

**United
States
Sentencing
Commission**



Statistical Information Packet

Fiscal Year 2018

Tenth Circuit

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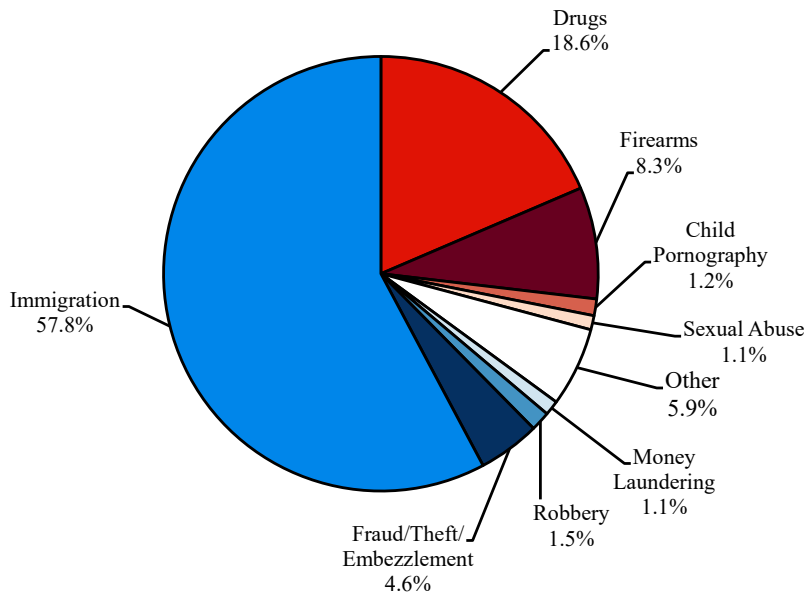
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Figure A
FEDERAL OFFENDERS BY TYPE OF CRIME¹
Fiscal Year 2018

National



Tenth Circuit



The National figure includes the 69,425 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

The Tenth Circuit figure includes the 6,541 cases reported to the Commission.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

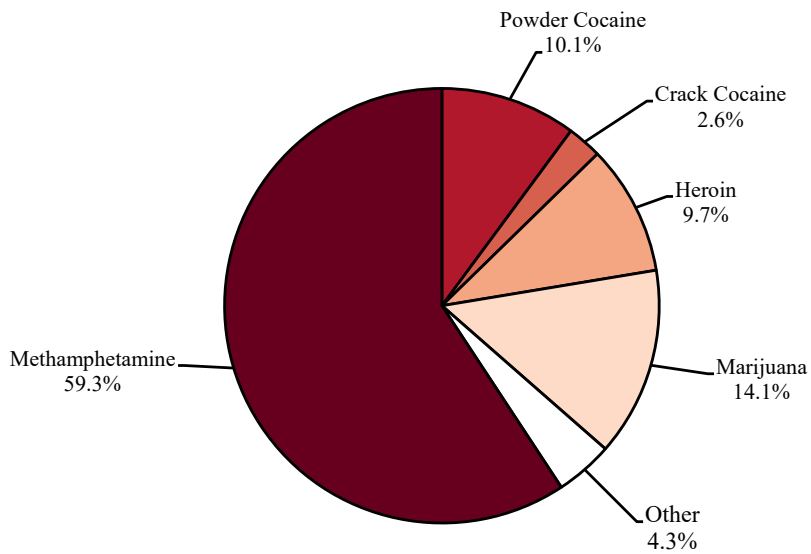
Figure B

**DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2018**

National



Tenth Circuit



Of the 69,425 National cases, in 18,964 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

Of the 6,541 cases from the Tenth Circuit, in 1,166 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

An additional 48 drug possession cases were reported from the Tenth Circuit without guideline information. The primary drug types in those cases were: marijuana (24), methamphetamine (14), other (4), heroin (3), cocaine (2), and crack cocaine (1).

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 1

**DISTRIBUTION OF FEDERAL OFFENDERS
BY TYPE OF CRIME
Fiscal Year 2018**

| TYPE OF CRIME | National | | Tenth Circuit | |
|------------------------------|---------------|--------------|---------------|--------------|
| | N | % | N | % |
| TOTAL | 69,425 | 100.0 | 6,541 | 100.0 |
| Administration of Justice | 730 | 1.1 | 62 | 0.9 |
| Antitrust | 53 | 0.1 | 0 | 0.0 |
| Arson | 55 | 0.1 | 7 | 0.1 |
| Assault | 692 | 1.0 | 78 | 1.2 |
| Bribery/Corruption | 317 | 0.5 | 7 | 0.1 |
| Burglary/Trespass | 41 | 0.1 | 2 | 0.0 |
| Child Pornography | 1,416 | 2.0 | 81 | 1.2 |
| Commercialized Vice | 146 | 0.2 | 7 | 0.1 |
| Drug Possession | 777 | 1.1 | 84 | 1.3 |
| Drug Trafficking | 18,747 | 27.0 | 1,130 | 17.3 |
| Environmental | 203 | 0.3 | 19 | 0.3 |
| Extortion/Racketeering | 288 | 0.4 | 0 | 0.0 |
| Firearms | 7,512 | 10.8 | 543 | 8.3 |
| Food and Drug | 43 | 0.1 | 6 | 0.1 |
| Forgery/Counter/Copyright | 298 | 0.4 | 18 | 0.3 |
| Fraud/Theft/Embezzlement | 6,620 | 9.5 | 301 | 4.6 |
| Immigration | 23,883 | 34.4 | 3,780 | 57.8 |
| Individual Rights | 67 | 0.1 | 4 | 0.1 |
| Kidnapping | 106 | 0.2 | 7 | 0.1 |
| Manslaughter | 61 | 0.1 | 13 | 0.2 |
| Money Laundering | 1,297 | 1.9 | 72 | 1.1 |
| Murder | 318 | 0.5 | 14 | 0.2 |
| National Defense | 204 | 0.3 | 8 | 0.1 |
| Obscenity/Other Sex Offenses | 384 | 0.6 | 20 | 0.3 |
| Prison Offenses | 568 | 0.8 | 38 | 0.6 |
| Robbery | 1,720 | 2.5 | 95 | 1.5 |
| Sexual Abuse | 1,067 | 1.5 | 69 | 1.1 |
| Stalking/Harassing | 213 | 0.3 | 11 | 0.2 |
| Tax | 577 | 0.8 | 17 | 0.3 |
| Other | 1,022 | 1.5 | 48 | 0.7 |

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2018**

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | N | % | N | % |
| TOTAL | 69,425 | 67,610 | 97.4 | 1,815 | 2.6 |
| D.C. CIRCUIT | 219 | 203 | 92.7 | 16 | 7.3 |
| District of Columbia | 219 | 203 | 92.7 | 16 | 7.3 |
| FIRST CIRCUIT | 1,744 | 1,678 | 96.2 | 66 | 3.8 |
| Maine | 178 | 168 | 94.4 | 10 | 5.6 |
| Massachusetts | 529 | 502 | 94.9 | 27 | 5.1 |
| New Hampshire | 184 | 178 | 96.7 | 6 | 3.3 |
| Puerto Rico | 760 | 738 | 97.1 | 22 | 2.9 |
| Rhode Island | 93 | 92 | 98.9 | 1 | 1.1 |
| SECOND CIRCUIT | 3,479 | 3,314 | 95.3 | 165 | 4.7 |
| Connecticut | 322 | 313 | 97.2 | 9 | 2.8 |
| New York | | | | | |
| Eastern | 663 | 632 | 95.3 | 31 | 4.7 |
| Northern | 384 | 365 | 95.1 | 19 | 4.9 |
| Southern | 1,446 | 1,370 | 94.7 | 76 | 5.3 |
| Western | 503 | 476 | 94.6 | 27 | 5.4 |
| Vermont | 161 | 158 | 98.1 | 3 | 1.9 |
| THIRD CIRCUIT | 2,123 | 2,024 | 95.3 | 99 | 4.7 |
| Delaware | 77 | 73 | 94.8 | 4 | 5.2 |
| New Jersey | 467 | 454 | 97.2 | 13 | 2.8 |
| Pennsylvania | | | | | |
| Eastern | 640 | 603 | 94.2 | 37 | 5.8 |
| Middle | 471 | 441 | 93.6 | 30 | 6.4 |
| Western | 411 | 403 | 98.1 | 8 | 1.9 |
| Virgin Islands | 57 | 50 | 87.7 | 7 | 12.3 |
| FOURTH CIRCUIT | 5,587 | 5,387 | 96.4 | 200 | 3.6 |
| Maryland | 838 | 797 | 95.1 | 41 | 4.9 |
| North Carolina | | | | | |
| Eastern | 744 | 724 | 97.3 | 20 | 2.7 |
| Middle | 403 | 398 | 98.8 | 5 | 1.2 |
| Western | 566 | 541 | 95.6 | 25 | 4.4 |
| South Carolina | 966 | 944 | 97.7 | 22 | 2.3 |
| Virginia | | | | | |
| Eastern | 1,331 | 1,270 | 95.4 | 61 | 4.6 |
| Western | 238 | 222 | 93.3 | 16 | 6.7 |
| West Virginia | | | | | |
| Northern | 262 | 256 | 97.7 | 6 | 2.3 |
| Southern | 239 | 235 | 98.3 | 4 | 1.7 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|---------------|---------------|-------------|------------|------------|
| | | N | % | N | % |
| FIFTH CIRCUIT | 17,658 | 17,459 | 98.9 | 199 | 1.1 |
| Louisiana | | | | | |
| Eastern | 275 | 255 | 92.7 | 20 | 7.3 |
| Middle | 154 | 147 | 95.5 | 7 | 4.5 |
| Western | 252 | 238 | 94.4 | 14 | 5.6 |
| Mississippi | | | | | |
| Northern | 173 | 167 | 96.5 | 6 | 3.5 |
| Southern | 342 | 338 | 98.8 | 4 | 1.2 |
| Texas | | | | | |
| Eastern | 753 | 736 | 97.7 | 17 | 2.3 |
| Northern | 1,484 | 1,453 | 97.9 | 31 | 2.1 |
| Southern | 6,138 | 6,077 | 99.0 | 61 | 1.0 |
| Western | 8,087 | 8,048 | 99.5 | 39 | 0.5 |
| SIXTH CIRCUIT | 4,699 | 4,550 | 96.8 | 149 | 3.2 |
| Kentucky | | | | | |
| Eastern | 392 | 351 | 89.5 | 41 | 10.5 |
| Western | 303 | 293 | 96.7 | 10 | 3.3 |
| Michigan | | | | | |
| Eastern | 934 | 906 | 97.0 | 28 | 3.0 |
| Western | 359 | 349 | 97.2 | 10 | 2.8 |
| Ohio | | | | | |
| Northern | 716 | 695 | 97.1 | 21 | 2.9 |
| Southern | 574 | 569 | 99.1 | 5 | 0.9 |
| Tennessee | | | | | |
| Eastern | 655 | 644 | 98.3 | 11 | 1.7 |
| Middle | 321 | 312 | 97.2 | 9 | 2.8 |
| Western | 445 | 431 | 96.9 | 14 | 3.1 |
| SEVENTH CIRCUIT | 2,442 | 2,338 | 95.7 | 104 | 4.3 |
| Illinois | | | | | |
| Central | 241 | 233 | 96.7 | 8 | 3.3 |
| Northern | 740 | 695 | 93.9 | 45 | 6.1 |
| Southern | 266 | 262 | 98.5 | 4 | 1.5 |
| Indiana | | | | | |
| Northern | 373 | 360 | 96.5 | 13 | 3.5 |
| Southern | 414 | 400 | 96.6 | 14 | 3.4 |
| Wisconsin | | | | | |
| Eastern | 252 | 241 | 95.6 | 11 | 4.4 |
| Western | 156 | 147 | 94.2 | 9 | 5.8 |
| EIGHTH CIRCUIT | 4,805 | 4,666 | 97.1 | 139 | 2.9 |
| Arkansas | | | | | |
| Eastern | 453 | 446 | 98.5 | 7 | 1.5 |
| Western | 238 | 235 | 98.7 | 3 | 1.3 |
| Iowa | | | | | |
| Northern | 370 | 356 | 96.2 | 14 | 3.8 |
| Southern | 477 | 466 | 97.7 | 11 | 2.3 |
| Minnesota | 295 | 274 | 92.9 | 21 | 7.1 |
| Missouri | | | | | |
| Eastern | 847 | 834 | 98.5 | 13 | 1.5 |
| Western | 779 | 758 | 97.3 | 21 | 2.7 |
| Nebraska | 494 | 477 | 96.6 | 17 | 3.4 |
| North Dakota | 370 | 360 | 97.3 | 10 | 2.7 |
| South Dakota | 482 | 460 | 95.4 | 22 | 4.6 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|---------------|---------------|-------------|------------|------------|
| | | N | % | N | % |
| NINTH CIRCUIT | 13,532 | 13,228 | 97.8 | 304 | 2.2 |
| Alaska | 197 | 190 | 96.4 | 7 | 3.6 |
| Arizona | 4,649 | 4,594 | 98.8 | 55 | 1.2 |
| California | | | | | |
| Central | 1,110 | 1,052 | 94.8 | 58 | 5.2 |
| Eastern | 477 | 455 | 95.4 | 22 | 4.6 |
| Northern | 535 | 507 | 94.8 | 28 | 5.2 |
| Southern | 3,889 | 3,837 | 98.7 | 52 | 1.3 |
| Guam | 44 | 43 | 97.7 | 1 | 2.3 |
| Hawaii | 153 | 152 | 99.3 | 1 | 0.7 |
| Idaho | 377 | 369 | 97.9 | 8 | 2.1 |
| Montana | 356 | 345 | 96.9 | 11 | 3.1 |
| Nevada | 458 | 438 | 95.6 | 20 | 4.4 |
| Northern Mariana Islands | 14 | 10 | 71.4 | 4 | 28.6 |
| Oregon | 421 | 410 | 97.4 | 11 | 2.6 |
| Washington | | | | | |
| Eastern | 345 | 336 | 97.4 | 9 | 2.6 |
| Western | 507 | 490 | 96.6 | 17 | 3.4 |
| TENTH CIRCUIT | 6,541 | 6,479 | 99.1 | 62 | 0.9 |
| Colorado | 525 | 502 | 95.6 | 23 | 4.4 |
| Kansas | 486 | 480 | 98.8 | 6 | 1.2 |
| New Mexico | 3,950 | 3,941 | 99.8 | 9 | 0.2 |
| Oklahoma | | | | | |
| Eastern | 96 | 95 | 99.0 | 1 | 1.0 |
| Northern | 195 | 191 | 97.9 | 4 | 2.1 |
| Western | 378 | 374 | 98.9 | 4 | 1.1 |
| Utah | 692 | 684 | 98.8 | 8 | 1.2 |
| Wyoming | 219 | 212 | 96.8 | 7 | 3.2 |
| ELEVENTH CIRCUIT | 6,596 | 6,284 | 95.3 | 312 | 4.7 |
| Alabama | | | | | |
| Middle | 238 | 216 | 90.8 | 22 | 9.2 |
| Northern | 517 | 511 | 98.8 | 6 | 1.2 |
| Southern | 287 | 278 | 96.9 | 9 | 3.1 |
| Florida | | | | | |
| Middle | 1,542 | 1,445 | 93.7 | 97 | 6.3 |
| Northern | 300 | 277 | 92.3 | 23 | 7.7 |
| Southern | 2,251 | 2,140 | 95.1 | 111 | 4.9 |
| Georgia | | | | | |
| Middle | 429 | 422 | 98.4 | 7 | 1.6 |
| Northern | 570 | 539 | 94.6 | 31 | 5.4 |
| Southern | 462 | 456 | 98.7 | 6 | 1.3 |

Of the 69,425 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2018**

| TYPE OF CRIME | TOTAL | National | | | | Tenth Circuit | | | |
|------------------------------|---------------|---------------|-------------|--------------|------------|---------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | N | % | N | % | N | % | N | % |
| TOTAL | 69,425 | 67,610 | 97.4 | 1,815 | 2.6 | 6,479 | 99.1 | 62 | 0.9 |
| Administration of Justice | 730 | 682 | 93.4 | 48 | 6.6 | 61 | 98.4 | 1 | 1.6 |
| Antitrust | 53 | 48 | 90.6 | 5 | 9.4 | 0 | -- | 0 | -- |
| Arson | 55 | 48 | 87.3 | 7 | 12.7 | 7 | 100.0 | 0 | 0.0 |
| Assault | 692 | 653 | 94.4 | 39 | 5.6 | 74 | 94.9 | 4 | 5.1 |
| Bribery/Corruption | 317 | 293 | 92.4 | 24 | 7.6 | 7 | 100.0 | 0 | 0.0 |
| Burglary/Trespass | 41 | 41 | 100.0 | 0 | 0.0 | 2 | 100.0 | 0 | 0.0 |
| Child Pornography | 1,416 | 1,359 | 96.0 | 57 | 4.0 | 81 | 100.0 | 0 | 0.0 |
| Commercialized Vice | 146 | 142 | 97.3 | 4 | 2.7 | 7 | 100.0 | 0 | 0.0 |
| Drug Possession | 777 | 775 | 99.7 | 2 | 0.3 | 84 | 100.0 | 0 | 0.0 |
| Drug Trafficking | 18,747 | 18,270 | 97.5 | 477 | 2.5 | 1,106 | 97.9 | 24 | 2.1 |
| Environmental | 203 | 201 | 99.0 | 2 | 1.0 | 19 | 100.0 | 0 | 0.0 |
| Extortion/Racketeering | 288 | 274 | 95.1 | 14 | 4.9 | 0 | -- | 0 | -- |
| Firearms | 7,512 | 7,284 | 97.0 | 228 | 3.0 | 535 | 98.5 | 8 | 1.5 |
| Food and Drug | 43 | 42 | 97.7 | 1 | 2.3 | 6 | 100.0 | 0 | 0.0 |
| Forgery/Counter/Copyright | 298 | 296 | 99.3 | 2 | 0.7 | 18 | 100.0 | 0 | 0.0 |
| Fraud/Theft/Embezzlement | 6,620 | 6,298 | 95.1 | 322 | 4.9 | 294 | 97.7 | 7 | 2.3 |
| Immigration | 23,883 | 23,771 | 99.5 | 112 | 0.5 | 3,777 | 99.9 | 3 | 0.1 |
| Individual Rights | 67 | 56 | 83.6 | 11 | 16.4 | 4 | 100.0 | 0 | 0.0 |
| Kidnapping | 106 | 90 | 84.9 | 16 | 15.1 | 6 | 85.7 | 1 | 14.3 |
| Manslaughter | 61 | 59 | 96.7 | 2 | 3.3 | 13 | 100.0 | 0 | 0.0 |
| Money Laundering | 1,297 | 1,213 | 93.5 | 84 | 6.5 | 72 | 100.0 | 0 | 0.0 |
| Murder | 318 | 243 | 76.4 | 75 | 23.6 | 11 | 78.6 | 3 | 21.4 |
| National Defense | 204 | 189 | 92.6 | 15 | 7.4 | 5 | 62.5 | 3 | 37.5 |
| Obscenity/Other Sex Offenses | 384 | 383 | 99.7 | 1 | 0.3 | 20 | 100.0 | 0 | 0.0 |
| Prison Offenses | 568 | 561 | 98.8 | 7 | 1.2 | 36 | 94.7 | 2 | 5.3 |
| Robbery | 1,720 | 1,630 | 94.8 | 90 | 5.2 | 93 | 97.9 | 2 | 2.1 |
| Sexual Abuse | 1,067 | 976 | 91.5 | 91 | 8.5 | 67 | 97.1 | 2 | 2.9 |
| Stalking/Harassing | 213 | 194 | 91.1 | 19 | 8.9 | 11 | 100.0 | 0 | 0.0 |
| Tax | 577 | 534 | 92.5 | 43 | 7.5 | 16 | 94.1 | 1 | 5.9 |
| Other | 1,022 | 1,005 | 98.3 | 17 | 1.7 | 47 | 97.9 | 1 | 2.1 |

Of the 69,425 National cases, no cases were excluded.

Of the 6,541 cases from the Tenth Circuit, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2018

National

| TYPE OF CRIME | TOTAL | Prison Only | | Prison and Alternatives | | Probation and Alternatives | | Probation Only | | Fine Only | |
|------------------------------|---------------|---------------|-------------|-------------------------|------------|----------------------------|------------|----------------|------------|------------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 69,425 | 60,976 | 87.8 | 2,089 | 3.0 | 1,394 | 2.0 | 4,444 | 6.4 | 522 | 0.8 |
| Administration of Justice | 730 | 473 | 64.8 | 54 | 7.4 | 41 | 5.6 | 161 | 22.1 | 1 | 0.1 |
| Antitrust | 53 | 17 | 32.1 | 0 | 0.0 | 19 | 35.8 | 17 | 32.1 | 0 | 0.0 |
| Arson | 55 | 50 | 90.9 | 3 | 5.5 | 1 | 1.8 | 1 | 1.8 | 0 | 0.0 |
| Assault | 692 | 559 | 80.8 | 43 | 6.2 | 11 | 1.6 | 71 | 10.3 | 8 | 1.2 |
| Bribery/Corruption | 317 | 213 | 67.2 | 30 | 9.5 | 27 | 8.5 | 46 | 14.5 | 1 | 0.3 |
| Burglary/Trespass | 41 | 33 | 80.5 | 5 | 12.2 | 2 | 4.9 | 1 | 2.4 | 0 | 0.0 |
| Child Pornography | 1,416 | 1,371 | 96.8 | 32 | 2.3 | 5 | 0.4 | 8 | 0.6 | 0 | 0.0 |
| Commercialized Vice | 146 | 81 | 55.5 | 19 | 13.0 | 13 | 8.9 | 33 | 22.6 | 0 | 0.0 |
| Drug Possession | 777 | 481 | 61.9 | 1 | 0.1 | 11 | 1.4 | 183 | 23.6 | 101 | 13.0 |
| Drug Trafficking | 18,747 | 17,366 | 92.6 | 686 | 3.7 | 245 | 1.3 | 446 | 2.4 | 4 | 0.0 |
| Environmental | 203 | 52 | 25.6 | 9 | 4.4 | 18 | 8.9 | 106 | 52.2 | 18 | 8.9 |
| Extortion/Racketeering | 288 | 247 | 85.8 | 13 | 4.5 | 6 | 2.1 | 22 | 7.6 | 0 | 0.0 |
| Firearms | 7,512 | 6,865 | 91.4 | 268 | 3.6 | 126 | 1.7 | 250 | 3.3 | 3 | 0.0 |
| Food and Drug | 43 | 11 | 25.6 | 1 | 2.3 | 2 | 4.7 | 25 | 58.1 | 4 | 9.3 |
| Forgery/Counter/Copyright | 298 | 195 | 65.4 | 17 | 5.7 | 30 | 10.1 | 56 | 18.8 | 0 | 0.0 |
| Fraud/Theft/Embezzlement | 6,620 | 4,472 | 67.6 | 376 | 5.7 | 469 | 7.1 | 1,214 | 18.3 | 89 | 1.3 |
| Immigration | 23,883 | 22,390 | 93.7 | 229 | 1.0 | 150 | 0.6 | 1,113 | 4.7 | 1 | 0.0 |
| Individual Rights | 67 | 45 | 67.2 | 1 | 1.5 | 7 | 10.4 | 12 | 17.9 | 2 | 3.0 |
| Kidnapping | 106 | 105 | 99.1 | 1 | 0.9 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 61 | 56 | 91.8 | 3 | 4.9 | 1 | 1.6 | 1 | 1.6 | 0 | 0.0 |
| Money Laundering | 1,297 | 1,082 | 83.4 | 50 | 3.9 | 53 | 4.1 | 111 | 8.6 | 1 | 0.1 |
| Murder | 318 | 307 | 96.5 | 11 | 3.5 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| National Defense | 204 | 165 | 80.9 | 6 | 2.9 | 4 | 2.0 | 20 | 9.8 | 9 | 4.4 |
| Obscenity/Other Sex Offenses | 384 | 330 | 85.9 | 40 | 10.4 | 8 | 2.1 | 6 | 1.6 | 0 | 0.0 |
| Prison Offenses | 568 | 527 | 92.8 | 25 | 4.4 | 6 | 1.1 | 8 | 1.4 | 2 | 0.4 |
| Robbery | 1,720 | 1,631 | 94.8 | 70 | 4.1 | 7 | 0.4 | 12 | 0.7 | 0 | 0.0 |
| Sexual Abuse | 1,067 | 1,029 | 96.4 | 24 | 2.2 | 3 | 0.3 | 11 | 1.0 | 0 | 0.0 |
| Stalking/Harassing | 213 | 171 | 80.3 | 22 | 10.3 | 8 | 3.8 | 11 | 5.2 | 1 | 0.5 |
| Tax | 577 | 348 | 60.3 | 42 | 7.3 | 62 | 10.7 | 124 | 21.5 | 1 | 0.2 |
| Other | 1,022 | 304 | 29.7 | 8 | 0.8 | 59 | 5.8 | 375 | 36.7 | 276 | 27.0 |

Of the 69,425 National cases, no cases were excluded.

Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2018

Tenth Circuit

| TYPE OF CRIME | TOTAL | Prison Only | | Prison and Alternatives | | Probation and Alternatives | | Probation Only | | Fine Only | |
|------------------------------|--------------|--------------|-------------|-------------------------|------------|----------------------------|------------|----------------|------------|-----------|------------|
| | | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 6,541 | 5,887 | 90.0 | 250 | 3.8 | 61 | 0.9 | 286 | 4.4 | 57 | 0.9 |
| Administration of Justice | 62 | 33 | 53.2 | 6 | 9.7 | 4 | 6.5 | 18 | 29.0 | 1 | 1.6 |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Arson | 7 | 4 | 57.1 | 2 | 28.6 | 0 | 0.0 | 1 | 14.3 | 0 | 0.0 |
| Assault | 78 | 47 | 60.3 | 19 | 24.4 | 2 | 2.6 | 8 | 10.3 | 2 | 2.6 |
| Bribery/Corruption | 7 | 4 | 57.1 | 2 | 28.6 | 1 | 14.3 | 0 | 0.0 | 0 | 0.0 |
| Burglary/Trespass | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Child Pornography | 81 | 77 | 95.1 | 3 | 3.7 | 0 | 0.0 | 1 | 1.2 | 0 | 0.0 |
| Commercialized Vice | 7 | 6 | 85.7 | 0 | 0.0 | 0 | 0.0 | 1 | 14.3 | 0 | 0.0 |
| Drug Possession | 84 | 28 | 33.3 | 0 | 0.0 | 1 | 1.2 | 36 | 42.9 | 19 | 22.6 |
| Drug Trafficking | 1,130 | 967 | 85.6 | 113 | 10.0 | 19 | 1.7 | 29 | 2.6 | 2 | 0.2 |
| Environmental | 19 | 2 | 10.5 | 0 | 0.0 | 0 | 0.0 | 7 | 36.8 | 10 | 52.6 |
| Extortion/Racketeering | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Firearms | 543 | 480 | 88.4 | 44 | 8.1 | 3 | 0.6 | 16 | 2.9 | 0 | 0.0 |
| Food and Drug | 6 | 1 | 16.7 | 1 | 16.7 | 1 | 16.7 | 3 | 50.0 | 0 | 0.0 |
| Forgery/Counter/Copyright | 18 | 13 | 72.2 | 0 | 0.0 | 1 | 5.6 | 4 | 22.2 | 0 | 0.0 |
| Fraud/Theft/Embezzlement | 301 | 193 | 64.1 | 12 | 4.0 | 20 | 6.6 | 65 | 21.6 | 11 | 3.7 |
| Immigration | 3,780 | 3,703 | 98.0 | 13 | 0.3 | 3 | 0.1 | 61 | 1.6 | 0 | 0.0 |
| Individual Rights | 4 | 3 | 75.0 | 0 | 0.0 | 1 | 25.0 | 0 | 0.0 | 0 | 0.0 |
| Kidnapping | 7 | 6 | 85.7 | 1 | 14.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 13 | 13 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Money Laundering | 72 | 57 | 79.2 | 2 | 2.8 | 2 | 2.8 | 10 | 13.9 | 1 | 1.4 |
| Murder | 14 | 12 | 85.7 | 2 | 14.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| National Defense | 8 | 6 | 75.0 | 1 | 12.5 | 0 | 0.0 | 0 | 0.0 | 1 | 12.5 |
| Obscenity/Other Sex Offenses | 20 | 16 | 80.0 | 4 | 20.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Prison Offenses | 38 | 34 | 89.5 | 3 | 7.9 | 0 | 0.0 | 1 | 2.6 | 0 | 0.0 |
| Robbery | 95 | 85 | 89.5 | 9 | 9.5 | 0 | 0.0 | 1 | 1.1 | 0 | 0.0 |
| Sexual Abuse | 69 | 61 | 88.4 | 7 | 10.1 | 0 | 0.0 | 1 | 1.4 | 0 | 0.0 |
| Stalking/Harassing | 11 | 7 | 63.6 | 2 | 18.2 | 1 | 9.1 | 1 | 9.1 | 0 | 0.0 |
| Tax | 17 | 12 | 70.6 | 2 | 11.8 | 0 | 0.0 | 3 | 17.6 | 0 | 0.0 |
| Other | 48 | 15 | 31.3 | 2 | 4.2 | 2 | 4.2 | 19 | 39.6 | 10 | 20.8 |

Of the 6,541 cases from the Tenth Circuit, no cases were excluded.

Alternatives include all cases in which offenders received conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN OFFENDERS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2018**

| TYPE OF CRIME | TOTAL | National | | | | Tenth Circuit | | | |
|------------------------------|--------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
| | | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | | N | % | N | % | N | % | N | % |
| TOTAL | 4,343 | 1,931 | 44.5 | 2,412 | 55.5 | 167 | 50.5 | 164 | 49.5 |
| Administration of Justice | 144 | 74 | 51.4 | 70 | 48.6 | 8 | 50.0 | 8 | 50.0 |
| Antitrust | 8 | 3 | 37.5 | 5 | 62.5 | 0 | -- | 0 | -- |
| Arson | 1 | 1 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Assault | 114 | 59 | 51.8 | 55 | 48.2 | 4 | 44.4 | 5 | 55.6 |
| Bribery/Corruption | 18 | 1 | 5.6 | 17 | 94.4 | 0 | -- | 0 | -- |
| Burglary/Trespass | 8 | 6 | 75.0 | 2 | 25.0 | 0 | -- | 0 | -- |
| Child Pornography | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Commercialized Vice | 48 | 17 | 35.4 | 31 | 64.6 | 0 | 0.0 | 1 | 100.0 |
| Drug Possession | 311 | 123 | 39.5 | 188 | 60.5 | 16 | 28.1 | 41 | 71.9 |
| Drug Trafficking | 449 | 280 | 62.4 | 169 | 37.6 | 33 | 71.7 | 13 | 28.3 |
| Environmental | 84 | 17 | 20.2 | 67 | 79.8 | 1 | 9.1 | 10 | 90.9 |
| Extortion/Racketeering | 11 | 5 | 45.5 | 6 | 54.5 | 0 | -- | 0 | -- |
| Firearms | 115 | 46 | 40.0 | 69 | 60.0 | 3 | 100.0 | 0 | 0.0 |
| Food and Drug | 27 | 3 | 11.1 | 24 | 88.9 | 0 | 0.0 | 3 | 100.0 |
| Forgery/Counter/Copyright | 62 | 31 | 50.0 | 31 | 50.0 | 2 | 66.7 | 1 | 33.3 |
| Fraud/Theft/Embezzlement | 1,565 | 537 | 34.3 | 1,028 | 65.7 | 35 | 38.0 | 57 | 62.0 |
| Immigration | 537 | 353 | 65.7 | 184 | 34.3 | 48 | 92.3 | 4 | 7.7 |
| Individual Rights | 14 | 5 | 35.7 | 9 | 64.3 | 0 | -- | 0 | -- |
| Kidnapping | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Money Laundering | 44 | 17 | 38.6 | 27 | 61.4 | 0 | -- | 0 | -- |
| Murder | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| National Defense | 11 | 1 | 9.1 | 10 | 90.9 | 0 | -- | 0 | -- |
| Obscenity/Other Sex Offenses | 13 | 12 | 92.3 | 1 | 7.7 | 0 | -- | 0 | -- |
| Prison Offenses | 228 | 215 | 94.3 | 13 | 5.7 | 8 | 88.9 | 1 | 11.1 |
| Robbery | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Sexual Abuse | 2 | 2 | 100.0 | 0 | 0.0 | 0 | -- | 0 | -- |
| Stalking/Harassing | 23 | 16 | 69.6 | 7 | 30.4 | 0 | 0.0 | 1 | 100.0 |
| Tax | 25 | 5 | 20.0 | 20 | 80.0 | 1 | 100.0 | 0 | 0.0 |
| Other | 481 | 102 | 21.2 | 379 | 78.8 | 8 | 29.6 | 19 | 70.4 |

Of the 69,425 National cases, a U.S. Citizen was the offender in 39,458 cases. Of these, 35,115 cases were excluded because the offender was ineligible for a non-prison sentence.

Of the 6,541 cases from the Tenth Circuit, a U.S. Citizen was the offender in 2,344 cases. Of these, 2,013 cases were excluded because the offender was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2018**

| TYPE OF CRIME | National | | | Tenth Circuit | | |
|------------------------------|-------------|---------------|---------------|---------------|---------------|--------------|
| | Mean Months | Median Months | N | Mean Months | Median Months | N |
| TOTAL | 44 | 20 | 69,425 | 24 | 4 | 6,541 |
| Administration of Justice | 13 | 9 | 730 | 9 | 6 | 62 |
| Antitrust | 5 | 1 | 53 | -- | -- | 0 |
| Arson | 65 | 48 | 55 | 63 | 41 | 7 |
| Assault | 56 | 33 | 692 | 51 | 30 | 78 |
| Bribery/Corruption | 23 | 15 | 317 | 16 | 14 | 7 |
| Burglary/Trespass | 21 | 18 | 41 | -- | -- | 2 |
| Child Pornography | 104 | 87 | 1,416 | 78 | 70 | 81 |
| Commercialized Vice | 17 | 8 | 146 | 13 | 0 | 7 |
| Drug Possession | 3 | 1 | 777 | 1 | 0 | 84 |
| Drug Trafficking | 76 | 60 | 18,747 | 63 | 48 | 1,130 |
| Environmental | 3 | 0 | 203 | 1 | 0 | 19 |
| Extortion/Racketeering | 39 | 27 | 288 | -- | -- | 0 |
| Firearms | 53 | 41 | 7,512 | 41 | 33 | 543 |
| Food and Drug | 8 | 0 | 43 | 4 | 0 | 6 |
| Forgery/Counter/Copyright | 14 | 12 | 298 | 16 | 15 | 18 |
| Fraud/Theft/Embezzlement | 23 | 12 | 6,620 | 17 | 8 | 301 |
| Immigration | 10 | 6 | 23,883 | 4 | 1 | 3,780 |
| Individual Rights | 27 | 12 | 67 | 35 | 20 | 4 |
| Kidnapping | 179 | 138 | 106 | 123 | 130 | 7 |
| Manslaughter | 65 | 40 | 61 | 80 | 78 | 13 |
| Money Laundering | 59 | 35 | 1,297 | 58 | 27 | 72 |
| Murder | 291 | 292 | 318 | 240 | 240 | 14 |
| National Defense | 52 | 30 | 204 | 43 | 35 | 8 |
| Obscenity/Other Sex Offenses | 19 | 18 | 384 | 18 | 15 | 20 |
| Prison Offenses | 12 | 11 | 568 | 16 | 15 | 38 |
| Robbery | 106 | 88 | 1,720 | 78 | 63 | 95 |
| Sexual Abuse | 191 | 180 | 1,067 | 146 | 120 | 69 |
| Stalking/Harassing | 30 | 24 | 213 | 22 | 13 | 11 |
| Tax | 17 | 12 | 577 | 22 | 12 | 17 |
| Other | 3 | 0 | 1,022 | 7 | 0 | 48 |

Of the 69,425 National cases, no cases were excluded.

Of the 6,541 cases from the Tenth Circuit, no cases were excluded.

Sentences of 470 months or greater (including life) and probation were included in the sentence average computations as 470 months and zero months, respectively. The information in this table includes conditions of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2018

| | National | | Tenth Circuit | |
|--|---------------|--------------|---------------|--------------|
| | N | % | N | % |
| TOTAL CASES | 68,902 | 100.0 | 6,515 | 100.0 |
| SENTENCES UNDER THE GUIDELINES MANUAL | 51,702 | 75.0 | 5,438 | 83.5 |
| Within Guideline Range | 35,127 | 51.0 | 3,832 | 58.8 |
| Upward Departure ² | 396 | 0.6 | 24 | 0.4 |
| Downward Departure | | | | |
| §5K1.1 Substantial Assistance | 6,948 | 10.1 | 359 | 5.5 |
| §5K3.1 Early Disposition Program | 6,259 | 9.1 | 921 | 14.1 |
| Other Government Motion ³ | 1,272 | 1.8 | 233 | 3.6 |
| Non-Government Departure ⁴ | 1,700 | 2.5 | 69 | 1.1 |
| VARIANCES | 17,200 | 25.0 | 1,077 | 16.5 |
| Upward Variance ⁵ | 1,404 | 2.0 | 48 | 0.7 |
| Downward Variance | | | | |
| Government Motion ⁶ | 3,795 | 5.5 | 348 | 5.3 |
| Non-Government Variance ⁷ | 12,001 | 17.4 | 681 | 10.5 |

¹ This table reflects the 69,425 cases reported to the Commission in fiscal year 2018, 6,541 of which were from the Tenth Circuit. Of these, 523 cases nationally and 26 cases from the Tenth Circuit were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

² Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1.

³ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁴ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part V of the Statement of Reasons form, other than §5K1.1 or §5K3.1, and where the prosecution did not initiate, propose, or stipulate to the sentence.

⁵ Cases in which the sentence imposed was above the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form.

⁶ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, and where the prosecution initiated, proposed, or stipulated to the sentence.

⁷ Cases in which the sentence imposed was below the applicable guideline range and for which the court cited a reason on Part VI of the Statement of Reasons form, or where no reason was given, and where the prosecution did not initiate, propose, or stipulate to the sentence.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 9

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2018**

| CIRCUIT District | TOTAL | WITHIN GUIDELINE RANGE | | DEPARTURE | | | | | | | | VARIANCE | |
|-----------------------|---------------|------------------------------|-------------|------------|------------|--------------|-------------|--------------|------------|--------------|-------------|---------------|-------------|
| | | N | % | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | N | % |
| | | | | N | % | N | % | N | % | N | % | | |
| TOTAL | 68,902 | 35,127 | 51.0 | 396 | 0.6 | 6,948 | 10.1 | 6,259 | 9.1 | 2,972 | 4.3 | 17,200 | 25.0 |
| D.C. CIRCUIT | 217 | 85 | 39.2 | 1 | 0.5 | 27 | 12.4 | 0 | 0.0 | 24 | 11.1 | 80 | 36.9 |
| District of Columbia | 217 | 85 | 39.2 | 1 | 0.5 | 27 | 12.4 | 0 | 0.0 | 24 | 11.1 | 80 | 36.9 |
| FIRST CIRCUIT | 1,739 | 781 | 44.9 | 12 | 0.7 | 152 | 8.7 | 11 | 0.6 | 80 | 4.6 | 703 | 40.4 |
| Maine | 178 | 63 | 35.4 | 2 | 1.1 | 44 | 24.7 | 0 | 0.0 | 7 | 3.9 | 62 | 34.8 |
| Massachusetts | 527 | 166 | 31.5 | 4 | 0.8 | 53 | 10.1 | 11 | 2.1 | 38 | 7.2 | 255 | 48.4 |
| New Hampshire | 184 | 73 | 39.7 | 0 | 0.0 | 13 | 7.1 | 0 | 0.0 | 5 | 2.7 | 93 | 50.5 |
| Puerto Rico | 757 | 462 | 61.0 | 6 | 0.8 | 34 | 4.5 | 0 | 0.0 | 30 | 4.0 | 225 | 29.7 |
| Rhode Island | 93 | 17 | 18.3 | 0 | 0.0 | 8 | 8.6 | 0 | 0.0 | 0 | 0.0 | 68 | 73.1 |
| SECOND CIRCUIT | 3,458 | 1,130 | 32.7 | 15 | 0.4 | 585 | 16.9 | 19 | 0.5 | 165 | 4.8 | 1,544 | 44.7 |
| Connecticut | 322 | 124 | 38.5 | 1 | 0.3 | 43 | 13.4 | 0 | 0.0 | 37 | 11.5 | 117 | 36.3 |
| New York | | | | | | | | | | | | | |
| Eastern | 662 | 168 | 25.4 | 0 | 0.0 | 145 | 21.9 | 2 | 0.3 | 71 | 10.7 | 276 | 41.7 |
| Northern | 373 | 188 | 50.4 | 3 | 0.8 | 71 | 19.0 | 3 | 0.8 | 9 | 2.4 | 99 | 26.5 |
| Southern | 1,438 | 367 | 25.5 | 3 | 0.2 | 196 | 13.6 | 14 | 1.0 | 37 | 2.6 | 821 | 57.1 |
| Western | 503 | 248 | 49.3 | 8 | 1.6 | 104 | 20.7 | 0 | 0.0 | 5 | 1.0 | 138 | 27.4 |
| Vermont | 160 | 35 | 21.9 | 0 | 0.0 | 26 | 16.3 | 0 | 0.0 | 6 | 3.8 | 93 | 58.1 |
| THIRD CIRCUIT | 2,114 | 869 | 41.1 | 8 | 0.4 | 465 | 22.0 | 22 | 1.0 | 64 | 3.0 | 686 | 32.5 |
| Delaware | 77 | 29 | 37.7 | 0 | 0.0 | 8 | 10.4 | 6 | 7.8 | 1 | 1.3 | 33 | 42.9 |
| New Jersey | 464 | 190 | 40.9 | 2 | 0.4 | 99 | 21.3 | 2 | 0.4 | 9 | 1.9 | 162 | 34.9 |
| Pennsylvania | | | | | | | | | | | | | |
| Eastern | 637 | 213 | 33.4 | 2 | 0.3 | 211 | 33.1 | 3 | 0.5 | 20 | 3.1 | 188 | 29.5 |
| Middle | 470 | 258 | 54.9 | 2 | 0.4 | 73 | 15.5 | 11 | 2.3 | 19 | 4.0 | 107 | 22.8 |
| Western | 410 | 139 | 33.9 | 2 | 0.5 | 65 | 15.9 | 0 | 0.0 | 14 | 3.4 | 190 | 46.3 |
| Virgin Islands | 56 | 40 | 71.4 | 0 | 0.0 | 9 | 16.1 | 0 | 0.0 | 1 | 1.8 | 6 | 10.7 |
| FOURTH CIRCUIT | 5,501 | 3,084 | 56.1 | 65 | 1.2 | 721 | 13.1 | 6 | 0.1 | 216 | 3.9 | 1,409 | 25.6 |
| Maryland | 816 | 284 | 34.8 | 14 | 1.7 | 161 | 19.7 | 0 | 0.0 | 68 | 8.3 | 289 | 35.4 |
| North Carolina | | | | | | | | | | | | | |
| Eastern | 693 | 408 | 58.9 | 18 | 2.6 | 156 | 22.5 | 0 | 0.0 | 11 | 1.6 | 100 | 14.4 |
| Middle | 403 | 236 | 58.6 | 6 | 1.5 | 41 | 10.2 | 0 | 0.0 | 4 | 1.0 | 116 | 28.8 |
| Western | 565 | 330 | 58.4 | 2 | 0.4 | 119 | 21.1 | 0 | 0.0 | 8 | 1.4 | 106 | 18.8 |
| South Carolina | 965 | 560 | 58.0 | 10 | 1.0 | 137 | 14.2 | 1 | 0.1 | 31 | 3.2 | 226 | 23.4 |
| Virginia | | | | | | | | | | | | | |
| Eastern | 1,327 | 856 | 64.5 | 10 | 0.8 | 45 | 3.4 | 0 | 0.0 | 68 | 5.1 | 348 | 26.2 |
| Western | 235 | 106 | 45.1 | 4 | 1.7 | 43 | 18.3 | 0 | 0.0 | 16 | 6.8 | 66 | 28.1 |
| West Virginia | | | | | | | | | | | | | |
| Northern | 262 | 170 | 64.9 | 0 | 0.0 | 10 | 3.8 | 0 | 0.0 | 5 | 1.9 | 77 | 29.4 |
| Southern | 235 | 134 | 57.0 | 1 | 0.4 | 9 | 3.8 | 5 | 2.1 | 5 | 2.1 | 81 | 34.5 |

| CIRCUIT District | TOTAL | WITHIN GUIDELINE RANGE | | DEPARTURE | | | | | | | | | |
|------------------------|---------------|------------------------------|-------------|------------|------------|------------|-------------|------------|------------|------------|------------|--------------|-------------|
| | | N | % | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | VARIANCE | |
| | | | | N | % | N | % | N | % | N | % | N | % |
| FIFTH CIRCUIT | 17,588 | 12,223 | 69.5 | 127 | 0.7 | 929 | 5.3 | 670 | 3.8 | 872 | 5.0 | 2,767 | 15.7 |
| Louisiana | | | | | | | | | | | | | |
| Eastern | 275 | 137 | 49.8 | 3 | 1.1 | 34 | 12.4 | 3 | 1.1 | 10 | 3.6 | 88 | 32.0 |
| Middle | 153 | 90 | 58.8 | 2 | 1.3 | 26 | 17.0 | 0 | 0.0 | 0 | 0.0 | 35 | 22.9 |
| Western | 239 | 156 | 65.3 | 1 | 0.4 | 22 | 9.2 | 0 | 0.0 | 0 | 0.0 | 60 | 25.1 |
| Mississippi | | | | | | | | | | | | | |
| Northern | 161 | 73 | 45.3 | 0 | 0.0 | 36 | 22.4 | 0 | 0.0 | 2 | 1.2 | 50 | 31.1 |
| Southern | 338 | 269 | 79.6 | 1 | 0.3 | 20 | 5.9 | 0 | 0.0 | 0 | 0.0 | 48 | 14.2 |
| Texas | | | | | | | | | | | | | |
| Eastern | 753 | 534 | 70.9 | 3 | 0.4 | 14 | 1.9 | 0 | 0.0 | 10 | 1.3 | 192 | 25.5 |
| Northern | 1,479 | 948 | 64.1 | 13 | 0.9 | 178 | 12.0 | 1 | 0.1 | 54 | 3.7 | 285 | 19.3 |
| Southern | 6,136 | 3,628 | 59.1 | 93 | 1.5 | 343 | 5.6 | 423 | 6.9 | 599 | 9.8 | 1,050 | 17.1 |
| Western | 8,054 | 6,388 | 79.3 | 11 | 0.1 | 256 | 3.2 | 243 | 3.0 | 197 | 2.4 | 959 | 11.9 |
| SIXTH CIRCUIT | 4,648 | 2,072 | 44.6 | 19 | 0.4 | 855 | 18.4 | 15 | 0.3 | 253 | 5.4 | 1,434 | 30.9 |
| Kentucky | | | | | | | | | | | | | |
| Eastern | 392 | 220 | 56.1 | 3 | 0.8 | 55 | 14.0 | 0 | 0.0 | 11 | 2.8 | 103 | 26.3 |
| Western | 302 | 143 | 47.4 | 1 | 0.3 | 55 | 18.2 | 5 | 1.7 | 18 | 6.0 | 80 | 26.5 |
| Michigan | | | | | | | | | | | | | |
| Eastern | 929 | 387 | 41.7 | 1 | 0.1 | 143 | 15.4 | 3 | 0.3 | 12 | 1.3 | 383 | 41.2 |
| Western | 359 | 193 | 53.8 | 8 | 2.2 | 61 | 17.0 | 0 | 0.0 | 15 | 4.2 | 82 | 22.8 |
| Ohio | | | | | | | | | | | | | |
| Northern | 716 | 314 | 43.9 | 3 | 0.4 | 176 | 24.6 | 0 | 0.0 | 29 | 4.1 | 194 | 27.1 |
| Southern | 574 | 158 | 27.5 | 0 | 0.0 | 100 | 17.4 | 5 | 0.9 | 128 | 22.3 | 183 | 31.9 |
| Tennessee | | | | | | | | | | | | | |
| Eastern | 630 | 326 | 51.7 | 0 | 0.0 | 160 | 25.4 | 0 | 0.0 | 8 | 1.3 | 136 | 21.6 |
| Middle | 307 | 111 | 36.2 | 2 | 0.7 | 59 | 19.2 | 1 | 0.3 | 28 | 9.1 | 106 | 34.5 |
| Western | 439 | 220 | 50.1 | 1 | 0.2 | 46 | 10.5 | 1 | 0.2 | 4 | 0.9 | 167 | 38.0 |
| SEVENTH CIRCUIT | 2,433 | 907 | 37.3 | 10 | 0.4 | 331 | 13.6 | 2 | 0.1 | 161 | 6.6 | 1,022 | 42.0 |
| Illinois | | | | | | | | | | | | | |
| Central | 237 | 106 | 44.7 | 0 | 0.0 | 26 | 11.0 | 0 | 0.0 | 6 | 2.5 | 99 | 41.8 |
| Northern | 740 | 208 | 28.1 | 3 | 0.4 | 79 | 10.7 | 2 | 0.3 | 81 | 10.9 | 367 | 49.6 |
| Southern | 266 | 152 | 57.1 | 3 | 1.1 | 32 | 12.0 | 0 | 0.0 | 8 | 3.0 | 71 | 26.7 |
| Indiana | | | | | | | | | | | | | |
| Northern | 371 | 166 | 44.7 | 0 | 0.0 | 76 | 20.5 | 0 | 0.0 | 8 | 2.2 | 121 | 32.6 |
| Southern | 414 | 165 | 39.9 | 2 | 0.5 | 81 | 19.6 | 0 | 0.0 | 6 | 1.4 | 160 | 38.6 |
| Wisconsin | | | | | | | | | | | | | |
| Eastern | 250 | 46 | 18.4 | 1 | 0.4 | 32 | 12.8 | 0 | 0.0 | 1 | 0.4 | 170 | 68.0 |
| Western | 155 | 64 | 41.3 | 1 | 0.6 | 5 | 3.2 | 0 | 0.0 | 51 | 32.9 | 34 | 21.9 |
| EIGHTH CIRCUIT | 4,795 | 2,168 | 45.2 | 38 | 0.8 | 658 | 13.7 | 54 | 1.1 | 132 | 2.8 | 1,745 | 36.4 |
| Arkansas | | | | | | | | | | | | | |
| Eastern | 444 | 277 | 62.4 | 0 | 0.0 | 32 | 7.2 | 0 | 0.0 | 6 | 1.4 | 129 | 29.1 |
| Western | 238 | 106 | 44.5 | 0 | 0.0 | 27 | 11.3 | 0 | 0.0 | 2 | 0.8 | 103 | 43.3 |
| Iowa | | | | | | | | | | | | | |
| Northern | 370 | 226 | 61.1 | 5 | 1.4 | 70 | 18.9 | 0 | 0.0 | 1 | 0.3 | 68 | 18.4 |
| Southern | 476 | 200 | 42.0 | 0 | 0.0 | 83 | 17.4 | 0 | 0.0 | 3 | 0.6 | 190 | 39.9 |
| Minnesota | 295 | 95 | 32.2 | 5 | 1.7 | 45 | 15.3 | 0 | 0.0 | 15 | 5.1 | 135 | 45.8 |
| Missouri | | | | | | | | | | | | | |
| Eastern | 847 | 327 | 38.6 | 4 | 0.5 | 104 | 12.3 | 0 | 0.0 | 8 | 0.9 | 404 | 47.7 |
| Western | 779 | 286 | 36.7 | 4 | 0.5 | 123 | 15.8 | 0 | 0.0 | 51 | 6.5 | 315 | 40.4 |
| Nebraska | 494 | 243 | 49.2 | 0 | 0.0 | 16 | 3.2 | 43 | 8.7 | 4 | 0.8 | 188 | 38.1 |
| North Dakota | 370 | 118 | 31.9 | 4 | 1.1 | 143 | 38.6 | 10 | 2.7 | 14 | 3.8 | 81 | 21.9 |
| South Dakota | 482 | 290 | 60.2 | 16 | 3.3 | 15 | 3.1 | 1 | 0.2 | 28 | 5.8 | 132 | 27.4 |

| CIRCUIT District | TOTAL | WITHIN GUIDELINE RANGE | | DEPARTURE | | | | | | | | | |
|--------------------------|---------------|------------------------------|-------------|-----------|------------|--------------|-------------|--------------|-------------|------------|------------|--------------|-------------|
| | | N | % | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | VARIANCE | |
| | | | | N | % | N | % | N | % | N | % | N | % |
| NINTH CIRCUIT | 13,439 | 4,357 | 32.4 | 68 | 0.5 | 1,021 | 7.6 | 4,521 | 33.6 | 607 | 4.5 | 2,865 | 21.3 |
| Alaska | 196 | 63 | 32.1 | 0 | 0.0 | 35 | 17.9 | 0 | 0.0 | 1 | 0.5 | 97 | 49.5 |
| Arizona | 4,580 | 1,794 | 39.2 | 45 | 1.0 | 112 | 2.4 | 1,938 | 42.3 | 96 | 2.1 | 595 | 13.0 |
| California | | | | | | | | | | | | | |
| Central | 1,103 | 367 | 33.3 | 1 | 0.1 | 141 | 12.8 | 107 | 9.7 | 88 | 8.0 | 399 | 36.2 |
| Eastern | 476 | 202 | 42.4 | 0 | 0.0 | 81 | 17.0 | 22 | 4.6 | 20 | 4.2 | 151 | 31.7 |
| Northern | 532 | 177 | 33.3 | 3 | 0.6 | 91 | 17.1 | 4 | 0.8 | 24 | 4.5 | 233 | 43.8 |
| Southern | 3,887 | 632 | 16.3 | 9 | 0.2 | 213 | 5.5 | 2,355 | 60.6 | 295 | 7.6 | 383 | 9.9 |
| Guam | 44 | 26 | 59.1 | 0 | 0.0 | 10 | 22.7 | 0 | 0.0 | 1 | 2.3 | 7 | 15.9 |
| Hawaii | 153 | 79 | 51.6 | 0 | 0.0 | 39 | 25.5 | 0 | 0.0 | 1 | 0.7 | 34 | 22.2 |
| Idaho | 377 | 208 | 55.2 | 1 | 0.3 | 63 | 16.7 | 14 | 3.7 | 10 | 2.7 | 81 | 21.5 |
| Montana | 355 | 132 | 37.2 | 1 | 0.3 | 89 | 25.1 | 0 | 0.0 | 3 | 0.8 | 130 | 36.6 |
| Nevada | 454 | 196 | 43.2 | 1 | 0.2 | 32 | 7.0 | 11 | 2.4 | 19 | 4.2 | 195 | 43.0 |
| Northern Mariana Islands | 14 | 6 | 42.9 | 0 | 0.0 | 4 | 28.6 | 0 | 0.0 | 0 | 0.0 | 4 | 28.6 |
| Oregon | 418 | 114 | 27.3 | 4 | 1.0 | 47 | 11.2 | 0 | 0.0 | 28 | 6.7 | 225 | 53.8 |
| Washington | | | | | | | | | | | | | |
| Eastern | 345 | 156 | 45.2 | 1 | 0.3 | 49 | 14.2 | 17 | 4.9 | 11 | 3.2 | 111 | 32.2 |
| Western | 505 | 205 | 40.6 | 2 | 0.4 | 15 | 3.0 | 53 | 10.5 | 10 | 2.0 | 220 | 43.6 |
| TENTH CIRCUIT | 6,515 | 3,832 | 58.8 | 24 | 0.4 | 359 | 5.5 | 921 | 14.1 | 302 | 4.6 | 1,077 | 16.5 |
| Colorado | 518 | 215 | 41.5 | 1 | 0.2 | 89 | 17.2 | 58 | 11.2 | 18 | 3.5 | 137 | 26.4 |
| Kansas | 479 | 193 | 40.3 | 4 | 0.8 | 94 | 19.6 | 1 | 0.2 | 9 | 1.9 | 178 | 37.2 |
| New Mexico | 3,945 | 2,803 | 71.1 | 12 | 0.3 | 50 | 1.3 | 680 | 17.2 | 144 | 3.7 | 256 | 6.5 |
| Oklahoma | | | | | | | | | | | | | |
| Eastern | 96 | 67 | 69.8 | 0 | 0.0 | 5 | 5.2 | 0 | 0.0 | 1 | 1.0 | 23 | 24.0 |
| Northern | 195 | 70 | 35.9 | 2 | 1.0 | 38 | 19.5 | 0 | 0.0 | 28 | 14.4 | 57 | 29.2 |
| Western | 378 | 198 | 52.4 | 0 | 0.0 | 30 | 7.9 | 2 | 0.5 | 7 | 1.9 | 141 | 37.3 |
| Utah | 687 | 212 | 30.9 | 3 | 0.4 | 34 | 4.9 | 159 | 23.1 | 78 | 11.4 | 201 | 29.3 |
| Wyoming | 217 | 74 | 34.1 | 2 | 0.9 | 19 | 8.8 | 21 | 9.7 | 17 | 7.8 | 84 | 38.7 |
| ELEVENTH CIRCUIT | 6,455 | 3,619 | 56.1 | 9 | 0.1 | 845 | 13.1 | 18 | 0.3 | 96 | 1.5 | 1,868 | 28.9 |
| Alabama | | | | | | | | | | | | | |
| Middle | 238 | 124 | 52.1 | 0 | 0.0 | 45 | 18.9 | 0 | 0.0 | 2 | 0.8 | 67 | 28.2 |
| Northern | 509 | 298 | 58.5 | 1 | 0.2 | 105 | 20.6 | 0 | 0.0 | 6 | 1.2 | 99 | 19.4 |
| Southern | 287 | 167 | 58.2 | 0 | 0.0 | 45 | 15.7 | 0 | 0.0 | 7 | 2.4 | 68 | 23.7 |
| Florida | | | | | | | | | | | | | |
| Middle | 1,540 | 798 | 51.8 | 1 | 0.1 | 253 | 16.4 | 12 | 0.8 | 28 | 1.8 | 448 | 29.1 |
| Northern | 295 | 160 | 54.2 | 0 | 0.0 | 52 | 17.6 | 5 | 1.7 | 2 | 0.7 | 76 | 25.8 |
| Southern | 2,148 | 1,231 | 57.3 | 4 | 0.2 | 207 | 9.6 | 1 | 0.0 | 26 | 1.2 | 679 | 31.6 |
| Georgia | | | | | | | | | | | | | |
| Middle | 419 | 317 | 75.7 | 0 | 0.0 | 35 | 8.4 | 0 | 0.0 | 4 | 1.0 | 63 | 15.0 |
| Northern | 557 | 174 | 31.2 | 1 | 0.2 | 48 | 8.6 | 0 | 0.0 | 19 | 3.4 | 315 | 56.6 |
| Southern | 462 | 350 | 75.8 | 2 | 0.4 | 55 | 11.9 | 0 | 0.0 | 2 | 0.4 | 53 | 11.5 |

Of the 69,425 National cases, 523 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.

Table 10

**SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2018**

National

| TYPE OF CRIME | TOTAL | WITHIN GUIDELINE RANGE | | DEPARTURE | | | | | | | | VARIANCE | |
|------------------------------|---------------|------------------------------|-------------|------------|------------|--------------|-------------|--------------|------------|--------------|------------|---------------|-------------|
| | | | | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | | |
| | | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 68,902 | 35,127 | 51.0 | 396 | 0.6 | 6,948 | 10.1 | 6,259 | 9.1 | 2,972 | 4.3 | 17,200 | 25.0 |
| Child Pornography | 1,416 | 404 | 28.5 | 9 | 0.6 | 27 | 1.9 | 0 | 0.0 | 88 | 6.2 | 888 | 62.7 |
| Drug Trafficking | 18,730 | 6,786 | 36.2 | 68 | 0.4 | 4,015 | 21.4 | 1,332 | 7.1 | 932 | 5.0 | 5,597 | 29.9 |
| Firearms | 7,496 | 4,178 | 55.7 | 65 | 0.9 | 511 | 6.8 | 3 | 0.0 | 317 | 4.2 | 2,422 | 32.3 |
| Fraud/Theft/Embezzlement | 6,528 | 3,069 | 47.0 | 30 | 0.5 | 911 | 14.0 | 4 | 0.1 | 241 | 3.7 | 2,273 | 34.8 |
| Immigration | 23,750 | 15,458 | 65.1 | 120 | 0.5 | 177 | 0.7 | 4,900 | 20.6 | 779 | 3.3 | 2,316 | 9.8 |
| Money Laundering | 1,296 | 325 | 25.1 | 2 | 0.2 | 381 | 29.4 | 2 | 0.2 | 87 | 6.7 | 499 | 38.5 |
| Robbery | 1,720 | 662 | 38.5 | 26 | 1.5 | 264 | 15.3 | 3 | 0.2 | 124 | 7.2 | 641 | 37.3 |
| Sexual Abuse | 1,067 | 429 | 40.2 | 3 | 0.3 | 81 | 7.6 | 1 | 0.1 | 76 | 7.1 | 477 | 44.7 |
| Other Miscellaneous Offenses | 6,899 | 3,816 | 55.3 | 73 | 1.1 | 581 | 8.4 | 14 | 0.2 | 328 | 4.8 | 2,087 | 30.3 |

Tenth Circuit

| TYPE OF CRIME | TOTAL | WITHIN GUIDELINE RANGE | | DEPARTURE | | | | | | | | VARIANCE | |
|------------------------------|--------------|------------------------------|-------------|-----------|------------|------------|------------|------------|-------------|------------|------------|--------------|-------------|
| | | | | UPWARD | | §5K1.1 | | §5K3.1 | | DOWNWARD | | | |
| | | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 6,515 | 3,832 | 58.8 | 24 | 0.4 | 359 | 5.5 | 921 | 14.1 | 302 | 4.6 | 1,077 | 16.5 |
| Child Pornography | 81 | 19 | 23.5 | 1 | 1.2 | 3 | 3.7 | 0 | 0.0 | 7 | 8.6 | 51 | 63.0 |
| Drug Trafficking | 1,128 | 303 | 26.9 | 3 | 0.3 | 246 | 21.8 | 28 | 2.5 | 121 | 10.7 | 427 | 37.9 |
| Firearms | 543 | 263 | 48.4 | 6 | 1.1 | 37 | 6.8 | 0 | 0.0 | 45 | 8.3 | 192 | 35.4 |
| Fraud/Theft/Embezzlement | 295 | 159 | 53.9 | 2 | 0.7 | 21 | 7.1 | 0 | 0.0 | 17 | 5.8 | 96 | 32.5 |
| Immigration | 3,779 | 2,744 | 72.6 | 1 | 0.0 | 9 | 0.2 | 891 | 23.6 | 29 | 0.8 | 105 | 2.8 |
| Money Laundering | 72 | 16 | 22.2 | 0 | 0.0 | 13 | 18.1 | 0 | 0.0 | 17 | 23.6 | 26 | 36.1 |
| Robbery | 95 | 36 | 37.9 | 4 | 4.2 | 3 | 3.2 | 1 | 1.1 | 15 | 15.8 | 36 | 37.9 |
| Sexual Abuse | 69 | 29 | 42.0 | 0 | 0.0 | 3 | 4.3 | 0 | 0.0 | 17 | 24.6 | 20 | 29.0 |
| Other Miscellaneous Offenses | 453 | 263 | 58.1 | 7 | 1.5 | 24 | 5.3 | 1 | 0.2 | 34 | 7.5 | 124 | 27.4 |

Of the 69,425 National cases, 523 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 6,541 cases from the Tenth Circuit, 26 cases were excluded because information was missing from the from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2018 Datafile, USSCFY18.