317	312	98.4	5	1.6
Indiana					
Northern	300	289	96.3	11	3.7
Southern	330	318	96.4	12	3.6
Wisconsin					
Eastern	301	298	99.0	3	1.0
Western	125	124	99.2	1	0.8
<b>EIGHTH CIRCUIT</b>	<b>4,744</b>	<b>4,585</b>	<b>96.6</b>	<b>159</b>	<b>3.4</b>
Arkansas					
Eastern	378	371	98.1	7	1.9
Western	253	249	98.4	4	1.6
Iowa					
Northern	348	335	96.3	13	3.7
Southern	353	334	94.6	19	5.4
Minnesota	494	459	92.9	35	7.1
Missouri					
Eastern	740	728	98.4	12	1.6
Western	835	814	97.5	21	2.5
Nebraska	542	531	98.0	11	2.0
North Dakota	361	346	95.8	15	4.2
South Dakota	440	418	95.0	22	5.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>NINTH CIRCUIT</b>	<b>13,398</b>	<b>13,044</b>	<b>97.4</b>	<b>354</b>	<b>2.6</b>
Alaska	182	174	95.6	8	4.4
Arizona	5,769	5,731	99.3	38	0.7
California					
Central	964	903	93.7	61	6.3
Eastern	672	624	92.9	48	7.1
Northern	464	434	93.5	30	6.5
Southern	2,849	2,789	97.9	60	2.1
Guam	67	65	97.0	2	3.0
Hawaii	141	128	90.8	13	9.2
Idaho	259	249	96.1	10	3.9
Montana	321	304	94.7	17	5.3
Nevada	401	381	95.0	20	5.0
Northern Mariana Islands	22	20	90.9	2	9.1
Oregon	448	437	97.5	11	2.5
Washington					
Eastern	305	290	95.1	15	4.9
Western	534	515	96.4	19	3.6
<b>TENTH CIRCUIT</b>	<b>7,505</b>	<b>7,424</b>	<b>98.9</b>	<b>81</b>	<b>1.1</b>
Colorado	483	466	96.5	17	3.5
Kansas	491	471	95.9	20	4.1
New Mexico	4,988	4,979	99.8	9	0.2
Oklahoma					
Eastern	100	97	97.0	3	3.0
Northern	213	210	98.6	3	1.4
Western	330	322	97.6	8	2.4
Utah	684	670	98.0	14	2.0
Wyoming	216	209	96.8	7	3.2
<b>ELEVENTH CIRCUIT</b>	<b>6,060</b>	<b>5,773</b>	<b>95.3</b>	<b>287</b>	<b>4.7</b>
Alabama					
Middle	157	148	94.3	9	5.7
Northern	361	350	97.0	11	3.0
Southern	317	307	96.8	10	3.2
Florida					
Middle	1,415	1,333	94.2	82	5.8
Northern	262	243	92.7	19	7.3
Southern	2,234	2,125	95.1	109	4.9
Georgia					
Middle	368	349	94.8	19	5.2
Northern	542	518	95.6	24	4.4
Southern	404	400	99.0	4	1.0

Of the 67,742 guideline cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 3**

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

PRIMARY OFFENSE	TOTAL	National				South Dakota			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>67,742</b>	<b>65,893</b>	<b>97.3</b>	<b>1,849</b>	<b>2.7</b>	<b>418</b>	<b>95.0</b>	<b>22</b>	<b>5.0</b>
Murder	85	66	77.6	19	22.4	3	100.0	0	0.0
Manslaughter	57	55	96.5	2	3.5	3	100.0	0	0.0
Kidnapping/Hostage Taking	39	31	79.5	8	20.5	0	--	0	--
Sexual Abuse	620	533	86.0	87	14.0	27	93.1	2	6.9
Assault	808	765	94.7	43	5.3	85	97.7	2	2.3
Robbery	702	686	97.7	16	2.3	2	100.0	0	0.0
Arson	46	44	95.7	2	4.3	5	100.0	0	0.0
Drugs - Trafficking	19,232	18,767	97.6	465	2.4	76	90.5	8	9.5
Drugs - Communication Facility	271	270	99.6	1	0.4	0	--	0	--
Drugs - Simple Possession	1,884	1,878	99.7	6	0.3	2	100.0	0	0.0
Firearms	7,305	6,946	95.1	359	4.9	48	94.1	3	5.9
Burglary/B&E	23	23	100.0	0	0.0	7	100.0	0	0.0
Auto Theft	45	42	93.3	3	6.7	0	--	0	--
Larceny	1,034	1,006	97.3	28	2.7	11	84.6	2	15.4
Fraud	6,517	6,156	94.5	361	5.5	24	96.0	1	4.0
Embezzlement	321	315	98.1	6	1.9	3	60.0	2	40.0
Forgery/Counterfeiting	450	441	98.0	9	2.0	0	--	0	--
Bribery	197	184	93.4	13	6.6	0	--	0	--
Tax	523	491	93.9	32	6.1	3	75.0	1	25.0
Money Laundering	724	693	95.7	31	4.3	2	100.0	0	0.0
Racketeering/Extortion	914	861	94.2	53	5.8	0	--	0	--
Gambling/Lottery	74	69	93.2	5	6.8	0	--	0	--
Civil Rights	43	38	88.4	5	11.6	1	100.0	0	0.0
Immigration	20,051	19,960	99.5	91	0.5	31	100.0	0	0.0
Child Pornography	1,937	1,868	96.4	69	3.6	8	100.0	0	0.0
Prison Offenses	475	473	99.6	2	0.4	8	100.0	0	0.0
Administration of Justice Offenses	1,041	984	94.5	57	5.5	34	100.0	0	0.0
Environmental/Wildlife	156	146	93.6	10	6.4	0	0.0	1	100.0
National Defense	100	98	98.0	2	2.0	0	--	0	--
Antitrust	21	20	95.2	1	4.8	0	--	0	--
Food & Drug	114	112	98.2	2	1.8	0	--	0	--
Other Miscellaneous Offenses	1,933	1,872	96.8	61	3.2	35	100.0	0	0.0

Of the 67,742 guideline cases, no cases were excluded.

Of the 440 guideline cases from the District of South Dakota, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.



**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

**National**

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>67,238</b>	<b>58,832</b>	<b>87.5</b>	<b>1,876</b>	<b>2.8</b>	<b>1,654</b>	<b>2.5</b>	<b>4,876</b>	<b>7.3</b>
Murder	85	81	95.3	4	4.7	0	0.0	0	0.0
Manslaughter	57	53	93.0	3	5.3	1	1.8	0	0.0
Kidnapping/Hostage Taking	39	37	94.9	1	2.6	0	0.0	1	2.6
Sexual Abuse	620	589	95.0	18	2.9	3	0.5	10	1.6
Assault	800	614	76.8	51	6.4	28	3.5	107	13.4
Robbery	702	658	93.7	30	4.3	7	1.0	7	1.0
Arson	46	43	93.5	0	0.0	1	2.2	2	4.3
Drugs - Trafficking	19,229	17,913	93.2	547	2.8	257	1.3	512	2.7
Drugs - Communication Facility	271	194	71.6	10	3.7	15	5.5	52	19.2
Drugs - Simple Possession	1,839	1,596	86.8	4	0.2	12	0.7	227	12.3
Firearms	7,297	6,806	93.3	179	2.5	117	1.6	195	2.7
Burglary/B&E	23	14	60.9	5	21.7	2	8.7	2	8.7
Auto Theft	45	37	82.2	3	6.7	0	0.0	5	11.1
Larceny	987	374	37.9	40	4.1	134	13.6	439	44.5
Fraud	6,491	4,666	71.9	412	6.3	458	7.1	955	14.7
Embezzlement	314	112	35.7	18	5.7	39	12.4	145	46.2
Forgery/Counterfeiting	449	325	72.4	35	7.8	26	5.8	63	14.0
Bribery	196	138	70.4	13	6.6	21	10.7	24	12.2
Tax	523	273	52.2	41	7.8	62	11.9	147	28.1
Money Laundering	724	533	73.6	36	5.0	37	5.1	118	16.3
Racketeering/Extortion	913	829	90.8	18	2.0	24	2.6	42	4.6
Gambling/Lottery	74	20	27.0	5	6.8	9	12.2	40	54.1
Civil Rights	43	25	58.1	0	0.0	8	18.6	10	23.3
Immigration	20,046	18,986	94.7	209	1.0	147	0.7	704	3.5
Child Pornography	1,936	1,877	97.0	38	2.0	7	0.4	14	0.7
Prison Offenses	474	426	89.9	29	6.1	5	1.1	14	3.0
Administration of Justice Offenses	1,033	735	71.2	60	5.8	52	5.0	186	18.0
Environmental/Wildlife	138	28	20.3	1	0.7	18	13.0	91	65.9
National Defense	100	87	87.0	4	4.0	1	1.0	8	8.0
Antitrust	21	10	47.6	0	0.0	0	0.0	11	52.4
Food & Drug	110	29	26.4	9	8.2	13	11.8	59	53.6
Other Miscellaneous Offenses	1,613	724	44.9	53	3.3	150	9.3	686	42.5

Of the 67,742 guideline cases, 504 cases were excluded due to one of the following reasons: missing sentencing information (1), or cases in which the defendant received no imprisonment or probation (503).

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 5**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

**South Dakota**

PRIMARY OFFENSE	TOTAL	Prison Only		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>440</b>	<b>362</b>	<b>82.3</b>	<b>21</b>	<b>4.8</b>	<b>7</b>	<b>1.6</b>	<b>50</b>	<b>11.4</b>
Murder	3	3	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	3	3	100.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	29	29	100.0	0	0.0	0	0.0	0	0.0
Assault	87	77	88.5	4	4.6	0	0.0	6	6.9
Robbery	2	2	100.0	0	0.0	0	0.0	0	0.0
Arson	5	5	100.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	84	82	97.6	2	2.4	0	0.0	0	0.0
Drugs - Communication Facility	0	0	--	0	--	0	--	0	--
Drugs - Simple Possession	2	1	50.0	0	0.0	0	0.0	1	50.0
Firearms	51	41	80.4	7	13.7	0	0.0	3	5.9
Burglary/B&E	7	5	71.4	2	28.6	0	0.0	0	0.0
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	13	6	46.2	1	7.7	0	0.0	6	46.2
Fraud	25	19	76.0	1	4.0	0	0.0	5	20.0
Embezzlement	5	1	20.0	0	0.0	0	0.0	4	80.0
Forgery/Counterfeiting	0	0	--	0	--	0	--	0	--
Bribery	0	0	--	0	--	0	--	0	--
Tax	4	3	75.0	0	0.0	0	0.0	1	25.0
Money Laundering	2	2	100.0	0	0.0	0	0.0	0	0.0
Racketeering/Extortion	0	0	--	0	--	0	--	0	--
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	1	1	100.0	0	0.0	0	0.0	0	0.0
Immigration	31	30	96.8	0	0.0	1	3.2	0	0.0
Child Pornography	8	7	87.5	1	12.5	0	0.0	0	0.0
Prison Offenses	8	8	100.0	0	0.0	0	0.0	0	0.0
Administration of Justice Offenses	34	28	82.4	3	8.8	2	5.9	1	2.9
Environmental/Wildlife	1	1	100.0	0	0.0	0	0.0	0	0.0
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	0	0	--	0	--	0	--	0	--
Other Miscellaneous Offenses	35	8	22.9	0	0.0	4	11.4	23	65.7

Of the 440 guideline cases from the District of South Dakota, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 6**

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

PRIMARY OFFENSE	TOTAL	National				South Dakota			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>4,927</b>	<b>1,945</b>	<b>39.5</b>	<b>2,982</b>	<b>60.5</b>	<b>29</b>	<b>45.3</b>	<b>35</b>	<b>54.7</b>
<b>Fraud</b>	<b>1,102</b>	415	37.7	687	62.3	2	40.0	3	60.0
<b>Larceny</b>	<b>507</b>	118	23.3	389	76.7	3	42.9	4	57.1
<b>Immigration</b>	<b>384</b>	214	55.7	170	44.3	0	--	0	--
<b>Embezzlement</b>	<b>160</b>	27	16.9	133	83.1	1	33.3	2	66.7
<b>Drugs - Trafficking</b>	<b>443</b>	236	53.3	207	46.7	1	100.0	0	0.0
<b>Drugs - Simple Possession</b>	<b>408</b>	217	53.2	191	46.8	1	50.0	1	50.0
<b>Firearms</b>	<b>142</b>	92	64.8	50	35.2	1	33.3	2	66.7
<b>Forgery/Counterfeiting</b>	<b>118</b>	58	49.2	60	50.8	0	--	0	--
<b>Other Miscellaneous Offenses</b>	<b>1,663</b>	568	34.2	1,095	65.8	20	46.5	23	53.5

Of the 67,742 guideline cases, a U.S. Citizen was the defendant in 39,192 cases. Of these, 34,265 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison sentence (34,265), or missing sentencing information (1).

Of the 440 guideline cases from the District of South Dakota, a U.S. Citizen was the defendant in 397 cases. Of these, 333 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, 2016 Datafile, USSCFY16.

**Table 7**

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

PRIMARY OFFENSE	National			South Dakota		
	Mean Months	Median Months	N	Mean Months	Median Months	N
<b>TOTAL</b>	<b>50</b>	<b>27</b>	<b>58,291</b>	<b>54</b>	<b>30</b>	<b>357</b>
<b>Murder</b>	244	210	84	219	210	3
<b>Manslaughter</b>	72	68	55	--	--	2
<b>Kidnapping/Hostage Taking</b>	252	235	37	--	--	0
<b>Sexual Abuse</b>	148	120	604	87	51	28
<b>Assault</b>	38	25	616	31	24	76
<b>Robbery</b>	75	60	678	--	--	2
<b>Arson</b>	73	60	41	38	39	4
<b>Drugs - Trafficking</b>	71	57	17,889	92	71	80
<b>Drugs - Communication Facility</b>	36	36	194	--	--	0
<b>Drugs - Simple Possession</b>	5	6	1,557	--	--	1
<b>Firearms</b>	80	57	6,876	46	37	46
<b>Burglary/B&amp;E</b>	16	15	15	19	12	5
<b>Auto Theft</b>	105	63	40	--	--	0
<b>Larceny</b>	20	12	381	14	10	6
<b>Fraud</b>	34	24	4,690	30	25	20
<b>Embezzlement</b>	19	12	123	--	--	1
<b>Forgery/Counterfeiting</b>	23	18	337	--	--	0
<b>Bribery</b>	29	20	142	--	--	0
<b>Tax</b>	20	16	303	14	12	3
<b>Money Laundering</b>	40	28	530	--	--	2
<b>Racketeering/Extortion</b>	94	60	824	--	--	0
<b>Gambling/Lottery</b>	11	6	24	--	--	0
<b>Civil Rights</b>	44	24	25	--	--	1
<b>Immigration</b>	15	10	18,292	6	3	25
<b>Child Pornography</b>	148	100	1,889	216	180	7
<b>Prison Offenses</b>	14	12	434	11	12	8
<b>Administration of Justice Offenses</b>	25	18	736	19	14	28
<b>Environmental/Wildlife</b>	12	12	28	--	--	1
<b>National Defense</b>	65	40	85	--	--	0
<b>Antitrust</b>	8	7	10	--	--	0
<b>Food &amp; Drug</b>	23	15	35	--	--	0
<b>Other Miscellaneous Offenses</b>	47	12	717	56	23	8

Of the 67,742 guideline cases, 9,451 cases were excluded for one of the following reasons: zero months of prison ordered (8,946), or missing or indeterminable sentencing information (505).

Of the 440 guideline cases from the District of South Dakota, 83 cases were excluded due to zero months of prison ordered.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 8**

**COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE  
Fiscal Year 2016**

	National		South Dakota	
	N	%	N	%
<b>TOTAL CASES<sup>1</sup></b>	<b>66,961</b>	<b>100.0</b>	<b>440</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>32,519</b>	<b>48.6</b>	<b>264</b>	<b>60.0</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>1,617</b>	<b>2.4</b>	<b>15</b>	<b>3.4</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>419</b>	<b>0.6</b>	<b>10</b>	<b>2.3</b>
Upward Departure From Guideline Range <sup>2</sup>	317	0.5	9	2.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	102	0.2	1	0.2
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>1,198</b>	<b>1.8</b>	<b>5</b>	<b>1.1</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	1,131	1.7	4	0.9
All Remaining Cases Above Guideline Range <sup>5</sup>	67	0.1	1	0.2
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>18,882</b>	<b>28.2</b>	<b>49</b>	<b>11.1</b>
§5K1.1 Substantial Assistance Departure	7,443	11.1	13	3.0
§5K3.1 Early Disposition Program Departure	5,960	8.9	3	0.7
Other Government Sponsored Below Range	5,479	8.2	33	7.5
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>13,943</b>	<b>20.8</b>	<b>112</b>	<b>25.5</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>1,868</b>	<b>2.8</b>	<b>24</b>	<b>5.5</b>
Downward Departure From Guideline Range <sup>2</sup>	1,321	2.0	19	4.3
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	547	0.8	5	1.1
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>12,075</b>	<b>18.0</b>	<b>88</b>	<b>20.0</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	11,684	17.4	85	19.3
All Remaining Cases Below Guideline Range <sup>5</sup>	391	0.6	3	0.7

<sup>1</sup> This table reflects the 67,742 cases sentenced nationally in fiscal year 2016, 440 of which were from the District of South Dakota. Of these, 781 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 District of South Dakota 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, 2016 Datafile, USSCFY16.

**Table 9**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT  
Fiscal Year 2016**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>66,961</b>	<b>32,519</b>	<b>48.6</b>	<b>317</b>	<b>0.5</b>	<b>102</b>	<b>0.2</b>	<b>1,131</b>	<b>1.7</b>	<b>67</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>255</b>	<b>71</b>	<b>27.8</b>	<b>1</b>	<b>0.4</b>	<b>1</b>	<b>0.4</b>	<b>2</b>	<b>0.8</b>	<b>0</b>	<b>0.0</b>
District of Columbia	255	71	27.8	1	0.4	1	0.4	2	0.8	0	0.0
<b>FIRST CIRCUIT</b>	<b>2,046</b>	<b>1,001</b>	<b>48.9</b>	<b>7</b>	<b>0.3</b>	<b>7</b>	<b>0.3</b>	<b>79</b>	<b>3.9</b>	<b>6</b>	<b>0.3</b>
Maine	201	75	37.3	1	0.5	1	0.5	3	1.5	1	0.5
Massachusetts	495	136	27.5	2	0.4	0	0.0	5	1.0	0	0.0
New Hampshire	177	82	46.3	2	1.1	1	0.6	8	4.5	0	0.0
Puerto Rico	1,083	680	62.8	2	0.2	5	0.5	62	5.7	5	0.5
Rhode Island	90	28	31.1	0	0.0	0	0.0	1	1.1	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,407</b>	<b>946</b>	<b>27.8</b>	<b>12</b>	<b>0.4</b>	<b>2</b>	<b>0.1</b>	<b>30</b>	<b>0.9</b>	<b>0</b>	<b>0.0</b>
Connecticut	304	81	26.6	2	0.7	2	0.7	3	1.0	0	0.0
New York											
Eastern	796	176	22.1	2	0.3	0	0.0	10	1.3	0	0.0
Northern	306	155	50.7	0	0.0	0	0.0	1	0.3	0	0.0
Southern	1,350	300	22.2	1	0.1	0	0.0	12	0.9	0	0.0
Western	463	196	42.3	7	1.5	0	0.0	4	0.9	0	0.0
Vermont	188	38	20.2	0	0.0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,090</b>	<b>813</b>	<b>38.9</b>	<b>3</b>	<b>0.1</b>	<b>3</b>	<b>0.1</b>	<b>28</b>	<b>1.3</b>	<b>2</b>	<b>0.1</b>
Delaware	71	18	25.4	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	667	258	38.7	0	0.0	1	0.1	4	0.6	1	0.1
Pennsylvania											
Eastern	584	173	29.6	0	0.0	0	0.0	11	1.9	0	0.0
Middle	305	158	51.8	2	0.7	0	0.0	2	0.7	0	0.0
Western	404	160	39.6	1	0.2	2	0.5	10	2.5	1	0.2
Virgin Islands	59	46	78.0	0	0.0	0	0.0	1	1.7	0	0.0
<b>FOURTH CIRCUIT</b>	<b>5,210</b>	<b>2,880</b>	<b>55.3</b>	<b>35</b>	<b>0.7</b>	<b>13</b>	<b>0.2</b>	<b>108</b>	<b>2.1</b>	<b>10</b>	<b>0.2</b>
Maryland	707	216	30.6	5	0.7	4	0.6	29	4.1	2	0.3
North Carolina											
Eastern	569	333	58.5	3	0.5	6	1.1	12	2.1	2	0.4
Middle	423	242	57.2	2	0.5	0	0.0	10	2.4	0	0.0
Western	655	339	51.8	3	0.5	0	0.0	10	1.5	1	0.2
South Carolina	626	341	54.5	9	1.4	2	0.3	6	1.0	0	0.0
Virginia											
Eastern	1,406	964	68.6	9	0.6	1	0.1	19	1.4	2	0.1
Western	311	147	47.3	2	0.6	0	0.0	10	3.2	2	0.6
West Virginia											
Northern	310	184	59.4	1	0.3	0	0.0	6	1.9	1	0.3
Southern	203	114	56.2	1	0.5	0	0.0	6	3.0	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,443</b>	<b>11.1</b>	<b>5,960</b>	<b>8.9</b>	<b>5,479</b>	<b>8.2</b>	<b>1,321</b>	<b>2.0</b>	<b>547</b>	<b>0.8</b>	<b>11,684</b>	<b>17.4</b>	<b>391</b>	<b>0.6</b>
<b>D.C. CIRCUIT</b>	<b>59</b>	<b>23.1</b>	<b>2</b>	<b>0.8</b>	<b>45</b>	<b>17.6</b>	<b>15</b>	<b>5.9</b>	<b>10</b>	<b>3.9</b>	<b>43</b>	<b>16.9</b>	<b>6</b>	<b>2.4</b>
District of Columbia	59	23.1	2	0.8	45	17.6	15	5.9	10	3.9	43	16.9	6	2.4
<b>FIRST CIRCUIT</b>	<b>204</b>	<b>10.0</b>	<b>33</b>	<b>1.6</b>	<b>265</b>	<b>13.0</b>	<b>41</b>	<b>2.0</b>	<b>19</b>	<b>0.9</b>	<b>371</b>	<b>18.1</b>	<b>13</b>	<b>0.6</b>
Maine	46	22.9	0	0.0	8	4.0	1	0.5	6	3.0	59	29.4	0	0.0
Massachusetts	44	8.9	6	1.2	136	27.5	15	3.0	4	0.8	143	28.9	4	0.8
New Hampshire	17	9.6	0	0.0	27	15.3	4	2.3	3	1.7	33	18.6	0	0.0
Puerto Rico	92	8.5	27	2.5	74	6.8	21	1.9	6	0.6	100	9.2	9	0.8
Rhode Island	5	5.6	0	0.0	20	22.2	0	0.0	0	0.0	36	40.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>736</b>	<b>21.6</b>	<b>25</b>	<b>0.7</b>	<b>237</b>	<b>7.0</b>	<b>91</b>	<b>2.7</b>	<b>70</b>	<b>2.1</b>	<b>1,237</b>	<b>36.3</b>	<b>21</b>	<b>0.6</b>
Connecticut	55	18.1	0	0.0	29	9.5	25	8.2	6	2.0	101	33.2	0	0.0
New York														
Eastern	223	28.0	4	0.5	44	5.5	35	4.4	33	4.1	258	32.4	11	1.4
Northern	47	15.4	5	1.6	6	2.0	3	1.0	3	1.0	83	27.1	3	1.0
Southern	269	19.9	16	1.2	52	3.9	23	1.7	25	1.9	646	47.9	6	0.4
Western	110	23.8	0	0.0	54	11.7	0	0.0	1	0.2	90	19.4	1	0.2
Vermont	32	17.0	0	0.0	52	27.7	5	2.7	2	1.1	59	31.4	0	0.0
<b>THIRD CIRCUIT</b>	<b>523</b>	<b>25.0</b>	<b>6</b>	<b>0.3</b>	<b>188</b>	<b>9.0</b>	<b>13</b>	<b>0.6</b>	<b>16</b>	<b>0.8</b>	<b>480</b>	<b>23.0</b>	<b>15</b>	<b>0.7</b>
Delaware	14	19.7	0	0.0	16	22.5	0	0.0	1	1.4	22	31.0	0	0.0
New Jersey	189	28.3	1	0.1	48	7.2	2	0.3	3	0.4	159	23.8	1	0.1
Pennsylvania														
Eastern	187	32.0	4	0.7	50	8.6	6	1.0	5	0.9	140	24.0	8	1.4
Middle	65	21.3	1	0.3	7	2.3	5	1.6	5	1.6	57	18.7	3	1.0
Western	65	16.1	0	0.0	65	16.1	0	0.0	2	0.5	98	24.3	0	0.0
Virgin Islands	3	5.1	0	0.0	2	3.4	0	0.0	0	0.0	4	6.8	3	5.1
<b>FOURTH CIRCUIT</b>	<b>737</b>	<b>14.1</b>	<b>18</b>	<b>0.3</b>	<b>378</b>	<b>7.3</b>	<b>55</b>	<b>1.1</b>	<b>40</b>	<b>0.8</b>	<b>914</b>	<b>17.5</b>	<b>22</b>	<b>0.4</b>
Maryland	152	21.5	1	0.1	164	23.2	5	0.7	7	1.0	120	17.0	2	0.3
North Carolina														
Eastern	131	23.0	0	0.0	1	0.2	5	0.9	4	0.7	69	12.1	3	0.5
Middle	62	14.7	1	0.2	5	1.2	5	1.2	4	0.9	92	21.7	0	0.0
Western	157	24.0	2	0.3	38	5.8	3	0.5	2	0.3	99	15.1	1	0.2
South Carolina	94	15.0	4	0.6	44	7.0	1	0.2	3	0.5	120	19.2	2	0.3
Virginia														
Eastern	42	3.0	2	0.1	55	3.9	24	1.7	18	1.3	262	18.6	8	0.6
Western	63	20.3	0	0.0	30	9.6	11	3.5	2	0.6	43	13.8	1	0.3
West Virginia														
Northern	14	4.5	5	1.6	33	10.6	0	0.0	0	0.0	63	20.3	3	1.0
Southern	22	10.8	3	1.5	8	3.9	1	0.5	0	0.0	46	22.7	2	1.0

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>15,900</b>	<b>10,038</b>	<b>63.1</b>	<b>83</b>	<b>0.5</b>	<b>21</b>	<b>0.1</b>	<b>288</b>	<b>1.8</b>	<b>11</b>	<b>0.1</b>
Louisiana											
Eastern	337	183	54.3	0	0.0	1	0.3	5	1.5	0	0.0
Middle	162	76	46.9	1	0.6	2	1.2	2	1.2	1	0.6
Western	225	148	65.8	0	0.0	0	0.0	5	2.2	2	0.9
Mississippi											
Northern	161	86	53.4	1	0.6	0	0.0	7	4.3	0	0.0
Southern	235	161	68.5	0	0.0	0	0.0	5	2.1	0	0.0
Texas											
Eastern	827	555	67.1	7	0.8	1	0.1	21	2.5	0	0.0
Northern	1,372	867	63.2	14	1.0	6	0.4	52	3.8	1	0.1
Southern	6,479	3,713	57.3	36	0.6	9	0.1	67	1.0	1	0.0
Western	6,102	4,249	69.6	24	0.4	2	0.0	124	2.0	6	0.1
<b>SIXTH CIRCUIT</b>	<b>4,497</b>	<b>1,928</b>	<b>42.9</b>	<b>10</b>	<b>0.2</b>	<b>7</b>	<b>0.2</b>	<b>75</b>	<b>1.7</b>	<b>8</b>	<b>0.2</b>
Kentucky											
Eastern	439	264	60.1	1	0.2	1	0.2	11	2.5	0	0.0
Western	332	139	41.9	2	0.6	0	0.0	3	0.9	0	0.0
Michigan											
Eastern	895	302	33.7	1	0.1	1	0.1	10	1.1	0	0.0
Western	330	185	56.1	3	0.9	2	0.6	8	2.4	1	0.3
Ohio											
Northern	583	255	43.7	1	0.2	0	0.0	9	1.5	2	0.3
Southern	502	144	28.7	2	0.4	1	0.2	6	1.2	4	0.8
Tennessee											
Eastern	748	361	48.3	0	0.0	2	0.3	15	2.0	0	0.0
Middle	206	56	27.2	0	0.0	0	0.0	4	1.9	1	0.5
Western	462	222	48.1	0	0.0	0	0.0	9	1.9	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>2,269</b>	<b>817</b>	<b>36.0</b>	<b>6</b>	<b>0.3</b>	<b>5</b>	<b>0.2</b>	<b>39</b>	<b>1.7</b>	<b>3</b>	<b>0.1</b>
Illinois											
Central	259	82	31.7	1	0.4	2	0.8	11	4.2	0	0.0
Northern	640	169	26.4	0	0.0	2	0.3	6	0.9	0	0.0
Southern	314	196	62.4	2	0.6	0	0.0	3	1.0	2	0.6
Indiana											
Northern	300	146	48.7	0	0.0	0	0.0	4	1.3	0	0.0
Southern	330	124	37.6	1	0.3	0	0.0	7	2.1	1	0.3
Wisconsin											
Eastern	301	57	18.9	0	0.0	0	0.0	8	2.7	0	0.0
Western	125	43	34.4	2	1.6	1	0.8	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,728</b>	<b>2,092</b>	<b>44.2</b>	<b>31</b>	<b>0.7</b>	<b>7</b>	<b>0.1</b>	<b>108</b>	<b>2.3</b>	<b>5</b>	<b>0.1</b>
Arkansas											
Eastern	372	178	47.8	1	0.3	0	0.0	13	3.5	0	0.0
Western	253	113	44.7	0	0.0	0	0.0	10	4.0	0	0.0
Iowa											
Northern	348	214	61.5	10	2.9	2	0.6	9	2.6	1	0.3
Southern	353	97	27.5	0	0.0	1	0.3	2	0.6	0	0.0
Minnesota	494	148	30.0	1	0.2	2	0.4	5	1.0	2	0.4
Missouri											
Eastern	740	341	46.1	4	0.5	0	0.0	16	2.2	0	0.0
Western	826	340	41.2	4	0.5	1	0.1	35	4.2	0	0.0
Nebraska	541	276	51.0	0	0.0	0	0.0	11	2.0	0	0.0
North Dakota	361	121	33.5	2	0.6	0	0.0	3	0.8	1	0.3
South Dakota	440	264	60.0	9	2.0	1	0.2	4	0.9	1	0.2



CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>1,209</b>	<b>7.6</b>	<b>621</b>	<b>3.9</b>	<b>536</b>	<b>3.4</b>	<b>673</b>	<b>4.2</b>	<b>56</b>	<b>0.4</b>	<b>2,244</b>	<b>14.1</b>	<b>120</b>	<b>0.8</b>
<b>Louisiana</b>														
Eastern	58	17.2	3	0.9	9	2.7	2	0.6	7	2.1	68	20.2	1	0.3
Middle	23	14.2	1	0.6	3	1.9	2	1.2	0	0.0	51	31.5	0	0.0
Western	17	7.6	0	0.0	3	1.3	1	0.4	1	0.4	44	19.6	4	1.8
<b>Mississippi</b>														
Northern	27	16.8	0	0.0	7	4.3	2	1.2	0	0.0	31	19.3	0	0.0
Southern	34	14.5	0	0.0	5	2.1	0	0.0	0	0.0	30	12.8	0	0.0
<b>Texas</b>														
Eastern	34	4.1	5	0.6	165	20.0	3	0.4	0	0.0	35	4.2	1	0.1
Northern	193	14.1	3	0.2	49	3.6	13	0.9	3	0.2	171	12.5	0	0.0
Southern	422	6.5	398	6.1	109	1.7	513	7.9	36	0.6	1,169	18.0	6	0.1
Western	401	6.6	211	3.5	186	3.0	137	2.2	9	0.1	645	10.6	108	1.8
<b>SIXTH CIRCUIT</b>	<b>947</b>	<b>21.1</b>	<b>8</b>	<b>0.2</b>	<b>474</b>	<b>10.5</b>	<b>42</b>	<b>0.9</b>	<b>45</b>	<b>1.0</b>	<b>940</b>	<b>20.9</b>	<b>13</b>	<b>0.3</b>
<b>Kentucky</b>														
Eastern	35	8.0	0	0.0	32	7.3	0	0.0	2	0.5	93	21.2	0	0.0
Western	70	21.1	2	0.6	69	20.8	1	0.3	2	0.6	43	13.0	1	0.3
<b>Michigan</b>														
Eastern	196	21.9	0	0.0	57	6.4	7	0.8	14	1.6	305	34.1	2	0.2
Western	49	14.8	0	0.0	6	1.8	5	1.5	9	2.7	62	18.8	0	0.0
<b>Ohio</b>														
Northern	136	23.3	0	0.0	21	3.6	9	1.5	2	0.3	143	24.5	5	0.9
Southern	98	19.5	5	1.0	128	25.5	13	2.6	10	2.0	91	18.1	0	0.0
<b>Tennessee</b>														
Eastern	229	30.6	0	0.0	57	7.6	3	0.4	4	0.5	76	10.2	1	0.1
Middle	49	23.8	0	0.0	63	30.6	2	1.0	0	0.0	30	14.6	1	0.5
Western	85	18.4	1	0.2	41	8.9	2	0.4	2	0.4	97	21.0	3	0.6
<b>SEVENTH CIRCUIT</b>	<b>305</b>	<b>13.4</b>	<b>4</b>	<b>0.2</b>	<b>222</b>	<b>9.8</b>	<b>61</b>	<b>2.7</b>	<b>71</b>	<b>3.1</b>	<b>715</b>	<b>31.5</b>	<b>21</b>	<b>0.9</b>
<b>Illinois</b>														
Central	45	17.4	0	0.0	31	12.0	3	1.2	3	1.2	81	31.3	0	0.0
Northern	68	10.6	4	0.6	30	4.7	27	4.2	50	7.8	270	42.2	14	2.2
Southern	18	5.7	0	0.0	35	11.1	4	1.3	3	1.0	51	16.2	0	0.0
<b>Indiana</b>														
Northern	41	13.7	0	0.0	31	10.3	1	0.3	0	0.0	72	24.0	5	1.7
Southern	74	22.4	0	0.0	40	12.1	4	1.2	1	0.3	78	23.6	0	0.0
<b>Wisconsin</b>														
Eastern	50	16.6	0	0.0	49	16.3	0	0.0	1	0.3	134	44.5	2	0.7
Western	9	7.2	0	0.0	6	4.8	22	17.6	13	10.4	29	23.2	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>646</b>	<b>13.7</b>	<b>56</b>	<b>1.2</b>	<b>478</b>	<b>10.1</b>	<b>46</b>	<b>1.0</b>	<b>54</b>	<b>1.1</b>	<b>1,182</b>	<b>25.0</b>	<b>23</b>	<b>0.5</b>
<b>Arkansas</b>														
Eastern	39	10.5	0	0.0	13	3.5	2	0.5	3	0.8	120	32.3	3	0.8
Western	45	17.8	1	0.4	6	2.4	3	1.2	4	1.6	69	27.3	2	0.8
<b>Iowa</b>														
Northern	54	15.5	0	0.0	7	2.0	2	0.6	1	0.3	48	13.8	0	0.0
Southern	59	16.7	1	0.3	85	24.1	1	0.3	3	0.8	103	29.2	1	0.3
<b>Minnesota</b>														
Northern	74	15.0	0	0.0	32	6.5	9	1.8	18	3.6	202	40.9	1	0.2
<b>Missouri</b>														
Eastern	84	11.4	1	0.1	115	15.5	1	0.1	6	0.8	170	23.0	2	0.3
Western	119	14.4	0	0.0	90	10.9	3	0.4	2	0.2	229	27.7	3	0.4
<b>Nebraska</b>														
Northern	24	4.4	34	6.3	67	12.4	4	0.7	9	1.7	109	20.1	7	1.3
<b>North Dakota</b>														
Northern	135	37.4	16	4.4	30	8.3	2	0.6	3	0.8	47	13.0	1	0.3
<b>South Dakota</b>														
Northern	13	3.0	3	0.7	33	7.5	19	4.3	5	1.1	85	19.3	3	0.7

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>13,149</b>	<b>4,609</b>	<b>35.1</b>	<b>99</b>	<b>0.8</b>	<b>21</b>	<b>0.2</b>	<b>244</b>	<b>1.9</b>	<b>16</b>	<b>0.1</b>
Alaska	177	64	36.2	0	0.0	0	0.0	4	2.3	0	0.0
Arizona	5,540	2,414	43.6	70	1.3	13	0.2	165	3.0	6	0.1
California											
Central	964	294	30.5	2	0.2	4	0.4	7	0.7	1	0.1
Eastern	669	286	42.8	6	0.9	1	0.1	10	1.5	1	0.1
Northern	464	174	37.5	0	0.0	0	0.0	10	2.2	0	0.0
Southern	2,847	423	14.9	10	0.4	1	0.0	8	0.3	7	0.2
Guam	67	40	59.7	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	141	59	41.8	0	0.0	0	0.0	1	0.7	0	0.0
Idaho	259	112	43.2	1	0.4	0	0.0	1	0.4	1	0.4
Montana	317	105	33.1	1	0.3	1	0.3	5	1.6	0	0.0
Nevada	399	204	51.1	1	0.3	1	0.3	8	2.0	0	0.0
Northern Mariana Islands	22	15	68.2	1	4.5	0	0.0	0	0.0	0	0.0
Oregon	447	140	31.3	0	0.0	0	0.0	6	1.3	0	0.0
Washington											
Eastern	303	106	35.0	7	2.3	0	0.0	7	2.3	0	0.0
Western	533	173	32.5	0	0.0	0	0.0	12	2.3	0	0.0
<b>TENTH CIRCUIT</b>	<b>7,456</b>	<b>4,130</b>	<b>55.4</b>	<b>23</b>	<b>0.3</b>	<b>5</b>	<b>0.1</b>	<b>32</b>	<b>0.4</b>	<b>3</b>	<b>0.0</b>
Colorado	482	182	37.8	4	0.8	0	0.0	8	1.7	0	0.0
Kansas	473	201	42.5	0	0.0	2	0.4	9	1.9	1	0.2
New Mexico	4,970	3,169	63.8	8	0.2	1	0.0	7	0.1	1	0.0
Oklahoma											
Eastern	100	72	72.0	0	0.0	1	1.0	0	0.0	0	0.0
Northern	211	73	34.6	1	0.5	0	0.0	1	0.5	0	0.0
Western	327	159	48.6	0	0.0	0	0.0	5	1.5	0	0.0
Utah	677	185	27.3	8	1.2	0	0.0	1	0.1	1	0.1
Wyoming	216	89	41.2	2	0.9	1	0.5	1	0.5	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>5,954</b>	<b>3,194</b>	<b>53.6</b>	<b>7</b>	<b>0.1</b>	<b>10</b>	<b>0.2</b>	<b>98</b>	<b>1.6</b>	<b>3</b>	<b>0.1</b>
Alabama											
Middle	152	78	51.3	1	0.7	1	0.7	3	2.0	0	0.0
Northern	359	195	54.3	0	0.0	0	0.0	3	0.8	1	0.3
Southern	317	191	60.3	1	0.3	0	0.0	2	0.6	0	0.0
Florida											
Middle	1,414	642	45.4	0	0.0	1	0.1	16	1.1	0	0.0
Northern	253	107	42.3	0	0.0	3	1.2	7	2.8	0	0.0
Southern	2,174	1,273	58.6	1	0.0	4	0.2	51	2.3	2	0.1
Georgia											
Middle	354	248	70.1	1	0.3	0	0.0	4	1.1	0	0.0
Northern	527	147	27.9	1	0.2	1	0.2	10	1.9	0	0.0
Southern	404	313	77.5	2	0.5	0	0.0	2	0.5	0	0.0

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>995</b>	<b>7.6</b>	<b>3,663</b>	<b>27.9</b>	<b>1,639</b>	<b>12.5</b>	<b>202</b>	<b>1.5</b>	<b>94</b>	<b>0.7</b>	<b>1,474</b>	<b>11.2</b>	<b>93</b>	<b>0.7</b>
Alaska	29	16.4	0	0.0	36	20.3	0	0.0	1	0.6	43	24.3	0	0.0
Arizona	123	2.2	1,869	33.7	525	9.5	25	0.5	11	0.2	307	5.5	12	0.2
<b>California</b>														
Central	158	16.4	50	5.2	161	16.7	41	4.3	33	3.4	187	19.4	26	2.7
Eastern	113	16.9	27	4.0	50	7.5	16	2.4	4	0.6	150	22.4	5	0.7
Northern	55	11.9	15	3.2	45	9.7	6	1.3	6	1.3	148	31.9	5	1.1
Southern	178	6.3	1,637	57.5	283	9.9	98	3.4	15	0.5	152	5.3	35	1.2
Guam	22	32.8	0	0.0	1	1.5	0	0.0	0	0.0	3	4.5	1	1.5
Hawaii	43	30.5	0	0.0	8	5.7	0	0.0	0	0.0	30	21.3	0	0.0
Idaho	56	21.6	6	2.3	12	4.6	3	1.2	6	2.3	61	23.6	0	0.0
Montana	60	18.9	0	0.0	20	6.3	3	0.9	2	0.6	118	37.2	2	0.6
Nevada	39	9.8	10	2.5	57	14.3	6	1.5	5	1.3	67	16.8	1	0.3
Northern Mariana Islands	3	13.6	0	0.0	1	4.5	0	0.0	1	4.5	1	4.5	0	0.0
Oregon	56	12.5	2	0.4	149	33.3	0	0.0	5	1.1	84	18.8	5	1.1
<b>Washington</b>														
Eastern	34	11.2	25	8.3	72	23.8	3	1.0	0	0.0	49	16.2	0	0.0
Western	26	4.9	22	4.1	219	41.1	1	0.2	5	0.9	74	13.9	1	0.2
<b>TENTH CIRCUIT</b>	<b>338</b>	<b>4.5</b>	<b>1,506</b>	<b>20.2</b>	<b>646</b>	<b>8.7</b>	<b>37</b>	<b>0.5</b>	<b>29</b>	<b>0.4</b>	<b>686</b>	<b>9.2</b>	<b>21</b>	<b>0.3</b>
Colorado	76	15.8	26	5.4	93	19.3	5	1.0	5	1.0	81	16.8	2	0.4
Kansas	67	14.2	8	1.7	129	27.3	6	1.3	4	0.8	46	9.7	0	0.0
New Mexico	65	1.3	1,242	25.0	204	4.1	13	0.3	13	0.3	229	4.6	18	0.4
<b>Oklahoma</b>														
Eastern	17	17.0	0	0.0	2	2.0	0	0.0	0	0.0	8	8.0	0	0.0
Northern	46	21.8	0	0.0	14	6.6	1	0.5	2	0.9	73	34.6	0	0.0
Western	24	7.3	0	0.0	12	3.7	2	0.6	1	0.3	123	37.6	1	0.3
Utah	30	4.4	208	30.7	141	20.8	9	1.3	1	0.1	93	13.7	0	0.0
Wyoming	13	6.0	22	10.2	51	23.6	1	0.5	3	1.4	33	15.3	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>744</b>	<b>12.5</b>	<b>18</b>	<b>0.3</b>	<b>371</b>	<b>6.2</b>	<b>45</b>	<b>0.8</b>	<b>43</b>	<b>0.7</b>	<b>1,398</b>	<b>23.5</b>	<b>23</b>	<b>0.4</b>
<b>Alabama</b>														
Middle	29	19.1	1	0.7	11	7.2	0	0.0	1	0.7	27	17.8	0	0.0
Northern	65	18.1	0	0.0	15	4.2	2	0.6	1	0.3	77	21.4	0	0.0
Southern	42	13.2	1	0.3	13	4.1	0	0.0	0	0.0	67	21.1	0	0.0
<b>Florida</b>														
Middle	262	18.5	15	1.1	45	3.2	8	0.6	13	0.9	408	28.9	4	0.3
Northern	50	19.8	0	0.0	1	0.4	2	0.8	2	0.8	81	32.0	0	0.0
Southern	141	6.5	1	0.0	80	3.7	23	1.1	18	0.8	563	25.9	17	0.8
<b>Georgia</b>														
Middle	50	14.1	0	0.0	7	2.0	3	0.8	1	0.3	39	11.0	1	0.3
Northern	59	11.2	0	0.0	189	35.9	6	1.1	6	1.1	108	20.5	0	0.0
Southern	46	11.4	0	0.0	10	2.5	1	0.2	1	0.2	28	6.9	1	0.2

Of the 67,742 cases, 781 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: Eastern North Carolina (12.6%), Western Louisiana (10.7%), Southern West Virginia (6.5%), and Middle Tennessee (6.4%).

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.

**Table 10**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY SELECTED PRIMARY OFFENSE CATEGORY  
Fiscal Year 2016**

**National**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>66,961</b>	<b>32,519</b>	<b>48.6</b>	<b>317</b>	<b>0.5</b>	<b>102</b>	<b>0.2</b>	<b>1,131</b>	<b>1.7</b>	<b>67</b>	<b>0.1</b>
Robbery	701	365	52.1	5	0.7	1	0.1	28	4.0	3	0.4
Drugs - Trafficking	19,222	6,921	36.0	66	0.3	12	0.1	137	0.7	14	0.1
Drugs - Simple Possession	1,624	1,466	90.3	8	0.5	0	0.0	135	8.3	2	0.1
Firearms	7,293	3,836	52.6	53	0.7	26	0.4	257	3.5	9	0.1
Larceny	978	571	58.4	6	0.6	0	0.0	13	1.3	1	0.1
Fraud	6,389	2,730	42.7	30	0.5	15	0.2	88	1.4	4	0.1
Embezzlement	310	175	56.5	0	0.0	1	0.3	5	1.6	0	0.0
Forgery/Counterfeiting	449	256	57.0	1	0.2	2	0.4	11	2.4	0	0.0
Immigration	19,969	11,616	58.2	59	0.3	20	0.1	230	1.2	13	0.1
Other Miscellaneous Offenses	10,026	4,583	45.7	89	0.9	25	0.2	227	2.3	21	0.2

**South Dakota**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>440</b>	<b>264</b>	<b>60.0</b>	<b>9</b>	<b>2.0</b>	<b>1</b>	<b>0.2</b>	<b>4</b>	<b>0.9</b>	<b>1</b>	<b>0.2</b>
Robbery	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	84	52	61.9	1	1.2	0	0.0	1	1.2	0	0.0
Drugs - Simple Possession	2	1	50.0	0	0.0	0	0.0	1	50.0	0	0.0
Firearms	51	30	58.8	1	2.0	0	0.0	0	0.0	0	0.0
Larceny	13	8	61.5	0	0.0	0	0.0	1	7.7	0	0.0
Fraud	25	20	80.0	1	4.0	0	0.0	0	0.0	0	0.0
Embezzlement	5	2	40.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	0	0	--	0	--	0	--	0	--	0	--
Immigration	31	23	74.2	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	227	126	55.5	6	2.6	1	0.4	1	0.4	1	0.4

### National

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,443</b>	<b>11.1</b>	<b>5,960</b>	<b>8.9</b>	<b>5,479</b>	<b>8.2</b>	<b>1,321</b>	<b>2.0</b>	<b>547</b>	<b>0.8</b>	<b>11,684</b>	<b>17.4</b>	<b>391</b>	<b>0.6</b>
Robbery	56	8.0	0	0.0	72	10.3	18	2.6	13	1.9	136	19.4	4	0.6
Drugs - Trafficking	4,342	22.6	1,280	6.7	2,043	10.6	331	1.7	195	1.0	3,798	19.8	83	0.4
Drugs - Simple Possession	1	0.1	1	0.1	4	0.2	1	0.1	0	0.0	4	0.2	2	0.1
Firearms	711	9.7	9	0.1	712	9.8	94	1.3	60	0.8	1,490	20.4	36	0.5
Larceny	57	5.8	0	0.0	113	11.6	11	1.1	13	1.3	182	18.6	11	1.1
Fraud	1,073	16.8	12	0.2	575	9.0	86	1.3	93	1.5	1,619	25.3	64	1.0
Embezzlement	10	3.2	0	0.0	35	11.3	7	2.3	2	0.6	72	23.2	3	1.0
Forgery/Counterfeiting	47	10.5	1	0.2	41	9.1	4	0.9	1	0.2	83	18.5	2	0.4
Immigration	214	1.1	4,624	23.2	451	2.3	612	3.1	74	0.4	1,940	9.7	116	0.6
Other Miscellaneous Offenses	932	9.3	33	0.3	1,433	14.3	157	1.6	96	1.0	2,360	23.5	70	0.7

### South Dakota

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>13</b>	<b>3.0</b>	<b>3</b>	<b>0.7</b>	<b>33</b>	<b>7.5</b>	<b>19</b>	<b>4.3</b>	<b>5</b>	<b>1.1</b>	<b>85</b>	<b>19.3</b>	<b>3</b>	<b>0.7</b>
Robbery	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	9	10.7	0	0.0	1	1.2	3	3.6	2	2.4	15	17.9	0	0.0
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	1	2.0	0	0.0	2	3.9	1	2.0	1	2.0	14	27.5	1	2.0
Larceny	0	0.0	0	0.0	1	7.7	2	15.4	0	0.0	1	7.7	0	0.0
Fraud	0	0.0	0	0.0	1	4.0	0	0.0	0	0.0	3	12.0	0	0.0
Embezzlement	0	0.0	0	0.0	0	0.0	1	20.0	0	0.0	2	40.0	0	0.0
Forgery/Counterfeiting	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Immigration	1	3.2	3	9.7	0	0.0	0	0.0	1	3.2	3	9.7	0	0.0
Other Miscellaneous Offenses	2	0.9	0	0.0	28	12.3	12	5.3	1	0.4	47	20.7	2	0.9

Of the 67,742 guideline cases, 781 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 440 guideline cases from the District of South Dakota, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.