

United States Sentencing Commission



Statistical Information Packet

Fiscal Year 2024

Western District of New York

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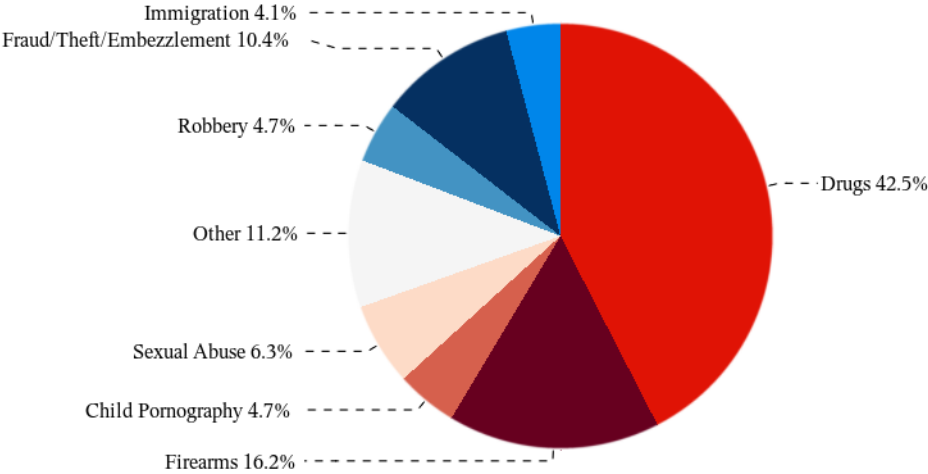
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Figure A
SENTENCED INDIVIDUALS BY TYPE OF CRIME
Fiscal Year 2024

National



Western New York



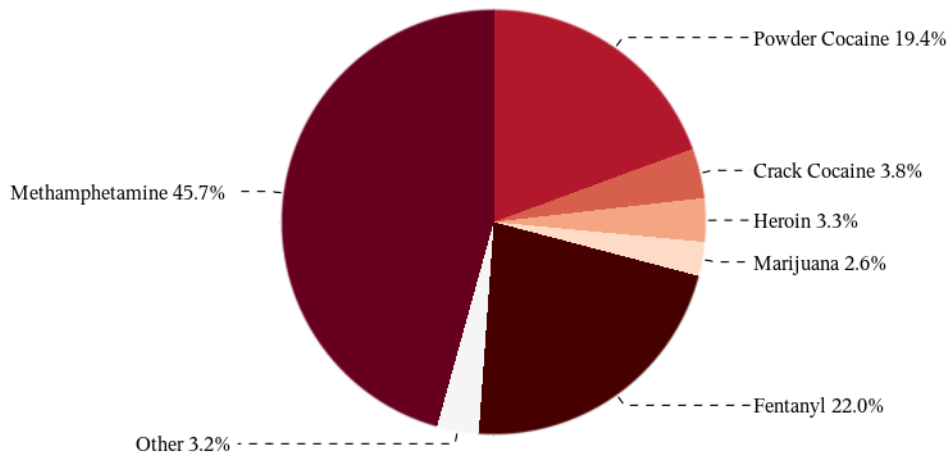
The National figure includes the 61,678 cases reported to the Commission. The Drugs category includes trafficking and simple possession.

The Western District of New York figure includes the 365 cases reported to the Commission.

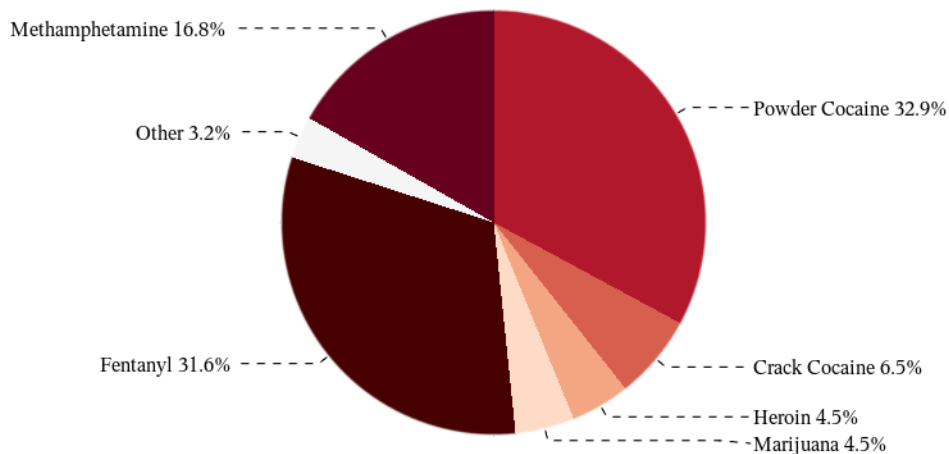
SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Figure B
DISTRIBUTION OF PRIMARY DRUG TYPE IN FEDERAL DRUG CASES
Fiscal Year 2024

National



Western New York



Of the 61,678 National cases, in 18,150 the individual was sentenced under USSG Chapter Two, Part D (Drugs).

Of the 365 cases from the Western District of New York, in 155 the individual was sentenced under USSG Chapter Two, Part D (Drugs).

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 1

**DISTRIBUTION OF SENTENCED INDIVIDUALS
BY TYPE OF CRIME
Fiscal Year 2024**

TYPE OF CRIME	National		Western New York	
	N	%	N	%
TOTAL	61,678	100.0	365	100.0
Administration of Justice	660	1.1	11	3.0
Antitrust	8	0.0	0	0.0
Arson	84	0.1	2	0.5
Assault	901	1.5	4	1.1
Bribery/Corruption	362	0.6	0	0.0
Burglary/Trespass	99	0.2	0	0.0
Child Pornography	1,375	2.2	17	4.7
Commercialized Vice	72	0.1	3	0.8
Drug Possession	109	0.2	0	0.0
Drug Trafficking	18,172	29.5	155	42.5
Environmental	140	0.2	0	0.0
Extortion/Racketeering	112	0.2	0	0.0
Firearms	8,131	13.2	59	16.2
Food and Drug	35	0.1	0	0.0
Forgery/Counter/Copyright	95	0.2	2	0.5
Fraud/Theft/Embezzlement	5,312	8.6	38	10.4
Immigration	18,492	30.0	15	4.1
Individual Rights	125	0.2	0	0.0
Kidnapping	147	0.2	0	0.0
Manslaughter	111	0.2	0	0.0
Money Laundering	1,289	2.1	0	0.0
Murder	523	0.8	1	0.3
National Defense	229	0.4	0	0.0
Obscenity/Other Sex Offenses	339	0.5	0	0.0
Prison Offenses	438	0.7	1	0.3
Robbery	1,323	2.1	17	4.7
Sexual Abuse	1,430	2.3	23	6.3
Stalking/Harassing	254	0.4	5	1.4
Tax	440	0.7	10	2.7
Other	871	1.4	2	0.5

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 2

GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Year 2024

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	61,678	59,922	97.2	1,756	2.8
D.C. CIRCUIT	536	432	80.6	104	19.4
District of Columbia	536	432	80.6	104	19.4
FIRST CIRCUIT	2,010	1,946	96.8	64	3.2
Maine	132	122	92.4	10	7.6
Massachusetts	531	498	93.8	33	6.2
New Hampshire	118	114	96.6	4	3.4
Puerto Rico	1,120	1,103	98.5	17	1.5
Rhode Island	109	109	100.0	0	0.0
SECOND CIRCUIT	3,061	2,926	95.6	135	4.4
Connecticut	249	232	93.2	17	6.8
New York					
Eastern	727	687	94.5	40	5.5
Northern	507	496	97.8	11	2.2
Southern	1,048	987	94.2	61	5.8
Western	365	362	99.2	3	0.8
Vermont	165	162	98.2	3	1.8
THIRD CIRCUIT	2,487	2,389	96.1	98	3.9
Delaware	95	92	96.8	3	3.2
New Jersey	830	812	97.8	18	2.2
Pennsylvania					
Eastern	488	457	93.6	31	6.4
Middle	454	430	94.7	24	5.3
Western	523	509	97.3	14	2.7
Virgin Islands	97	89	91.8	8	8.2
FOURTH CIRCUIT	3,984	3,873	97.2	111	2.8
Maryland	449	435	96.9	14	3.1
North Carolina					
Eastern	827	820	99.2	7	0.8
Middle	283	273	96.5	10	3.5
Western	305	291	95.4	14	4.6
South Carolina	571	561	98.2	10	1.8
Virginia					
Eastern	777	741	95.4	36	4.6
Western	196	186	94.9	10	5.1
West Virginia					
Northern	346	340	98.3	6	1.7
Southern	230	226	98.3	4	1.7

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	17,741	17,573	99.1	168	0.9
Louisiana					
Eastern	342	335	98.0	7	2.0
Middle	95	90	94.7	5	5.3
Western	285	275	96.5	10	3.5
Mississippi					
Northern	185	180	97.3	5	2.7
Southern	322	310	96.3	12	3.7
Texas					
Eastern	1,134	1,114	98.2	20	1.8
Northern	1,221	1,201	98.4	20	1.6
Southern	6,122	6,075	99.2	47	0.8
Western	8,035	7,993	99.5	42	0.5
SIXTH CIRCUIT	4,330	4,152	95.9	178	4.1
Kentucky					
Eastern	437	412	94.3	25	5.7
Western	357	350	98.0	7	2.0
Michigan					
Eastern	642	617	96.1	25	3.9
Western	226	215	95.1	11	4.9
Ohio					
Northern	829	797	96.1	32	3.9
Southern	577	561	97.2	16	2.8
Tennessee					
Eastern	539	525	97.4	14	2.6
Middle	333	306	91.9	27	8.1
Western	390	369	94.6	21	5.4
SEVENTH CIRCUIT	2,013	1,895	94.1	118	5.9
Illinois					
Central	249	231	92.8	18	7.2
Northern	549	500	91.1	49	8.9
Southern	224	216	96.4	8	3.6
Indiana					
Northern	236	219	92.8	17	7.2
Southern	352	340	96.6	12	3.4
Wisconsin					
Eastern	286	275	96.2	11	3.8
Western	117	114	97.4	3	2.6
EIGHTH CIRCUIT	4,864	4,680	96.2	184	3.8
Arkansas					
Eastern	517	502	97.1	15	2.9
Western	207	200	96.6	7	3.4
Iowa					
Northern	295	275	93.2	20	6.8
Southern	328	307	93.6	21	6.4
Minnesota	380	361	95.0	19	5.0
Missouri					
Eastern	1,012	994	98.2	18	1.8
Western	783	761	97.2	22	2.8
Nebraska	440	430	97.7	10	2.3
North Dakota	327	317	96.9	10	3.1
South Dakota	575	533	92.7	42	7.3

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	10,775	10,553	97.9	222	2.1
Alaska	136	133	97.8	3	2.2
Arizona	3,904	3,877	99.3	27	0.7
California					
Central	926	878	94.8	48	5.2
Eastern	445	438	98.4	7	1.6
Northern	477	455	95.4	22	4.6
Southern	2,634	2,596	98.6	38	1.4
Guam	39	39	100.0	0	0.0
Hawaii	108	98	90.7	10	9.3
Idaho	304	298	98.0	6	2.0
Montana	367	349	95.1	18	4.9
Nevada	271	262	96.7	9	3.3
Northern Mariana Islands	40	39	97.5	1	2.5
Oregon	521	513	98.5	8	1.5
Washington					
Eastern	286	273	95.5	13	4.5
Western	317	305	96.2	12	3.8
TENTH CIRCUIT	4,884	4,752	97.3	132	2.7
Colorado	382	368	96.3	14	3.7
Kansas	340	332	97.6	8	2.4
New Mexico	1,696	1,679	99.0	17	1.0
Oklahoma					
Eastern	311	273	87.8	38	12.2
Northern	636	620	97.5	16	2.5
Western	687	663	96.5	24	3.5
Utah	653	643	98.5	10	1.5
Wyoming	179	174	97.2	5	2.8
ELEVENTH CIRCUIT	4,993	4,751	95.2	242	4.8
Alabama					
Middle	272	253	93.0	19	7.0
Northern	439	431	98.2	8	1.8
Southern	237	227	95.8	10	4.2
Florida					
Middle	1,136	1,077	94.8	59	5.2
Northern	260	246	94.6	14	5.4
Southern	1,377	1,298	94.3	79	5.7
Georgia					
Middle	428	404	94.4	24	5.6
Northern	477	456	95.6	21	4.4
Southern	367	359	97.8	8	2.2

Of the 61,678 National cases, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 3

**GUILTY PLEAS AND TRIALS BY TYPE OF CRIME
Fiscal Year 2024**

TYPE OF CRIME	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	61,678	59,922	97.2	1,756	2.8	362	99.2	3	0.8
Administration of Justice	660	588	89.1	72	10.9	11	100.0	0	0.0
Antitrust	8	8	100.0	0	0.0	0	--	0	--
Arson	84	78	92.9	6	7.1	2	100.0	0	0.0
Assault	901	818	90.8	83	9.2	4	100.0	0	0.0
Bribery/Corruption	362	324	89.5	38	10.5	0	--	0	--
Burglary/Trespass	99	95	96.0	4	4.0	0	--	0	--
Child Pornography	1,375	1,334	97.0	41	3.0	17	100.0	0	0.0
Commercialized Vice	72	70	97.2	2	2.8	3	100.0	0	0.0
Drug Possession	109	107	98.2	2	1.8	0	--	0	--
Drug Trafficking	18,172	17,795	97.9	377	2.1	154	99.4	1	0.6
Environmental	140	139	99.3	1	0.7	0	--	0	--
Extortion/Racketeering	112	105	93.8	7	6.3	0	--	0	--
Firearms	8,131	7,913	97.3	218	2.7	59	100.0	0	0.0
Food and Drug	35	35	100.0	0	0.0	0	--	0	--
Forgery/Counter/Copyright	95	93	97.9	2	2.1	2	100.0	0	0.0
Fraud/Theft/Embezzlement	5,312	5,111	96.2	201	3.8	38	100.0	0	0.0
Immigration	18,492	18,416	99.6	76	0.4	15	100.0	0	0.0
Individual Rights	125	85	68.0	40	32.0	0	--	0	--
Kidnapping	147	122	83.0	25	17.0	0	--	0	--
Manslaughter	111	96	86.5	15	13.5	0	--	0	--
Money Laundering	1,289	1,173	91.0	116	9.0	0	--	0	--
Murder	523	407	77.8	116	22.2	1	100.0	0	0.0
National Defense	229	225	98.3	4	1.7	0	--	0	--
Obscenity/Other Sex Offenses	339	333	98.2	6	1.8	0	--	0	--
Prison Offenses	438	432	98.6	6	1.4	1	100.0	0	0.0
Robbery	1,323	1,246	94.2	77	5.8	17	100.0	0	0.0
Sexual Abuse	1,430	1,276	89.2	154	10.8	21	91.3	2	8.7
Stalking/Harassing	254	234	92.1	20	7.9	5	100.0	0	0.0
Tax	440	412	93.6	28	6.4	10	100.0	0	0.0
Other	871	852	97.8	19	2.2	2	100.0	0	0.0

Of the 61,678 National cases, no cases were excluded.

Of the 365 cases from the Western District of New York, no cases were excluded.

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 4
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2024

National

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	61,678	54,954	89.1	1,463	2.4	762	1.2	4,246	6.9	253	0.4
Administration of Justice	660	449	68.0	39	5.9	43	6.5	127	19.2	2	0.3
Antitrust	8	0	0.0	1	12.5	0	0.0	7	87.5	0	0.0
Arson	84	79	94.0	2	2.4	0	0.0	1	1.2	2	2.4
Assault	901	821	91.1	29	3.2	5	0.6	43	4.8	3	0.3
Bribery/Corruption	362	257	71.0	11	3.0	27	7.5	67	18.5	0	0.0
Burglary/Trespass	99	69	69.7	1	1.0	11	11.1	17	17.2	1	1.0
Child Pornography	1,375	1,353	98.4	14	1.0	3	0.2	5	0.4	0	0.0
Commercialized Vice	72	47	65.3	4	5.6	5	6.9	16	22.2	0	0.0
Drug Possession	109	55	50.5	1	0.9	3	2.8	32	29.4	18	16.5
Drug Trafficking	18,172	17,030	93.7	511	2.8	120	0.7	509	2.8	2	0.0
Environmental	140	40	28.6	3	2.1	8	5.7	71	50.7	18	12.9
Extortion/Racketeering	112	82	73.2	7	6.3	1	0.9	22	19.6	0	0.0
Firearms	8,131	7,462	91.8	171	2.1	81	1.0	413	5.1	4	0.0
Food and Drug	35	8	22.9	0	0.0	2	5.7	22	62.9	3	8.6
Forgery/Counter/Copyright	95	76	80.0	3	3.2	1	1.1	15	15.8	0	0.0
Fraud/Theft/Embezzlement	5,312	3,752	70.6	200	3.8	237	4.5	1,092	20.6	31	0.6
Immigration	18,492	17,139	92.7	261	1.4	94	0.5	997	5.4	1	0.0
Individual Rights	125	102	81.6	4	3.2	5	4.0	14	11.2	0	0.0
Kidnapping	147	137	93.2	7	4.8	0	0.0	3	2.0	0	0.0
Manslaughter	111	102	91.9	5	4.5	2	1.8	2	1.8	0	0.0
Money Laundering	1,289	1,080	83.8	51	4.0	35	2.7	123	9.5	0	0.0
Murder	523	512	97.9	10	1.9	1	0.2	0	0.0	0	0.0
National Defense	229	181	79.0	7	3.1	5	2.2	15	6.6	21	9.2
Obscenity/Other Sex Offenses	339	312	92.0	13	3.8	3	0.9	11	3.2	0	0.0
Prison Offenses	438	405	92.5	16	3.7	2	0.5	13	3.0	2	0.5
Robbery	1,323	1,277	96.5	36	2.7	0	0.0	10	0.8	0	0.0
Sexual Abuse	1,430	1,392	97.3	26	1.8	3	0.2	9	0.6	0	0.0
Stalking/Harassing	254	227	89.4	8	3.1	5	2.0	14	5.5	0	0.0
Tax	440	271	61.6	16	3.6	45	10.2	107	24.3	1	0.2
Other	871	237	27.2	6	0.7	15	1.7	469	53.8	144	16.5

Of the 61,678 National cases, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 5
SENTENCE TYPE BY TYPE OF CRIME
Fiscal Year 2024

Western New York

TYPE OF CRIME	TOTAL	Prison Only		Prison and Alternatives		Probation and Alternatives		Probation Only		Fine Only	
		N	%	N	%	N	%	N	%	N	%
TOTAL	365	319	87.4	8	2.2	13	3.6	24	6.6	1	0.3
Administration of Justice	11	7	63.6	0	0.0	1	9.1	3	27.3	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Arson	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Assault	4	3	75.0	0	0.0	0	0.0	1	25.0	0	0.0
Bribery/Corruption	0	0	--	0	--	0	--	0	--	0	--
Burglary/Trespass	0	0	--	0	--	0	--	0	--	0	--
Child Pornography	17	16	94.1	0	0.0	0	0.0	1	5.9	0	0.0
Commercialized Vice	3	0	0.0	0	0.0	1	33.3	2	66.7	0	0.0
Drug Possession	0	0	--	0	--	0	--	0	--	0	--
Drug Trafficking	155	143	92.3	4	2.6	4	2.6	4	2.6	0	0.0
Environmental	0	0	--	0	--	0	--	0	--	0	--
Extortion/Racketeering	0	0	--	0	--	0	--	0	--	0	--
Firearms	59	56	94.9	1	1.7	2	3.4	0	0.0	0	0.0
Food and Drug	0	0	--	0	--	0	--	0	--	0	--
Forgery/Counter/Copyright	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Fraud/Theft/Embezzlement	38	26	68.4	2	5.3	2	5.3	8	21.1	0	0.0
Immigration	15	15	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	0	0	--	0	--	0	--	0	--	0	--
Murder	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	0	0	--	0	--	0	--	0	--	0	--
Obscenity/Other Sex Offenses	0	0	--	0	--	0	--	0	--	0	--
Prison Offenses	1	0	0.0	0	0.0	0	0.0	1	100.0	0	0.0
Robbery	17	17	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	23	23	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Stalking/Harassing	5	4	80.0	0	0.0	1	20.0	0	0.0	0	0.0
Tax	10	3	30.0	1	10.0	2	20.0	3	30.0	1	10.0
Other	2	1	50.0	0	0.0	0	0.0	1	50.0	0	0.0

Of the 365 cases from the Western District of New York, no cases were excluded.

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

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 6
INCARCERATION RATE OF U.S. CITIZENS ELIGIBLE FOR NON-PRISON SENTENCES
BY TYPE OF CRIME
Fiscal Year 2024

TYPE OF CRIME	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	4,144	1,946	47.0	2,198	53.0	12	38.7	19	61.3
Administration of Justice	192	99	51.6	93	48.4	2	50.0	2	50.0
Antitrust	2	0	0.0	2	100.0	0	--	0	--
Arson	0	0	--	0	--	0	--	0	--
Assault	54	31	57.4	23	42.6	0	0.0	1	100.0
Bribery/Corruption	42	15	35.7	27	64.3	0	--	0	--
Burglary/Trespass	45	25	55.6	20	44.4	0	--	0	--
Child Pornography	0	0	--	0	--	0	--	0	--
Commercialized Vice	16	5	31.3	11	68.8	0	0.0	1	100.0
Drug Possession	81	43	53.1	38	46.9	0	--	0	--
Drug Trafficking	305	186	61.0	119	39.0	3	75.0	1	25.0
Environmental	58	8	13.8	50	86.2	0	--	0	--
Extortion/Racketeering	12	5	41.7	7	58.3	0	--	0	--
Firearms	117	55	47.0	62	53.0	0	--	0	--
Food and Drug	23	1	4.3	22	95.7	0	--	0	--
Forgery/Counter/Copyright	16	10	62.5	6	37.5	0	--	0	--
Fraud/Theft/Embezzlement	1,351	485	35.9	866	64.1	6	42.9	8	57.1
Immigration	966	692	71.6	274	28.4	0	--	0	--
Individual Rights	14	9	64.3	5	35.7	0	--	0	--
Kidnapping	0	0	--	0	--	0	--	0	--
Manslaughter	3	3	100.0	0	0.0	0	--	0	--
Money Laundering	66	39	59.1	27	40.9	0	--	0	--
Murder	0	0	--	0	--	0	--	0	--
National Defense	24	4	16.7	20	83.3	0	--	0	--
Obscenity/Other Sex Offenses	30	25	83.3	5	16.7	0	--	0	--
Prison Offenses	126	113	89.7	13	10.3	0	0.0	1	100.0
Robbery	1	0	0.0	1	100.0	0	--	0	--
Sexual Abuse	9	6	66.7	3	33.3	0	--	0	--
Stalking/Harassing	20	14	70.0	6	30.0	0	0.0	1	100.0
Tax	61	10	16.4	51	83.6	0	0.0	3	100.0
Other	510	63	12.4	447	87.6	1	50.0	1	50.0

Of the 61,678 National cases, a U.S. Citizen was the sentenced individual in 40,038 cases. Of these, 35,894 cases were excluded because the sentenced individual was ineligible for a non-prison sentence.

Of the 365 cases from the Western District of New York, a U.S. Citizen was the sentenced individual in 331 cases. Of these, 300 cases were excluded because the sentenced individual was ineligible for a non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 7

**SENTENCE LENGTH BY TYPE OF CRIME
Fiscal Year 2024**

TYPE OF CRIME	National			Western New York		
	Mean Months	Median Months	N	Mean Months	Median Months	N
TOTAL	52	24	61,678	66	48	365
Administration of Justice	14	8	660	6	2	11
Antitrust	1	0	8	--	--	0
Arson	66	60	84	--	--	2
Assault	76	46	901	3	0	4
Bribery/Corruption	18	12	362	--	--	0
Burglary/Trespass	17	3	99	--	--	0
Child Pornography	116	97	1,375	112	120	17
Commercialized Vice	21	13	72	3	0	3
Drug Possession	1	0	109	--	--	0
Drug Trafficking	82	63	18,172	74	60	155
Environmental	3	0	140	--	--	0
Extortion/Racketeering	44	18	112	--	--	0
Firearms	50	40	8,131	52	50	59
Food and Drug	4	0	35	--	--	0
Forgery/Counter/Copyright	16	12	95	--	--	2
Fraud/Theft/Embezzlement	21	12	5,312	13	6	38
Immigration	12	7	18,492	4	2	15
Individual Rights	54	24	125	--	--	0
Kidnapping	190	156	147	--	--	0
Manslaughter	77	60	111	--	--	0
Money Laundering	54	28	1,289	--	--	0
Murder	274	240	523	--	--	1
National Defense	29	18	229	--	--	0
Obscenity/Other Sex Offenses	21	18	339	--	--	0
Prison Offenses	14	12	438	--	--	1
Robbery	110	96	1,323	114	105	17
Sexual Abuse	221	210	1,430	187	168	23
Stalking/Harassing	33	24	254	47	18	5
Tax	16	10	440	7	6	10
Other	4	0	871	--	--	2

Of the 61,678 National cases, no cases were excluded.

Of the 365 cases from the Western District of New York, 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, 2024 Datafile, USSCFY24.

Table 8

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2024

	<u>National</u>		<u>Western New York</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
TOTAL CASES	61,331	100.0	364	100.0
SENTENCES UNDER THE GUIDELINES MANUAL	41,076	67.0	227	62.4
Within Guideline Range	28,038	45.7	153	42.0
Upward Departure ²	326	0.5	4	1.1
Downward Departure				
§5K1.1 Substantial Assistance	6,099	9.9	68	18.7
§5K3.1 Early Disposition Program	4,374	7.1	0	0.0
Other Government Motion ³	1,145	1.9	0	0.0
Non-Government Departure ⁴	1,094	1.8	2	0.5
VARIANCES	20,255	33.0	137	37.6
Upward Variance ⁵	2,108	3.4	23	6.3
Downward Variance				
Government Motion ⁶	6,269	10.2	49	13.5
Non-Government Variance ⁷	11,878	19.4	65	17.9

¹ This table reflects the 61,678 cases reported to the Commission in fiscal year 2024, 365 of which were from the Western District of New York. Of these, 347 cases nationally and one case from the Western District of New York were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

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

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

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

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

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

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

SOURCE: U.S. Sentencing Commission, 2024 Datafile, USSCFY24.

Table 9

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
IN EACH CIRCUIT AND DISTRICT¹

Fiscal Year 2024

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		\$5K1.1		\$5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	61,331	28,038	45.7	326	0.5	6,099	9.9	4,374	7.1	2,239	3.7	20,255	33.0
D.C. CIRCUIT	535	270	50.5	6	1.1	59	11.0	0	0.0	10	1.9	190	35.5
District of Columbia	535	270	50.5	6	1.1	59	11.0	0	0.0	10	1.9	190	35.5
FIRST CIRCUIT	2,010	708	35.2	4	0.2	230	11.4	1	0.0	65	3.2	1,002	49.9
Maine	132	35	26.5	1	0.8	25	18.9	0	0.0	3	2.3	68	51.5
Massachusetts	531	123	23.2	1	0.2	74	13.9	1	0.2	21	4.0	311	58.6
New Hampshire	118	26	22.0	0	0.0	16	13.6	0	0.0	5	4.2	71	60.2
Puerto Rico	1,120	496	44.3	2	0.2	110	9.8	0	0.0	35	3.1	477	42.6
Rhode Island	109	28	25.7	0	0.0	5	4.6	0	0.0	1	0.9	75	68.8
SECOND CIRCUIT	3,050	931	30.5	13	0.4	450	14.8	3	0.1	98	3.2	1,555	51.0
Connecticut	249	56	22.5	2	0.8	36	14.5	0	0.0	21	8.4	134	53.8
New York													
Eastern	727	168	23.1	1	0.1	127	17.5	1	0.1	37	5.1	393	54.1
Northern	504	269	53.4	6	1.2	91	18.1	0	0.0	22	4.4	116	23.0
Southern	1,042	239	22.9	0	0.0	104	10.0	2	0.2	14	1.3	683	65.5
Western	364	153	42.0	4	1.1	68	18.7	0	0.0	2	0.5	137	37.6
Vermont	164	46	28.0	0	0.0	24	14.6	0	0.0	2	1.2	92	56.1
THIRD CIRCUIT	2,482	934	37.6	4	0.2	475	19.1	14	0.6	60	2.4	995	40.1
Delaware	95	48	50.5	0	0.0	9	9.5	11	11.6	3	3.2	24	25.3
New Jersey	826	260	31.5	0	0.0	174	21.1	0	0.0	7	0.8	385	46.6
Pennsylvania													
Eastern	487	169	34.7	0	0.0	116	23.8	2	0.4	8	1.6	192	39.4
Middle	454	194	42.7	2	0.4	85	18.7	1	0.2	23	5.1	149	32.8
Western	523	193	36.9	2	0.4	83	15.9	0	0.0	16	3.1	229	43.8
Virgin Islands	97	70	72.2	0	0.0	8	8.2	0	0.0	3	3.1	16	16.5
FOURTH CIRCUIT	3,946	1,775	45.0	25	0.6	513	13.0	3	0.1	95	2.4	1,535	38.9
Maryland	435	121	27.8	0	0.0	72	16.6	0	0.0	25	5.7	217	49.9
North Carolina													
Eastern	823	454	55.2	13	1.6	210	25.5	0	0.0	5	0.6	141	17.1
Middle	283	131	46.3	1	0.4	13	4.6	0	0.0	1	0.4	137	48.4
Western	304	149	49.0	1	0.3	27	8.9	0	0.0	4	1.3	123	40.5
South Carolina	568	211	37.1	4	0.7	99	17.4	0	0.0	19	3.3	235	41.4
Virginia													
Eastern	761	382	50.2	4	0.5	28	3.7	0	0.0	30	3.9	317	41.7
Western	196	60	30.6	1	0.5	33	16.8	0	0.0	3	1.5	99	50.5
West Virginia													
Northern	346	181	52.3	0	0.0	20	5.8	3	0.9	1	0.3	141	40.8
Southern	230	86	37.4	1	0.4	11	4.8	0	0.0	7	3.0	125	54.3

CIRCUIT	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	17,614	11,881	67.5	68	0.4	958	5.4	370	2.1	622	3.5	3,715	21.1
Louisiana													
Eastern	342	193	56.4	1	0.3	46	13.5	1	0.3	4	1.2	97	28.4
Middle	94	46	48.9	1	1.1	20	21.3	0	0.0	0	0.0	27	28.7
Western	277	208	75.1	3	1.1	11	4.0	0	0.0	1	0.4	54	19.5
Mississippi													
Northern	178	77	43.3	3	1.7	40	22.5	0	0.0	3	1.7	55	30.9
Southern	322	219	68.0	1	0.3	35	10.9	0	0.0	3	0.9	64	19.9
Texas													
Eastern	1,134	664	58.6	14	1.2	71	6.3	0	0.0	6	0.5	379	33.4
Northern	1,219	752	61.7	12	1.0	122	10.0	0	0.0	11	0.9	322	26.4
Southern	6,122	3,504	57.2	26	0.4	388	6.3	349	5.7	540	8.8	1,315	21.5
Western	7,926	6,218	78.5	7	0.1	225	2.8	20	0.3	54	0.7	1,402	17.7
SIXTH CIRCUIT	4,322	1,564	36.2	13	0.3	783	18.1	9	0.2	221	5.1	1,732	40.1
Kentucky													
Eastern	437	216	49.4	1	0.2	84	19.2	0	0.0	11	2.5	125	28.6
Western	357	115	32.2	4	1.1	90	25.2	3	0.8	27	7.6	118	33.1
Michigan													
Eastern	639	191	29.9	1	0.2	69	10.8	0	0.0	13	2.0	365	57.1
Western	226	128	56.6	0	0.0	26	11.5	0	0.0	9	4.0	63	27.9
Ohio													
Northern	829	315	38.0	0	0.0	165	19.9	1	0.1	19	2.3	329	39.7
Southern	577	138	23.9	4	0.7	78	13.5	4	0.7	122	21.1	231	40.0
Tennessee													
Eastern	538	245	45.5	1	0.2	147	27.3	0	0.0	10	1.9	135	25.1
Middle	329	79	24.0	0	0.0	62	18.8	1	0.3	9	2.7	178	54.1
Western	390	137	35.1	2	0.5	62	15.9	0	0.0	1	0.3	188	48.2
SEVENTH CIRCUIT	2,009	684	34.0	7	0.3	198	9.9	0	0.0	75	3.7	1,045	52.0
Illinois													
Central	248	71	28.6	0	0.0	27	10.9	0	0.0	0	0.0	150	60.5
Northern	546	155	28.4	1	0.2	49	9.0	0	0.0	39	7.1	302	55.3
Southern	224	124	55.4	4	1.8	31	13.8	0	0.0	6	2.7	59	26.3
Indiana													
Northern	236	108	45.8	0	0.0	26	11.0	0	0.0	3	1.3	99	41.9
Southern	352	147	41.8	0	0.0	47	13.4	0	0.0	2	0.6	156	44.3
Wisconsin													
Eastern	286	49	17.1	0	0.0	12	4.2	0	0.0	4	1.4	221	77.3
Western	117	30	25.6	2	1.7	6	5.1	0	0.0	21	17.9	58	49.6
EIGHTH CIRCUIT	4,858	2,102	43.3	37	0.8	555	11.4	20	0.4	89	1.8	2,055	42.3
Arkansas													
Eastern	517	268	51.8	1	0.2	41	7.9	0	0.0	4	0.8	203	39.3
Western	207	80	38.6	2	1.0	22	10.6	0	0.0	0	0.0	103	49.8
Iowa													
Northern	295	167	56.6	14	4.7	42	14.2	0	0.0	3	1.0	69	23.4
Southern	328	122	37.2	0	0.0	41	12.5	0	0.0	1	0.3	164	50.0
Minnesota	375	130	34.7	2	0.5	38	10.1	0	0.0	31	8.3	174	46.4
Missouri													
Eastern	1,011	461	45.6	6	0.6	85	8.4	0	0.0	8	0.8	451	44.6
Western	783	290	37.0	0	0.0	153	19.5	0	0.0	7	0.9	333	42.5
Nebraska	440	179	40.7	0	0.0	10	2.3	18	4.1	3	0.7	230	52.3
North Dakota	327	106	32.4	2	0.6	117	35.8	2	0.6	5	1.5	95	29.1
South Dakota	575	299	52.0	10	1.7	6	1.0	0	0.0	27	4.7	233	40.5

CIRCUIT District	TOTAL	WITHIN GUIDELINE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		\$5K1.1		\$5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	10,694	2,794	26.1	67	0.6	948	8.9	3,361	31.4	564	5.3	2,960	27.7
Alaska	134	34	25.4	1	0.7	18	13.4	0	0.0	2	1.5	79	59.0
Arizona	3,836	1,239	32.3	19	0.5	76	2.0	1,874	48.9	59	1.5	569	14.8
California													
Central	917	242	26.4	5	0.5	162	17.7	4	0.4	55	6.0	449	49.0
Eastern	444	174	39.2	3	0.7	80	18.0	5	1.1	7	1.6	175	39.4
Northern	477	65	13.6	3	0.6	61	12.8	2	0.4	12	2.5	334	70.0
Southern	2,634	402	15.3	19	0.7	164	6.2	1,432	54.4	391	14.8	226	8.6
Guam	39	16	41.0	0	0.0	12	30.8	0	0.0	0	0.0	11	28.2
Hawaii	108	35	32.4	0	0.0	26	24.1	0	0.0	1	0.9	46	42.6
Idaho	304	104	34.2	4	1.3	51	16.8	10	3.3	16	5.3	119	39.1
Montana	366	128	35.0	1	0.3	69	18.9	0	0.0	4	1.1	164	44.8
Nevada	271	50	18.5	0	0.0	14	5.2	33	12.2	3	1.1	171	63.1
Northern Mariana Islands	40	30	75.0	0	0.0	4	10.0	0	0.0	2	5.0	4	10.0
Oregon	521	84	16.1	9	1.7	142	27.3	0	0.0	3	0.6	283	54.3
Washington													
Eastern	286	81	28.3	1	0.3	63	22.0	0	0.0	6	2.1	135	47.2
Western	317	110	34.7	2	0.6	6	1.9	1	0.3	3	0.9	195	61.5
TENTH CIRCUIT	4,863	1,999	41.1	68	1.4	336	6.9	586	12.1	271	5.6	1,603	33.0
Colorado	378	118	31.2	0	0.0	67	17.7	18	4.8	10	2.6	165	43.7
Kansas	337	162	48.1	4	1.2	56	16.6	5	1.5	6	1.8	104	30.9
New Mexico	1,695	662	39.1	12	0.7	59	3.5	478	28.2	117	6.9	367	21.7
Oklahoma													
Eastern	304	208	68.4	8	2.6	16	5.3	0	0.0	3	1.0	69	22.7
Northern	635	331	52.1	41	6.5	58	9.1	4	0.6	113	17.8	88	13.9
Western	682	322	47.2	0	0.0	32	4.7	1	0.1	2	0.3	325	47.7
Utah	653	138	21.1	1	0.2	34	5.2	68	10.4	12	1.8	400	61.3
Wyoming	179	58	32.4	2	1.1	14	7.8	12	6.7	8	4.5	85	47.5
ELEVENTH CIRCUIT	4,948	2,396	48.4	14	0.3	594	12.0	7	0.1	69	1.4	1,868	37.8
Alabama													
Middle	272	116	42.6	0	0.0	44	16.2	0	0.0	7	2.6	105	38.6
Northern	438	238	54.3	2	0.5	64	14.6	0	0.0	10	2.3	124	28.3
Southern	237	116	48.9	0	0.0	37	15.6	2	0.8	3	1.3	79	33.3
Florida													
Middle	1,135	521	45.9	3	0.3	158	13.9	1	0.1	8	0.7	444	39.1
Northern	259	97	37.5	0	0.0	50	19.3	3	1.2	3	1.2	106	40.9
Southern	1,341	687	51.2	4	0.3	102	7.6	1	0.1	13	1.0	534	39.8
Georgia													
Middle	425	256	60.2	0	0.0	43	10.1	0	0.0	4	0.9	122	28.7
Northern	474	139	29.3	1	0.2	41	8.6	0	0.0	18	3.8	275	58.0
Southern	367	226	61.6	4	1.1	55	15.0	0	0.0	3	0.8	79	21.5

Of the 61,678 National cases, 347 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, 2024 Datafile, USSCFY24.

Table 10
SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE
BY TYPE OF CRIME
Fiscal Year 2024

National

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	61,331	28,038	45.7	326	0.5	6,099	9.9	4,374	7.1	2,239	3.7	20,255	33.0
Child Pornography	1,375	520	37.8	3	0.2	25	1.8	1	0.1	44	3.2	782	56.9
Drug Trafficking	18,164	5,177	28.5	65	0.4	3,694	20.3	950	5.2	737	4.1	7,541	41.5
Firearms	8,123	4,124	50.8	61	0.8	447	5.5	8	0.1	238	2.9	3,245	39.9
Fraud/Theft/Embezzlement	5,279	2,277	43.1	17	0.3	738	14.0	7	0.1	191	3.6	2,049	38.8
Immigration	18,305	11,482	62.7	44	0.2	162	0.9	3,386	18.5	583	3.2	2,648	14.5
Money Laundering	1,289	308	23.9	3	0.2	325	25.2	16	1.2	77	6.0	560	43.4
Robbery	1,321	529	40.0	16	1.2	134	10.1	1	0.1	47	3.6	594	45.0
Sex Abuse	1,429	598	41.8	11	0.8	59	4.1	0	0.0	63	4.4	698	48.8
Other Miscellaneous Offenses	6,046	3,023	50.0	106	1.8	515	8.5	5	0.1	259	4.3	2,138	35.4

Western New York

TYPE OF CRIME	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		RANGE		UPWARD		§5K1.1		§5K3.1		DOWNWARD			
		N	%	N	%	N	%	N	%	N	%	N	%
Total	364	153	42.0	4	1.1	68	18.7	0	0.0	2	0.5	137	37.6
Child Pornography	17	7	41.2	0	0.0	1	5.9	0	0.0	0	0.0	9	52.9
Drug Trafficking	155	50	32.3	3	1.9	47	30.3	0	0.0	1	0.6	54	34.8
Firearms	59	27	45.8	0	0.0	9	15.3	0	0.0	0	0.0	23	39.0
Fraud/Theft/Embezzlement	38	21	55.3	1	2.6	4	10.5	0	0.0	1	2.6	11	28.9
Immigration	15	11	73.3	0	0.0	0	0.0	0	0.0	0	0.0	4	26.7
Money Laundering	0	0	--	0	--	0	--	0	--	0	--	0	--
Robbery	17	10	58.8	0	0.0	3	17.6	0	0.0	0	0.0	4	23.5
Sex Abuse	23	10	43.5	0	0.0	1	4.3	0	0.0	0	0.0	12	52.2
Other Miscellaneous Offenses	40	17	42.5	0	0.0	3	7.5	0	0.0	0	0.0	20	50.0

Of the 61,678 National cases, 347 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

Of the 365 cases from the Western District of New York, one case was 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, 2024 Datafile, USSCFY24.