

**United  
States  
Sentencing  
Commission**



***Statistical Information Packet***

***Fiscal Year 2018***

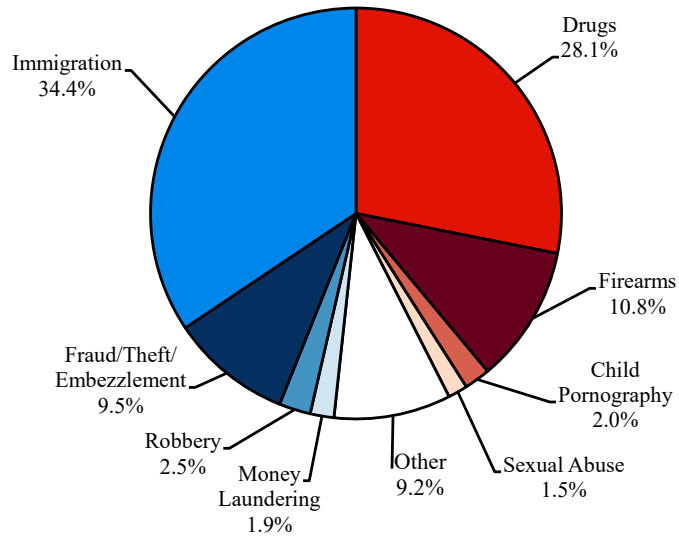
***Second Circuit***

## TABLE OF CONTENTS

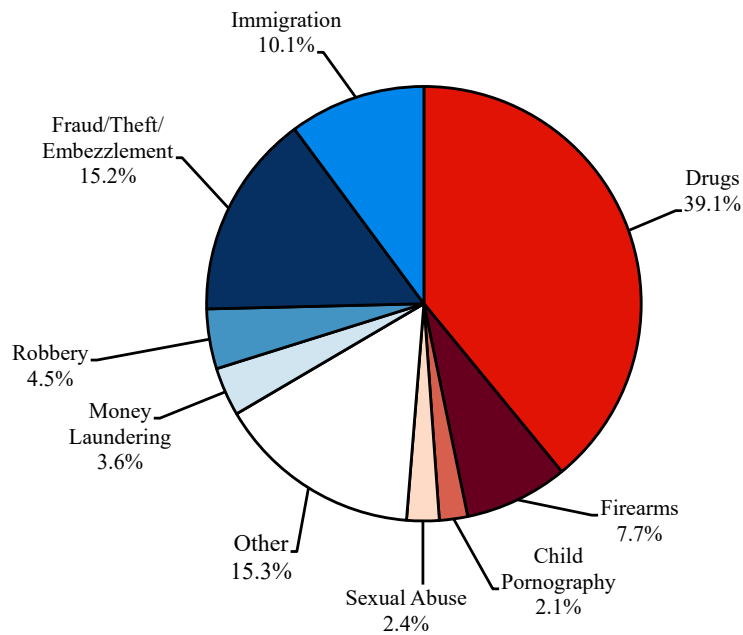
|                 |  |    |
|-----------------|--|----|
| <b>Figure A</b> | Federal Offenders by Type of Crime   | 1  |
| <b>Figure B</b> | Distribution of Primary Drug Type in Federal Drug Cases  | 2  |
| <b>Table 1</b>  | Distribution of Federal Offenders by Type of Crime   | 3  |
| <b>Table 2</b>  | Guilty Pleas and Trials in Each Circuit and District   | 4  |
| <b>Table 3</b>  | Guilty Pleas and Trials by Type of Crime   | 7  |
| <b>Table 4</b>  | Sentence Type by Type of Crime<br>(National)   | 8  |
| <b>Table 5</b>  | Sentence Type by Type of Crime<br>(District)   | 9  |
| <b>Table 6</b>  | Incarceration Rate of U.S. Citizen Offenders Eligible for Non-Prison<br>Sentences by Type of Crime | 10 |
| <b>Table 7</b>  | Sentence Length by Type of Crime   | 11 |
| <b>Table 8</b>  | Sentence Imposed Relative to the Guideline Range   | 12 |
| <b>Table 9</b>  | Sentence Imposed Relative to the Guideline Range<br>in Each Circuit and District                   | 13 |
| <b>Table 10</b> | Sentence Imposed Relative to the Guideline Range<br>by Type of Crime                               | 16 |

**Figure A**  
**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

**National**



**Second Circuit**



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

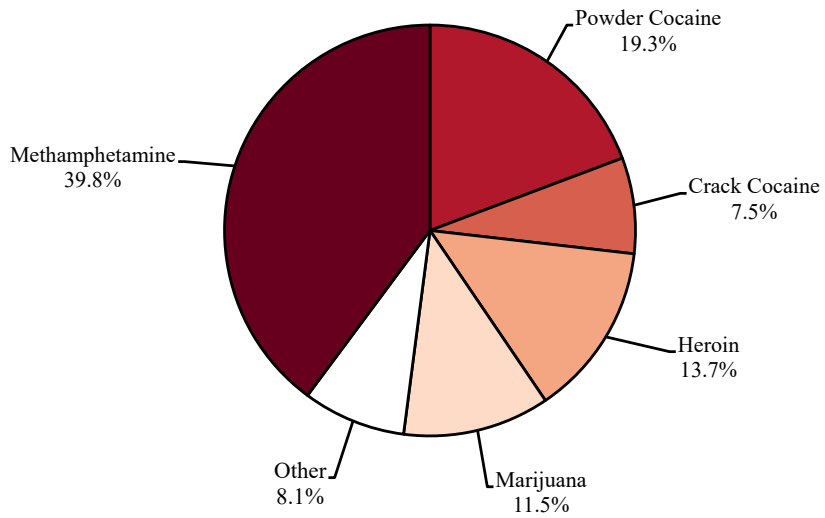
The Second Circuit figure includes the 3,479 cases reported to the Commission.

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

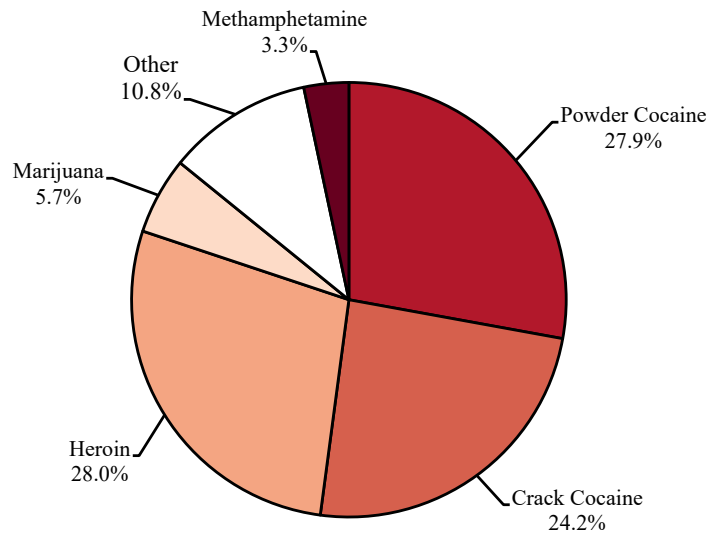
**Figure B**

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

**National**



**Second Circuit**



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

Of the 3,479 cases from the Second Circuit, in 1,378 the offender was sentenced under USSG Chapter Two, Part D (Drugs).

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      |              | Second Circuit |              |
|------------------------------|---------------|--------------|----------------|--------------|
|                              | N             | %            | N              | %            |
| <b>TOTAL</b>                 | <b>69,425</b> | <b>100.0</b> | <b>3,479</b>   | <b>100.0</b> |
| Administration of Justice    | 730           | 1.1          | 44             | 1.3          |
| Antitrust                    | 53            | 0.1          | 0              | 0.0          |
| Arson                        | 55            | 0.1          | 7              | 0.2          |
| Assault                      | 692           | 1.0          | 56             | 1.6          |
| Bribery/Corruption           | 317           | 0.5          | 32             | 0.9          |
| Burglary/Trespass            | 41            | 0.1          | 0              | 0.0          |
| Child Pornography            | 1,416         | 2.0          | 73             | 2.1          |
| Commercialized Vice          | 146           | 0.2          | 32             | 0.9          |
| Drug Possession              | 777           | 1.1          | 22             | 0.6          |
| Drug Trafficking             | 18,747        | 27.0         | 1,337          | 38.4         |
| Environmental                | 203           | 0.3          | 14             | 0.4          |
| Extortion/Racketeering       | 288           | 0.4          | 53             | 1.5          |
| Firearms                     | 7,512         | 10.8         | 268            | 7.7          |
| Food and Drug                | 43            | 0.1          | 4              | 0.1          |
| Forgery/Counter/Copyright    | 298           | 0.4          | 17             | 0.5          |
| Fraud/Theft/Embezzlement     | 6,620         | 9.5          | 530            | 15.2         |
| Immigration                  | 23,883        | 34.4         | 353            | 10.1         |
| Individual Rights            | 67            | 0.1          | 7              | 0.2          |
| Kidnapping                   | 106           | 0.2          | 7              | 0.2          |
| Manslaughter                 | 61            | 0.1          | 0              | 0.0          |
| Money Laundering             | 1,297         | 1.9          | 126            | 3.6          |
| Murder                       | 318           | 0.5          | 82             | 2.4          |
| National Defense             | 204           | 0.3          | 22             | 0.6          |
| Obscenity/Other Sex Offenses | 384           | 0.6          | 12             | 0.3          |
| Prison Offenses              | 568           | 0.8          | 20             | 0.6          |
| Robbery                      | 1,720         | 2.5          | 155            | 4.5          |
| Sexual Abuse                 | 1,067         | 1.5          | 84             | 2.4          |
| Stalking/Harassing           | 213           | 0.3          | 15             | 0.4          |
| Tax                          | 577           | 0.8          | 68             | 2.0          |
| Other                        | 1,022         | 1.5          | 39             | 1.1          |

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

**Table 2**

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

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | N             | %           | N            | %          |
| <b>TOTAL</b>          | <b>69,425</b> | <b>67,610</b> | <b>97.4</b> | <b>1,815</b> | <b>2.6</b> |
| <b>D.C. CIRCUIT</b>   | <b>219</b>    | <b>203</b>    | <b>92.7</b> | <b>16</b>    | <b>7.3</b> |
| District of Columbia  | 219           | 203           | 92.7        | 16           | 7.3        |
| <b>FIRST CIRCUIT</b>  | <b>1,744</b>  | <b>1,678</b>  | <b>96.2</b> | <b>66</b>    | <b>3.8</b> |
| 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        |
| <b>SECOND CIRCUIT</b> | <b>3,479</b>  | <b>3,314</b>  | <b>95.3</b> | <b>165</b>   | <b>4.7</b> |
| 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        |
| <b>THIRD CIRCUIT</b>  | <b>2,123</b>  | <b>2,024</b>  | <b>95.3</b> | <b>99</b>    | <b>4.7</b> |
| 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       |
| <b>FOURTH CIRCUIT</b> | <b>5,587</b>  | <b>5,387</b>  | <b>96.4</b> | <b>200</b>   | <b>3.6</b> |
| 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<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | N             | %           | N          | %          |
| <b>FIFTH CIRCUIT</b>   | <b>17,658</b> | <b>17,459</b> | <b>98.9</b> | <b>199</b> | <b>1.1</b> |
| <b>Louisiana</b>       |               |               |             |            |            |
| Eastern                | 275           | 255           | 92.7        | 20         | 7.3        |
| Middle                 | 154           | 147           | 95.5        | 7          | 4.5        |
| Western                | 252           | 238           | 94.4        | 14         | 5.6        |
| <b>Mississippi</b>     |               |               |             |            |            |
| Northern               | 173           | 167           | 96.5        | 6          | 3.5        |
| Southern               | 342           | 338           | 98.8        | 4          | 1.2        |
| <b>Texas</b>           |               |               |             |            |            |
| 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        |
| <b>SIXTH CIRCUIT</b>   | <b>4,699</b>  | <b>4,550</b>  | <b>96.8</b> | <b>149</b> | <b>3.2</b> |
| <b>Kentucky</b>        |               |               |             |            |            |
| Eastern                | 392           | 351           | 89.5        | 41         | 10.5       |
| Western                | 303           | 293           | 96.7        | 10         | 3.3        |
| <b>Michigan</b>        |               |               |             |            |            |
| Eastern                | 934           | 906           | 97.0        | 28         | 3.0        |
| Western                | 359           | 349           | 97.2        | 10         | 2.8        |
| <b>Ohio</b>            |               |               |             |            |            |
| Northern               | 716           | 695           | 97.1        | 21         | 2.9        |
| Southern               | 574           | 569           | 99.1        | 5          | 0.9        |
| <b>Tennessee</b>       |               |               |             |            |            |
| Eastern                | 655           | 644           | 98.3        | 11         | 1.7        |
| Middle                 | 321           | 312           | 97.2        | 9          | 2.8        |
| Western                | 445           | 431           | 96.9        | 14         | 3.1        |
| <b>SEVENTH CIRCUIT</b> | <b>2,442</b>  | <b>2,338</b>  | <b>95.7</b> | <b>104</b> | <b>4.3</b> |
| <b>Illinois</b>        |               |               |             |            |            |
| Central                | 241           | 233           | 96.7        | 8          | 3.3        |
| Northern               | 740           | 695           | 93.9        | 45         | 6.1        |
| Southern               | 266           | 262           | 98.5        | 4          | 1.5        |
| <b>Indiana</b>         |               |               |             |            |            |
| Northern               | 373           | 360           | 96.5        | 13         | 3.5        |
| Southern               | 414           | 400           | 96.6        | 14         | 3.4        |
| <b>Wisconsin</b>       |               |               |             |            |            |
| Eastern                | 252           | 241           | 95.6        | 11         | 4.4        |
| Western                | 156           | 147           | 94.2        | 9          | 5.8        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,805</b>  | <b>4,666</b>  | <b>97.1</b> | <b>139</b> | <b>2.9</b> |
| <b>Arkansas</b>        |               |               |             |            |            |
| Eastern                | 453           | 446           | 98.5        | 7          | 1.5        |
| Western                | 238           | 235           | 98.7        | 3          | 1.3        |
| <b>Iowa</b>            |               |               |             |            |            |
| Northern               | 370           | 356           | 96.2        | 14         | 3.8        |
| Southern               | 477           | 466           | 97.7        | 11         | 2.3        |
| <b>Minnesota</b>       | 295           | 274           | 92.9        | 21         | 7.1        |
| <b>Missouri</b>        |               |               |             |            |            |
| Eastern                | 847           | 834           | 98.5        | 13         | 1.5        |
| Western                | 779           | 758           | 97.3        | 21         | 2.7        |
| <b>Nebraska</b>        | 494           | 477           | 96.6        | 17         | 3.4        |
| <b>North Dakota</b>    | 370           | 360           | 97.3        | 10         | 2.7        |
| <b>South Dakota</b>    | 482           | 460           | 95.4        | 22         | 4.6        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | N             | %           | N          | %          |
| <b>NINTH CIRCUIT</b>     | <b>13,532</b> | <b>13,228</b> | <b>97.8</b> | <b>304</b> | <b>2.2</b> |
| 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        |
| <b>TENTH CIRCUIT</b>     | <b>6,541</b>  | <b>6,479</b>  | <b>99.1</b> | <b>62</b>  | <b>0.9</b> |
| 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        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,596</b>  | <b>6,284</b>  | <b>95.3</b> | <b>312</b> | <b>4.7</b> |
| 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      |             |              |            | Second Circuit |             |            |            |
|------------------------------|---------------|---------------|-------------|--------------|------------|----------------|-------------|------------|------------|
|                              |               | PLEA          |             | TRIAL        |            | PLEA           |             | TRIAL      |            |
|                              |               | N             | %           | N            | %          | N              | %           | N          | %          |
| <b>TOTAL</b>                 | <b>69,425</b> | <b>67,610</b> | <b>97.4</b> | <b>1,815</b> | <b>2.6</b> | <b>3,314</b>   | <b>95.3</b> | <b>165</b> | <b>4.7</b> |
| Administration of Justice    | 730           | 682           | 93.4        | 48           | 6.6        | 38             | 86.4        | 6          | 13.6       |
| Antitrust                    | 53            | 48            | 90.6        | 5            | 9.4        | 0              | --          | 0          | --         |
| Arson                        | 55            | 48            | 87.3        | 7            | 12.7       | 5              | 71.4        | 2          | 28.6       |
| Assault                      | 692           | 653           | 94.4        | 39           | 5.6        | 54             | 96.4        | 2          | 3.6        |
| Bribery/Corruption           | 317           | 293           | 92.4        | 24           | 7.6        | 29             | 90.6        | 3          | 9.4        |
| Burglary/Trespass            | 41            | 41            | 100.0       | 0            | 0.0        | 0              | --          | 0          | --         |
| Child Pornography            | 1,416         | 1,359         | 96.0        | 57           | 4.0        | 70             | 95.9        | 3          | 4.1        |
| Commercialized Vice          | 146           | 142           | 97.3        | 4            | 2.7        | 32             | 100.0       | 0          | 0.0        |
| Drug Possession              | 777           | 775           | 99.7        | 2            | 0.3        | 22             | 100.0       | 0          | 0.0        |
| Drug Trafficking             | 18,747        | 18,270        | 97.5        | 477          | 2.5        | 1,310          | 98.0        | 27         | 2.0        |
| Environmental                | 203           | 201           | 99.0        | 2            | 1.0        | 14             | 100.0       | 0          | 0.0        |
| Extortion/Racketeering       | 288           | 274           | 95.1        | 14           | 4.9        | 51             | 96.2        | 2          | 3.8        |
| Firearms                     | 7,512         | 7,284         | 97.0        | 228          | 3.0        | 242            | 90.3        | 26         | 9.7        |
| Food and Drug                | 43            | 42            | 97.7        | 1            | 2.3        | 4              | 100.0       | 0          | 0.0        |
| Forgery/Counter/Copyright    | 298           | 296           | 99.3        | 2            | 0.7        | 17             | 100.0       | 0          | 0.0        |
| Fraud/Theft/Embezzlement     | 6,620         | 6,298         | 95.1        | 322          | 4.9        | 497            | 93.8        | 33         | 6.2        |
| Immigration                  | 23,883        | 23,771        | 99.5        | 112          | 0.5        | 346            | 98.0        | 7          | 2.0        |
| Individual Rights            | 67            | 56            | 83.6        | 11           | 16.4       | 5              | 71.4        | 2          | 28.6       |
| Kidnapping                   | 106           | 90            | 84.9        | 16           | 15.1       | 5              | 71.4        | 2          | 28.6       |
| Manslaughter                 | 61            | 59            | 96.7        | 2            | 3.3        | 0              | --          | 0          | --         |
| Money Laundering             | 1,297         | 1,213         | 93.5        | 84           | 6.5        | 113            | 89.7        | 13         | 10.3       |
| Murder                       | 318           | 243           | 76.4        | 75           | 23.6       | 64             | 78.0        | 18         | 22.0       |
| National Defense             | 204           | 189           | 92.6        | 15           | 7.4        | 20             | 90.9        | 2          | 9.1        |
| Obscenity/Other Sex Offenses | 384           | 383           | 99.7        | 1            | 0.3        | 12             | 100.0       | 0          | 0.0        |
| Prison Offenses              | 568           | 561           | 98.8        | 7            | 1.2        | 20             | 100.0       | 0          | 0.0        |
| Robbery                      | 1,720         | 1,630         | 94.8        | 90           | 5.2        | 147            | 94.8        | 8          | 5.2        |
| Sexual Abuse                 | 1,067         | 976           | 91.5        | 91           | 8.5        | 79             | 94.0        | 5          | 6.0        |
| Stalking/Harassing           | 213           | 194           | 91.1        | 19           | 8.9        | 13             | 86.7        | 2          | 13.3       |
| Tax                          | 577           | 534           | 92.5        | 43           | 7.5        | 66             | 97.1        | 2          | 2.9        |
| Other                        | 1,022         | 1,005         | 98.3        | 17           | 1.7        | 39             | 100.0       | 0          | 0.0        |

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

Of the 3,479 cases from the Second 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          | %          |
| <b>TOTAL</b>                 | <b>69,425</b> | <b>60,976</b> | <b>87.8</b> | <b>2,089</b>            | <b>3.0</b> | <b>1,394</b>               | <b>2.0</b> | <b>4,444</b>   | <b>6.4</b> | <b>522</b> | <b>0.8</b> |
| 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**

**Second Circuit**

| TYPE OF CRIME                | TOTAL        | Prison Only  |             | Prison and Alternatives |            | Probation and Alternatives |            | Probation Only |            | Fine Only |            |
|------------------------------|--------------|--------------|-------------|-------------------------|------------|----------------------------|------------|----------------|------------|-----------|------------|
|                              |              | N            | %           | N                       | %          | N                          | %          | N              | %          | N         | %          |
| <b>TOTAL</b>                 | <b>3,479</b> | <b>3,012</b> | <b>86.6</b> | <b>177</b>              | <b>5.1</b> | <b>58</b>                  | <b>1.7</b> | <b>222</b>     | <b>6.4</b> | <b>10</b> | <b>0.3</b> |
| Administration of Justice    | 44           | 33           | 75.0        | 1                       | 2.3        | 0                          | 0.0        | 10             | 22.7       | 0         | 0.0        |
| Antitrust                    | 0            | 0            | --          | 0                       | --         | 0                          | --         | 0              | --         | 0         | --         |
| Arson                        | 7            | 6            | 85.7        | 0                       | 0.0        | 1                          | 14.3       | 0              | 0.0        | 0         | 0.0        |
| Assault                      | 56           | 54           | 96.4        | 1                       | 1.8        | 0                          | 0.0        | 0              | 0.0        | 1         | 1.8        |
| Bribery/Corruption           | 32           | 27           | 84.4        | 2                       | 6.3        | 0                          | 0.0        | 3              | 9.4        | 0         | 0.0        |
| Burglary/Trespass            | 0            | 0            | --          | 0                       | --         | 0                          | --         | 0              | --         | 0         | --         |
| Child Pornography            | 73           | 68           | 93.2        | 3                       | 4.1        | 0                          | 0.0        | 2              | 2.7        | 0         | 0.0        |
| Commercialized Vice          | 32           | 9            | 28.1        | 15                      | 46.9       | 3                          | 9.4        | 5              | 15.6       | 0         | 0.0        |
| Drug Possession              | 22           | 7            | 31.8        | 0                       | 0.0        | 1                          | 4.5        | 13             | 59.1       | 1         | 4.5        |
| Drug Trafficking             | 1,337        | 1,244        | 93.0        | 55                      | 4.1        | 16                         | 1.2        | 22             | 1.6        | 0         | 0.0        |
| Environmental                | 14           | 5            | 35.7        | 0                       | 0.0        | 1                          | 7.1        | 8              | 57.1       | 0         | 0.0        |
| Extortion/Racketeering       | 53           | 47           | 88.7        | 3                       | 5.7        | 2                          | 3.8        | 1              | 1.9        | 0         | 0.0        |
| Firearms                     | 268          | 243          | 90.7        | 12                      | 4.5        | 2                          | 0.7        | 11             | 4.1        | 0         | 0.0        |
| Food and Drug                | 4            | 0            | 0.0         | 0                       | 0.0        | 0                          | 0.0        | 2              | 50.0       | 2         | 50.0       |
| Forgery/Counter/Copyright    | 17           | 10           | 58.8        | 2                       | 11.8       | 0                          | 0.0        | 5              | 29.4       | 0         | 0.0        |
| Fraud/Theft/Embezzlement     | 530          | 378          | 71.3        | 47                      | 8.9        | 22                         | 4.2        | 80             | 15.1       | 3         | 0.6        |
| Immigration                  | 353          | 346          | 98.0        | 3                       | 0.8        | 1                          | 0.3        | 3              | 0.8        | 0         | 0.0        |
| Individual Rights            | 7            | 7            | 100.0       | 0                       | 0.0        | 0                          | 0.0        | 0              | 0.0        | 0         | 0.0        |
| Kidnapping                   | 7            | 7            | 100.0       | 0                       | 0.0        | 0                          | 0.0        | 0              | 0.0        | 0         | 0.0        |
| Manslaughter                 | 0            | 0            | --          | 0                       | --         | 0                          | --         | 0              | --         | 0         | --         |
| Money Laundering             | 126          | 101          | 80.2        | 6                       | 4.8        | 2                          | 1.6        | 17             | 13.5       | 0         | 0.0        |
| Murder                       | 82           | 80           | 97.6        | 2                       | 2.4        | 0                          | 0.0        | 0              | 0.0        | 0         | 0.0        |
| National Defense             | 22           | 20           | 90.9        | 0                       | 0.0        | 1                          | 4.5        | 1              | 4.5        | 0         | 0.0        |
| Obscenity/Other Sex Offenses | 12           | 11           | 91.7        | 0                       | 0.0        | 1                          | 8.3        | 0              | 0.0        | 0         | 0.0        |
| Prison Offenses              | 20           | 17           | 85.0        | 2                       | 10.0       | 0                          | 0.0        | 1              | 5.0        | 0         | 0.0        |
| Robbery                      | 155          | 138          | 89.0        | 13                      | 8.4        | 1                          | 0.6        | 3              | 1.9        | 0         | 0.0        |
| Sexual Abuse                 | 84           | 80           | 95.2        | 1                       | 1.2        | 1                          | 1.2        | 2              | 2.4        | 0         | 0.0        |
| Stalking/Harassing           | 15           | 11           | 73.3        | 3                       | 20.0       | 0                          | 0.0        | 1              | 6.7        | 0         | 0.0        |
| Tax                          | 68           | 38           | 55.9        | 4                       | 5.9        | 3                          | 4.4        | 23             | 33.8       | 0         | 0.0        |
| Other                        | 39           | 25           | 64.1        | 2                       | 5.1        | 0                          | 0.0        | 9              | 23.1       | 3         | 7.7        |

Of the 3,479 cases from the Second 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        |             |                     |             | Second Circuit  |             |                     |             |
|------------------------------|--------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                              |              | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                              |              | N               | %           | N                   | %           | N               | %           | N                   | %           |
| <b>TOTAL</b>                 | <b>4,343</b> | <b>1,931</b>    | <b>44.5</b> | <b>2,412</b>        | <b>55.5</b> | <b>112</b>      | <b>51.1</b> | <b>107</b>          | <b>48.9</b> |
| Administration of Justice    | 144          | 74              | 51.4        | 70                  | 48.6        | 5               | 71.4        | 2                   | 28.6        |
| 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        | 0               | --          | 0                   | --          |
| 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        | 13              | 68.4        | 6                   | 31.6        |
| Drug Possession              | 311          | 123             | 39.5        | 188                 | 60.5        | 5               | 25.0        | 15                  | 75.0        |
| Drug Trafficking             | 449          | 280             | 62.4        | 169                 | 37.6        | 27              | 73.0        | 10                  | 27.0        |
| Environmental                | 84           | 17              | 20.2        | 67                  | 79.8        | 2               | 28.6        | 5                   | 71.4        |
| Extortion/Racketeering       | 11           | 5               | 45.5        | 6                   | 54.5        | 2               | 100.0       | 0                   | 0.0         |
| Firearms                     | 115          | 46              | 40.0        | 69                  | 60.0        | 2               | 33.3        | 4                   | 66.7        |
| 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        | 0               | --          | 0                   | --          |
| Fraud/Theft/Embezzlement     | 1,565        | 537             | 34.3        | 1,028               | 65.7        | 35              | 42.2        | 48                  | 57.8        |
| Immigration                  | 537          | 353             | 65.7        | 184                 | 34.3        | 8               | 72.7        | 3                   | 27.3        |
| Individual Rights            | 14           | 5               | 35.7        | 9                   | 64.3        | 2               | 100.0       | 0                   | 0.0         |
| Kidnapping                   | 0            | 0               | --          | 0                   | --          | 0               | --          | 0                   | --          |
| Manslaughter                 | 0            | 0               | --          | 0                   | --          | 0               | --          | 0                   | --          |
| Money Laundering             | 44           | 17              | 38.6        | 27                  | 61.4        | 1               | 25.0        | 3                   | 75.0        |
| Murder                       | 0            | 0               | --          | 0                   | --          | 0               | --          | 0                   | --          |
| National Defense             | 11           | 1               | 9.1         | 10                  | 90.9        | 1               | 100.0       | 0                   | 0.0         |
| Obscenity/Other Sex Offenses | 13           | 12              | 92.3        | 1                   | 7.7         | 0               | --          | 0                   | --          |
| Prison Offenses              | 228          | 215             | 94.3        | 13                  | 5.7         | 7               | 87.5        | 1                   | 12.5        |
| 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        | 1               | 100.0       | 0                   | 0.0         |
| Tax                          | 25           | 5               | 20.0        | 20                  | 80.0        | 1               | 25.0        | 3                   | 75.0        |
| Other                        | 481          | 102             | 21.2        | 379                 | 78.8        | 0               | 0.0         | 4                   | 100.0       |

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 3,479 cases from the Second Circuit, a U.S. Citizen was the offender in 2,603 cases. Of these, 2,384 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    |               |               | Second Circuit |               |              |
|------------------------------|-------------|---------------|---------------|----------------|---------------|--------------|
|                              | Mean Months | Median Months | N             | Mean Months    | Median Months | N            |
| <b>TOTAL</b>                 | <b>44</b>   | <b>20</b>     | <b>69,425</b> | <b>48</b>      | <b>24</b>     | <b>3,479</b> |
| Administration of Justice    | 13          | 9             | 730           | 22             | 11            | 44           |
| Antitrust                    | 5           | 1             | 53            | --             | --            | 0            |
| Arson                        | 65          | 48            | 55            | 39             | 18            | 7            |
| Assault                      | 56          | 33            | 692           | 89             | 69            | 56           |
| Bribery/Corruption           | 23          | 15            | 317           | 17             | 6             | 32           |
| Burglary/Trespass            | 21          | 18            | 41            | --             | --            | 0            |
| Child Pornography            | 104         | 87            | 1,416         | 89             | 72            | 73           |
| Commercialized Vice          | 17          | 8             | 146           | 10             | 6             | 32           |
| Drug Possession              | 3           | 1             | 777           | 1              | 0             | 22           |
| Drug Trafficking             | 76          | 60            | 18,747        | 52             | 39            | 1,337        |
| Environmental                | 3           | 0             | 203           | 1              | 0             | 14           |
| Extortion/Racketeering       | 39          | 27            | 288           | 34             | 24            | 53           |
| Firearms                     | 53          | 41            | 7,512         | 58             | 37            | 268          |
| Food and Drug                | 8           | 0             | 43            | 0              | 0             | 4            |
| Forgery/Counter/Copyright    | 14          | 12            | 298           | 9              | 3             | 17           |
| Fraud/Theft/Embezzlement     | 23          | 12            | 6,620         | 21             | 12            | 530          |
| Immigration                  | 10          | 6             | 23,883        | 7              | 3             | 353          |
| Individual Rights            | 27          | 12            | 67            | 38             | 18            | 7            |
| Kidnapping                   | 179         | 138           | 106           | 109            | 100           | 7            |
| Manslaughter                 | 65          | 40            | 61            | --             | --            | 0            |
| Money Laundering             | 59          | 35            | 1,297         | 32             | 12            | 126          |
| Murder                       | 291         | 292           | 318           | 243            | 240           | 82           |
| National Defense             | 52          | 30            | 204           | 103            | 18            | 22           |
| Obscenity/Other Sex Offenses | 19          | 18            | 384           | 12             | 11            | 12           |
| Prison Offenses              | 12          | 11            | 568           | 20             | 9             | 20           |
| Robbery                      | 106         | 88            | 1,720         | 70             | 48            | 155          |
| Sexual Abuse                 | 191         | 180           | 1,067         | 162            | 120           | 84           |
| Stalking/Harassing           | 30          | 24            | 213           | 29             | 28            | 15           |
| Tax                          | 17          | 12            | 577           | 7              | 1             | 68           |
| Other                        | 3           | 0             | 1,022         | 22             | 12            | 39           |

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

Of the 3,479 cases from the Second 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 RANGE<sup>1</sup>**  
**Fiscal Year 2018**

|  | <b>National</b> |              | <b>Second Circuit</b> |              |
|--|-----------------|--------------|-----------------------|--------------|
|  | <b>N</b>        | <b>%</b>     | <b>N</b>              | <b>%</b>     |
| <b>TOTAL CASES</b>                           | <b>68,902</b>   | <b>100.0</b> | <b>3,458</b>          | <b>100.0</b> |
| <b>SENTENCES UNDER THE GUIDELINES MANUAL</b> | <b>51,702</b>   | <b>75.0</b>  | <b>1,914</b>          | <b>55.3</b>  |
| Within Guideline Range                       | 35,127          | 51.0         | 1,130                 | 32.7         |
| Upward Departure <sup>2</sup>                | 396             | 0.6          | 15                    | 0.4          |
| Downward Departure                           |                 |              |                       |              |
| §5K1.1 Substantial Assistance                | 6,948           | 10.1         | 585                   | 16.9         |
| §5K3.1 Early Disposition Program             | 6,259           | 9.1          | 19                    | 0.5          |
| Other Government Motion <sup>3</sup>         | 1,272           | 1.8          | 45                    | 1.3          |
| Non-Government Departure <sup>4</sup>        | 1,700           | 2.5          | 120                   | 3.5          |
| <b>VARIANCES</b>                             | <b>17,200</b>   | <b>25.0</b>  | <b>1,544</b>          | <b>44.7</b>  |
| Upward Variance <sup>5</sup>                 | 1,404           | 2.0          | 38                    | 1.1          |
| Downward Variance                            |                 |              |                       |              |
| Government Motion <sup>6</sup>               | 3,795           | 5.5          | 215                   | 6.2          |
| Non-Government Variance <sup>7</sup>         | 12,001          | 17.4         | 1,291                 | 37.3         |

<sup>1</sup> This table reflects the 69,425 cases reported to the Commission in fiscal year 2018, 3,479 of which were from the Second Circuit. Of these, 523 cases nationally and 21 cases from the Second Circuit were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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 DISTRICT<sup>1</sup>  
Fiscal Year 2018**

| CIRCUIT<br>District   | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | DEPARTURE  |            |              |             |              |            |              |             | VARIANCE      |             |
|-----------------------|---------------|------------------------------|-------------|------------|------------|--------------|-------------|--------------|------------|--------------|-------------|---------------|-------------|
|                       |               | N                            | %           | UPWARD     |            | §5K1.1       |             | §5K3.1       |            | DOWNWARD     |             | N             | %           |
|                       |               |                              |             | N          | %          | N            | %           | N            | %          | N            | %           |               |             |
| <b>TOTAL</b>          | <b>68,902</b> | <b>35,127</b>                | <b>51.0</b> | <b>396</b> | <b>0.6</b> | <b>6,948</b> | <b>10.1</b> | <b>6,259</b> | <b>9.1</b> | <b>2,972</b> | <b>4.3</b>  | <b>17,200</b> | <b>25.0</b> |
| <b>D.C. CIRCUIT</b>   | <b>217</b>    | <b>85</b>                    | <b>39.2</b> | <b>1</b>   | <b>0.5</b> | <b>27</b>    | <b>12.4</b> | <b>0</b>     | <b>0.0</b> | <b>24</b>    | <b>11.1</b> | <b>80</b>     | <b>36.9</b> |
| District of Columbia  | 217           | 85                           | 39.2        | 1          | 0.5        | 27           | 12.4        | 0            | 0.0        | 24           | 11.1        | 80            | 36.9        |
| <b>FIRST CIRCUIT</b>  | <b>1,739</b>  | <b>781</b>                   | <b>44.9</b> | <b>12</b>  | <b>0.7</b> | <b>152</b>   | <b>8.7</b>  | <b>11</b>    | <b>0.6</b> | <b>80</b>    | <b>4.6</b>  | <b>703</b>    | <b>40.4</b> |
| 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        |
| <b>SECOND CIRCUIT</b> | <b>3,458</b>  | <b>1,130</b>                 | <b>32.7</b> | <b>15</b>  | <b>0.4</b> | <b>585</b>   | <b>16.9</b> | <b>19</b>    | <b>0.5</b> | <b>165</b>   | <b>4.8</b>  | <b>1,544</b>  | <b>44.7</b> |
| 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        |
| <b>THIRD CIRCUIT</b>  | <b>2,114</b>  | <b>869</b>                   | <b>41.1</b> | <b>8</b>   | <b>0.4</b> | <b>465</b>   | <b>22.0</b> | <b>22</b>    | <b>1.0</b> | <b>64</b>    | <b>3.0</b>  | <b>686</b>    | <b>32.5</b> |
| 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        |
| <b>FOURTH CIRCUIT</b> | <b>5,501</b>  | <b>3,084</b>                 | <b>56.1</b> | <b>65</b>  | <b>1.2</b> | <b>721</b>   | <b>13.1</b> | <b>6</b>     | <b>0.1</b> | <b>216</b>   | <b>3.9</b>  | <b>1,409</b>  | <b>25.6</b> |
| 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<br>District    | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | DEPARTURE  |            |            |             |            |            |            |            |              |             |
|------------------------|---------------|------------------------------|-------------|------------|------------|------------|-------------|------------|------------|------------|------------|--------------|-------------|
|                        |               | N                            | %           | UPWARD     |            | §5K1.1     |             | §5K3.1     |            | DOWNWARD   |            | VARIANCE     |             |
|                        |               |                              |             | N          | %          | N          | %           | N          | %          | N          | %          | N            | %           |
| <b>FIFTH CIRCUIT</b>   | <b>17,588</b> | <b>12,223</b>                | <b>69.5</b> | <b>127</b> | <b>0.7</b> | <b>929</b> | <b>5.3</b>  | <b>670</b> | <b>3.8</b> | <b>872</b> | <b>5.0</b> | <b>2,767</b> | <b>15.7</b> |
| 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        |
| <b>SIXTH CIRCUIT</b>   | <b>4,648</b>  | <b>2,072</b>                 | <b>44.6</b> | <b>19</b>  | <b>0.4</b> | <b>855</b> | <b>18.4</b> | <b>15</b>  | <b>0.3</b> | <b>253</b> | <b>5.4</b> | <b>1,434</b> | <b>30.9</b> |
| 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        |
| <b>SEVENTH CIRCUIT</b> | <b>2,433</b>  | <b>907</b>                   | <b>37.3</b> | <b>10</b>  | <b>0.4</b> | <b>331</b> | <b>13.6</b> | <b>2</b>   | <b>0.1</b> | <b>161</b> | <b>6.6</b> | <b>1,022</b> | <b>42.0</b> |
| 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        |
| <b>EIGHTH CIRCUIT</b>  | <b>4,795</b>  | <b>2,168</b>                 | <b>45.2</b> | <b>38</b>  | <b>0.8</b> | <b>658</b> | <b>13.7</b> | <b>54</b>  | <b>1.1</b> | <b>132</b> | <b>2.8</b> | <b>1,745</b> | <b>36.4</b> |
| 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<br>District      | TOTAL         | WITHIN<br>GUIDELINE<br>RANGE |             | DEPARTURE |            |              |             |              |             |            |            |              |             |
|--------------------------|---------------|------------------------------|-------------|-----------|------------|--------------|-------------|--------------|-------------|------------|------------|--------------|-------------|
|                          |               | N                            | %           | UPWARD    |            | §5K1.1       |             | §5K3.1       |             | DOWNWARD   |            | VARIANCE     |             |
|                          |               |                              |             | N         | %          | N            | %           | N            | %           | N          | %          | N            | %           |
| <b>NINTH CIRCUIT</b>     | <b>13,439</b> | <b>4,357</b>                 | <b>32.4</b> | <b>68</b> | <b>0.5</b> | <b>1,021</b> | <b>7.6</b>  | <b>4,521</b> | <b>33.6</b> | <b>607</b> | <b>4.5</b> | <b>2,865</b> | <b>21.3</b> |
| 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        |
| <b>TENTH CIRCUIT</b>     | <b>6,515</b>  | <b>3,832</b>                 | <b>58.8</b> | <b>24</b> | <b>0.4</b> | <b>359</b>   | <b>5.5</b>  | <b>921</b>   | <b>14.1</b> | <b>302</b> | <b>4.6</b> | <b>1,077</b> | <b>16.5</b> |
| 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        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,455</b>  | <b>3,619</b>                 | <b>56.1</b> | <b>9</b>  | <b>0.1</b> | <b>845</b>   | <b>13.1</b> | <b>18</b>    | <b>0.3</b>  | <b>96</b>  | <b>1.5</b> | <b>1,868</b> | <b>28.9</b> |
| 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<br>GUIDELINE<br>RANGE |             | DEPARTURE  |            |              |             |              |            |              |            | VARIANCE      |             |
|------------------------------|---------------|------------------------------|-------------|------------|------------|--------------|-------------|--------------|------------|--------------|------------|---------------|-------------|
|                              |               |                              |             | UPWARD     |            | §5K1.1       |             | §5K3.1       |            | DOWNWARD     |            |               |             |
|                              |               | N                            | %           | N          | %          | N            | %           | N            | %          | N            | %          | N             | %           |
| <b>TOTAL</b>                 | <b>68,902</b> | <b>35,127</b>                | <b>51.0</b> | <b>396</b> | <b>0.6</b> | <b>6,948</b> | <b>10.1</b> | <b>6,259</b> | <b>9.1</b> | <b>2,972</b> | <b>4.3</b> | <b>17,200</b> | <b>25.0</b> |
| 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        |

**Second Circuit**

| TYPE OF CRIME                | TOTAL        | WITHIN<br>GUIDELINE<br>RANGE |             | DEPARTURE |            |            |             |           |            |            |            | VARIANCE     |             |
|------------------------------|--------------|------------------------------|-------------|-----------|------------|------------|-------------|-----------|------------|------------|------------|--------------|-------------|
|                              |              |                              |             | UPWARD    |            | §5K1.1     |             | §5K3.1    |            | DOWNWARD   |            |              |             |
|                              |              | N                            | %           | N         | %          | N          | %           | N         | %          | N          | %          | N            | %           |
| <b>TOTAL</b>                 | <b>3,458</b> | <b>1,130</b>                 | <b>32.7</b> | <b>15</b> | <b>0.4</b> | <b>585</b> | <b>16.9</b> | <b>19</b> | <b>0.5</b> | <b>165</b> | <b>4.8</b> | <b>1,544</b> | <b>44.7</b> |
| Child Pornography            | 73           | 16                           | 21.9        | 0         | 0.0        | 2          | 2.7         | 0         | 0.0        | 1          | 1.4        | 54           | 74.0        |
| Drug Trafficking             | 1,334        | 330                          | 24.7        | 3         | 0.2        | 279        | 20.9        | 0         | 0.0        | 80         | 6.0        | 642          | 48.1        |
| Firearms                     | 268          | 119                          | 44.4        | 3         | 1.1        | 21         | 7.8         | 0         | 0.0        | 16         | 6.0        | 109          | 40.7        |
| Fraud/Theft/Embezzlement     | 525          | 166                          | 31.6        | 3         | 0.6        | 80         | 15.2        | 0         | 0.0        | 22         | 4.2        | 254          | 48.4        |
| Immigration                  | 352          | 242                          | 68.8        | 0         | 0.0        | 5          | 1.4         | 19        | 5.4        | 5          | 1.4        | 81           | 23.0        |
| Money Laundering             | 126          | 15                           | 11.9        | 1         | 0.8        | 46         | 36.5        | 0         | 0.0        | 5          | 4.0        | 59           | 46.8        |
| Robbery                      | 155          | 40                           | 25.8        | 0         | 0.0        | 32         | 20.6        | 0         | 0.0        | 12         | 7.7        | 71           | 45.8        |
| Sexual Abuse                 | 84           | 22                           | 26.2        | 0         | 0.0        | 15         | 17.9        | 0         | 0.0        | 3          | 3.6        | 44           | 52.4        |
| Other Miscellaneous Offenses | 541          | 180                          | 33.3        | 5         | 0.9        | 105        | 19.4        | 0         | 0.0        | 21         | 3.9        | 230          | 42.5        |

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.

Of the 3,479 cases from the Second Circuit, 21 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.