

**United  
States  
Sentencing  
Commission**



***Statistical Information Packet***

***Fiscal Year 2018***

***State of West Virginia***

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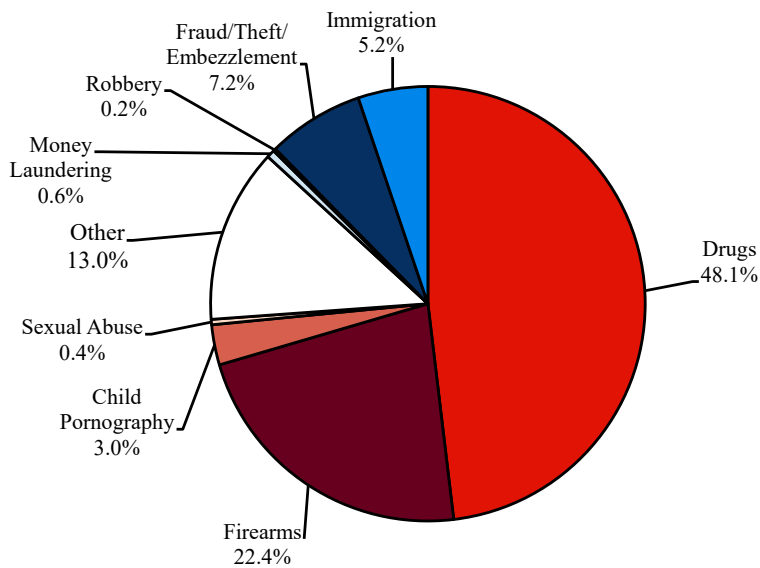
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**Figure A**  
**FEDERAL OFFENDERS BY TYPE OF CRIME<sup>1</sup>**  
**Fiscal Year 2018**

**National**



**West Virginia**



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

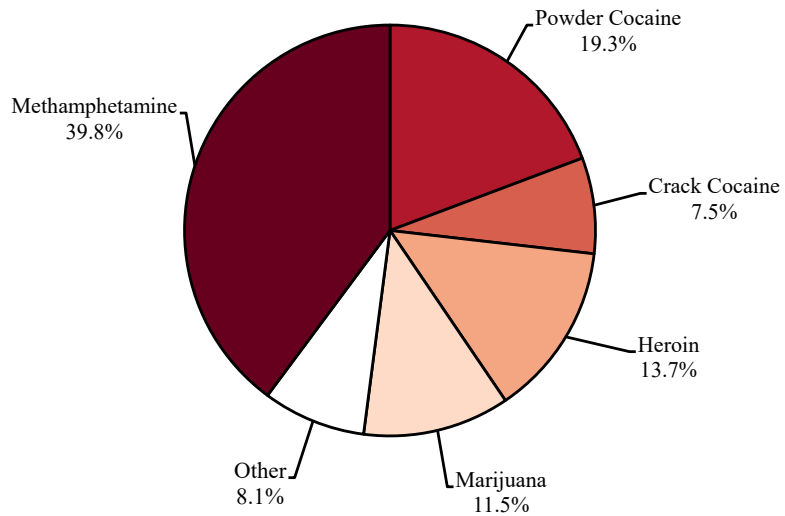
The State of West Virginia figure includes the 501 cases reported to the Commission.

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

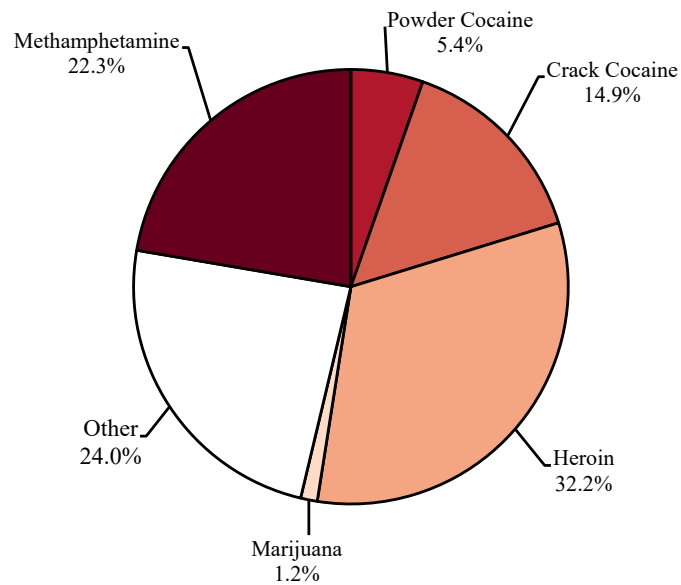
**Figure B**

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

**National**



**West Virginia**



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

Of the 501 cases from the State of West Virginia, in 242 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		West Virginia	
	N	%	N	%
<b>TOTAL</b>	<b>69,425</b>	<b>100.0</b>	<b>501</b>	<b>100.0</b>
Administration of Justice	730	1.1	0	0.0
Antitrust	53	0.1	0	0.0
Arson	55	0.1	0	0.0
Assault	692	1.0	8	1.6
Bribery/Corruption	317	0.5	0	0.0
Burglary/Trespass	41	0.1	0	0.0
Child Pornography	1,416	2.0	15	3.0
Commercialized Vice	146	0.2	0	0.0
Drug Possession	777	1.1	4	0.8
Drug Trafficking	18,747	27.0	237	47.3
Environmental	203	0.3	0	0.0
Extortion/Racketeering	288	0.4	5	1.0
Firearms	7,512	10.8	112	22.4
Food and Drug	43	0.1	0	0.0
Forgery/Counter/Copyright	298	0.4	3	0.6
Fraud/Theft/Embezzlement	6,620	9.5	36	7.2
Immigration	23,883	34.4	26	5.2
Individual Rights	67	0.1	0	0.0
Kidnapping	106	0.2	0	0.0
Manslaughter	61	0.1	0	0.0
Money Laundering	1,297	1.9	3	0.6
Murder	318	0.5	0	0.0
National Defense	204	0.3	0	0.0
Obscenity/Other Sex Offenses	384	0.6	9	1.8
Prison Offenses	568	0.8	29	5.8
Robbery	1,720	2.5	1	0.2
Sexual Abuse	1,067	1.5	2	0.4
Stalking/Harassing	213	0.3	2	0.4
Tax	577	0.8	5	1.0
Other	1,022	1.5	4	0.8

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

Table 2

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

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<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 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 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				West Virginia			
		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>491</b>	<b>98.0</b>	<b>10</b>	<b>2.0</b>
Administration of Justice	730	682	93.4	48	6.6	0	--	0	--
Antitrust	53	48	90.6	5	9.4	0	--	0	--
Arson	55	48	87.3	7	12.7	0	--	0	--
Assault	692	653	94.4	39	5.6	8	100.0	0	0.0
Bribery/Corruption	317	293	92.4	24	7.6	0	--	0	--
Burglary/Trespass	41	41	100.0	0	0.0	0	--	0	--
Child Pornography	1,416	1,359	96.0	57	4.0	15	100.0	0	0.0
Commercialized Vice	146	142	97.3	4	2.7	0	--	0	--
Drug Possession	777	775	99.7	2	0.3	4	100.0	0	0.0
Drug Trafficking	18,747	18,270	97.5	477	2.5	232	97.9	5	2.1
Environmental	203	201	99.0	2	1.0	0	--	0	--
Extortion/Racketeering	288	274	95.1	14	4.9	5	100.0	0	0.0
Firearms	7,512	7,284	97.0	228	3.0	109	97.3	3	2.7
Food and Drug	43	42	97.7	1	2.3	0	--	0	--
Forgery/Counter/Copyright	298	296	99.3	2	0.7	3	100.0	0	0.0
Fraud/Theft/Embezzlement	6,620	6,298	95.1	322	4.9	35	97.2	1	2.8
Immigration	23,883	23,771	99.5	112	0.5	26	100.0	0	0.0
Individual Rights	67	56	83.6	11	16.4	0	--	0	--
Kidnapping	106	90	84.9	16	15.1	0	--	0	--
Manslaughter	61	59	96.7	2	3.3	0	--	0	--
Money Laundering	1,297	1,213	93.5	84	6.5	3	100.0	0	0.0
Murder	318	243	76.4	75	23.6	0	--	0	--
National Defense	204	189	92.6	15	7.4	0	--	0	--
Obscenity/Other Sex Offenses	384	383	99.7	1	0.3	9	100.0	0	0.0
Prison Offenses	568	561	98.8	7	1.2	29	100.0	0	0.0
Robbery	1,720	1,630	94.8	90	5.2	1	100.0	0	0.0
Sexual Abuse	1,067	976	91.5	91	8.5	2	100.0	0	0.0
Stalking/Harassing	213	194	91.1	19	8.9	2	100.0	0	0.0
Tax	577	534	92.5	43	7.5	4	80.0	1	20.0
Other	1,022	1,005	98.3	17	1.7	4	100.0	0	0.0

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

Of the 501 cases from the State of West Virginia, 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**

**West Virginia**

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>501</b>	<b>438</b>	<b>87.4</b>	<b>12</b>	<b>2.4</b>	<b>10</b>	<b>2.0</b>	<b>41</b>	<b>8.2</b>	<b>0</b>	<b>0.0</b>
Administration of Justice	0	0	--	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	0	0	--	0	--	0	--	0	--	0	--
Assault	8	8	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Bribery/Corruption	0	0	--	0	--	0	--	0	--	0	--
Burglary/Trespass	0	0	--	0	--	0	--	0	--	0	--
Child Pornography	15	15	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Commercialized Vice	0	0	--	0	--	0	--	0	--	0	--
Drug Possession	4	3	75.0	0	0.0	1	25.0	0	0.0	0	0.0
Drug Trafficking	237	214	90.3	4	1.7	6	2.5	13	5.5	0	0.0
Environmental	0	0	--	0	--	0	--	0	--	0	--
Extortion/Racketeering	5	3	60.0	0	0.0	0	0.0	2	40.0	0	0.0
Firearms	112	101	90.2	5	4.5	0	0.0	6	5.4	0	0.0
Food and Drug	0	0	--	0	--	0	--	0	--	0	--
Forgery/Counter/Copyright	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Fraud/Theft/Embezzlement	36	17	47.2	2	5.6	3	8.3	14	38.9	0	0.0
Immigration	26	26	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Individual Rights	0	0	--	0	--	0	--	0	--	0	--
Kidnapping	0	0	--	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--	0	--
Money Laundering	3	2	66.7	0	0.0	0	0.0	1	33.3	0	0.0
Murder	0	0	--	0	--	0	--	0	--	0	--
National Defense	0	0	--	0	--	0	--	0	--	0	--
Obscenity/Other Sex Offenses	9	8	88.9	0	0.0	0	0.0	1	11.1	0	0.0
Prison Offenses	29	29	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Robbery	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Stalking/Harassing	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Tax	5	2	40.0	1	20.0	0	0.0	2	40.0	0	0.0
Other	4	2	50.0	0	0.0	0	0.0	2	50.0	0	0.0

Of the 501 cases from the State of West Virginia, 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				West Virginia			
		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>23</b>	<b>45.1</b>	<b>28</b>	<b>54.9</b>
Administration of Justice	144	74	51.4	70	48.6	0	--	0	--
Antitrust	8	3	37.5	5	62.5	0	--	0	--
Arson	1	1	100.0	0	0.0	0	--	0	--
Assault	114	59	51.8	55	48.2	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	0	--	0	--
Drug Possession	311	123	39.5	188	60.5	0	0.0	1	100.0
Drug Trafficking	449	280	62.4	169	37.6	9	60.0	6	40.0
Environmental	84	17	20.2	67	79.8	0	--	0	--
Extortion/Racketeering	11	5	45.5	6	54.5	1	100.0	0	0.0
Firearms	115	46	40.0	69	60.0	1	20.0	4	80.0
Food and Drug	27	3	11.1	24	88.9	0	--	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	5	26.3	14	73.7
Immigration	537	353	65.7	184	34.3	0	--	0	--
Individual Rights	14	5	35.7	9	64.3	0	--	0	--
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	0	0	--	0	--	0	--	0	--
Money Laundering	44	17	38.6	27	61.4	0	0.0	1	100.0
Murder	0	0	--	0	--	0	--	0	--
National Defense	11	1	9.1	10	90.9	0	--	0	--
Obscenity/Other Sex Offenses	13	12	92.3	1	7.7	0	--	0	--
Prison Offenses	228	215	94.3	13	5.7	7	100.0	0	0.0
Robbery	0	0	--	0	--	0	--	0	--
Sexual Abuse	2	2	100.0	0	0.0	0	--	0	--
Stalking/Harassing	23	16	69.6	7	30.4	0	--	0	--
Tax	25	5	20.0	20	80.0	0	--	0	--
Other	481	102	21.2	379	78.8	0	0.0	2	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 501 cases from the State of West Virginia, a U.S. Citizen was the offender in 462 cases. Of these, 411 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			West Virginia		
	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>30</b>	<b>501</b>
Administration of Justice	13	9	730	--	--	0
Antitrust	5	1	53	--	--	0
Arson	65	48	55	--	--	0
Assault	56	33	692	33	27	8
Bribery/Corruption	23	15	317	--	--	0
Burglary/Trespass	21	18	41	--	--	0
Child Pornography	104	87	1,416	79	72	15
Commercialized Vice	17	8	146	--	--	0
Drug Possession	3	1	777	7	5	4
Drug Trafficking	76	60	18,747	67	49	237
Environmental	3	0	203	--	--	0
Extortion/Racketeering	39	27	288	14	6	5
Firearms	53	41	7,512	43	37	112
Food and Drug	8	0	43	--	--	0
Forgery/Counter/Copyright	14	12	298	29	30	3
Fraud/Theft/Embezzlement	23	12	6,620	13	5	36
Immigration	10	6	23,883	4	3	26
Individual Rights	27	12	67	--	--	0
Kidnapping	179	138	106	--	--	0
Manslaughter	65	40	61	--	--	0
Money Laundering	59	35	1,297	27	24	3
Murder	291	292	318	--	--	0
National Defense	52	30	204	--	--	0
Obscenity/Other Sex Offenses	19	18	384	17	21	9
Prison Offenses	12	11	568	12	12	29
Robbery	106	88	1,720	--	--	1
Sexual Abuse	191	180	1,067	--	--	2
Stalking/Harassing	30	24	213	--	--	2
Tax	17	12	577	8	12	5
Other	3	0	1,022	14	11	4

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

Of the 501 cases from the State of West Virginia, 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**

	National		West Virginia	
	N	%	N	%
<b>TOTAL CASES</b>	<b>68,902</b>	<b>100.0</b>	<b>497</b>	<b>100.0</b>
<b>SENTENCES UNDER THE GUIDELINES MANUAL</b>	<b>51,702</b>	<b>75.0</b>	<b>339</b>	<b>68.2</b>
Within Guideline Range	35,127	51.0	304	61.2
Upward Departure <sup>2</sup>	396	0.6	1	0.2
Downward Departure				
§5K1.1 Substantial Assistance	6,948	10.1	19	3.8
§5K3.1 Early Disposition Program	6,259	9.1	5	1.0
Other Government Motion <sup>3</sup>	1,272	1.8	8	1.6
Non-Government Departure <sup>4</sup>	1,700	2.5	2	0.4
<b>VARIANCES</b>	<b>17,200</b>	<b>25.0</b>	<b>158</b>	<b>31.8</b>
Upward Variance <sup>5</sup>	1,404	2.0	16	3.2
Downward Variance				
Government Motion <sup>6</sup>	3,795	5.5	29	5.8
Non-Government Variance <sup>7</sup>	12,001	17.4	113	22.7

<sup>1</sup> This table reflects the 69,425 cases reported to the Commission in fiscal year 2018, 501 of which were from the State of West Virginia. Of these, 523 cases nationally and four cases from the State of West Virginia 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 District	TOTAL	WITHIN GUIDELINE 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 District	TOTAL	WITHIN GUIDELINE 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 District	TOTAL	WITHIN GUIDELINE 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 GUIDELINE 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

**West Virginia**

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
				UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>497</b>	<b>304</b>	<b>61.2</b>	<b>1</b>	<b>0.2</b>	<b>19</b>	<b>3.8</b>	<b>5</b>	<b>1.0</b>	<b>10</b>	<b>2.0</b>	<b>158</b>	<b>31.8</b>
Child Pornography	15	2	13.3	0	0.0	0	0.0	0	0.0	0	0.0	13	86.7
Drug Trafficking	237	142	59.9	1	0.4	7	3.0	0	0.0	2	0.8	85	35.9
Firearms	111	77	69.4	0	0.0	6	5.4	0	0.0	2	1.8	26	23.4
Fraud/Theft/Embezzlement	36	28	77.8	0	0.0	1	2.8	0	0.0	0	0.0	7	19.4
Immigration	26	21	80.8	0	0.0	0	0.0	5	19.2	0	0.0	0	0.0
Money Laundering	3	2	66.7	0	0.0	1	33.3	0	0.0	0	0.0	0	0.0
Robbery	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	2	0	0.0	0	0.0	1	50.0	0	0.0	0	0.0	1	50.0
Other Miscellaneous Offenses	66	31	47.0	0	0.0	3	4.5	0	0.0	6	9.1	26	39.4

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

Of the 501 cases from the State of West Virginia, four 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.