

U.S. Sentencing Commission Final Quarterly Data Report



Fiscal Year 2010

Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.² After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress³ and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of United States v. Booker on Federal Sentencing*,⁴ based on cases sentenced one year since the *Booker* decision. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the quarterly data can

¹ In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

² Electronic copies of the 1995-2010 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, www.ussc.gov.

³ See www.ussc.gov/bf.htm for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives, February 10, 2005.

⁴ See www.ussc.gov/bf.htm for an electronic copy of the Commission's *Final Report on the Impact of United States v. Booker on Federal Sentencing*.

be compared easily with data from prior fiscal years.⁵ In Appendix A are descriptions of datafile and variable definitions.

⁵ The Commission has tried to maintain the same table numbers and figure letters over the past several years but, due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

CONTENTS

Information on Sentences Relative to the Guideline Range

Table 1: National Comparison of Sentence Imposed and Position Relative to the Guideline Range	1
Table 2: Sentences Relative to the Guideline Range by Circuit and District	2
Table 3: Sentences Relative to the Guideline Range by Each Primary Offense Category	8
Figure A: Quarterly Data for Within Range and Out of Range Sentences	10
Figure B: Quarterly Data for Within Range/Government Sponsored and Other Out of Range Sentences	11
Table 4: Quarterly Data for Within Range and Out of Range Sentences	12
Table 5: Sentences Relative to the Guideline Range by Each Primary Sentencing Guideline ..	13
Table 6: Attribution Category for Cases Outside of the Guideline Range	17
Table 7: §5K1.1 Substantial Assistance Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category	19
Table 8: §5K3.1 Early Disposition Program Departure Cases: Degree of Decrease for Offenders in Each Primary Offense Category	20
Table 9: Other Government Sponsored Below Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category	21
Table 10: Downward Departures from Guideline Range: Degree of Decrease for Offenders in Each Primary Offense Category	22
Table 11: Downward Departures with <i>Booker</i> /18 U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category	23
Table 12: Below Guideline Range with <i>Booker</i> /18 U.S.C. § 3553: Degree of Decrease for Offenders in Each Primary Offense Category	24
Table 13: All Remaining Below Guideline Range Cases: Degree of Decrease for Offenders in Each Primary Offense Category	25

Table 14: Upward Departures from Guideline Range: Degree of Increase for Offenders in Each Primary Offense Category	26
---	----

Table 15: Upward Departures with <i>Booker</i> /18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category	27
---	----

Table 16: Above Guideline Range with <i>Booker</i> /18 U.S.C. § 3553: Degree of Increase for Offenders in Each Primary Offense Category	28
---	----

Table 17: All Remaining Above Guideline Range Cases: Degree of Increase for Offenders in Each Primary Offense Category	29
--	----

Sentence Imposed Information

Table 18: Offenders Receiving Sentencing Options in Each Primary Offense Category	30
---	----

Table 19: Sentence Length in Each Primary Offense Category	31
--	----

Figure C: Average Sentence Length and Average Guideline Minimum Quarterly Data for All Offenders	32
--	----

Figure D: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2B1.1 Offenders	33
---	----

Figure E: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2K2.1 Offenders	34
---	----

Figure F: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.1 Offenders	35
---	----

Figure G: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2L1.2 Offenders	36
---	----

Figure H: Average Sentence Length and Average Guideline Minimum Quarterly Data for §2D1.1 Offenders	37
---	----

Figure I: Average Sentence Length for Each Drug Type	38
--	----

Table 20: Within Range Cases: Position of Sentence for Offenders in Each Primary Offense Category	39
---	----

General Information (Primary Offenses, Mode of Conviction, and Document Submission)

Figure J: Offenders in Each Primary Offense Category	40
--	----

Table 21: Guideline Offenders in Each Primary Offense Category	41
--	----

Table 22: Guilty Pleas and Trials in Each Primary Offense Category	42
Figure K: Quarterly Data for Guilty Pleas and Trials	43
Table 23: Race of Offenders in Each Primary Offense Category	44
Table 24: Gender of Offenders in Each Primary Offense Category	45
Table 25: Age, Race, and Gender of Offenders	46
Table 26: Citizenship of Offenders in Each Primary Offense Category	47
Table 27: Document Submission by Each Circuit and District	48
Table 28: Rate of Submission of Statement of Reasons Form by Each Circuit and District ...	54

Appendices

Appendix A: Descriptions of Datafiles and Variables	A-1
Appendix B: List of Quarterly Report Tables and Figures and their Comparable <i>Sourcebook</i> Number/Letter	B-1

**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2010**

	N	%
TOTAL CASES	81,859	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	45,028	55.0
CASES SENTENCED ABOVE GUIDELINE RANGE	1,512	1.8
DEPARTURE ABOVE GUIDELINE RANGE	469	0.6
Upward Departure From Guideline Range ²	350	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	119	0.1
OTHERWISE ABOVE GUIDELINE RANGE	1,043	1.3
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	916	1.1
All Remaining Cases Above Guideline Range ⁵	127	0.2
GOVERNMENT SPONSORED BELOW RANGE⁶	20,754	25.4
§5K1.1 Substantial Assistance Departure	9,421	11.5
§5K3.1 Early Disposition Program Departure	8,119	9.9
Other Government Sponsored Below Range	3,214	3.9
NON-GOVERNMENT SPONSORED BELOW RANGE	14,565	17.8
DEPARTURE BELOW GUIDELINE RANGE	2,552	3.1
Downward Departure From Guideline Range ²	1,687	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	865	1.1
OTHERWISE BELOW GUIDELINE RANGE	12,013	14.7
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	11,116	13.6
All Remaining Cases Below Guideline Range ⁵	897	1.1

¹ This table reflects the 83,946 cases sentenced in Fiscal Year 2010. Of these, 2,087 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

² All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

³ All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴ All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

⁵ All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

⁶ Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
Fiscal Year 2010

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	81,859	45,028	55.0	350	0.4	119	0.1	916	1.1	127	0.2
D.C. CIRCUIT	380	127	33.4	4	1.1	2	0.5	3	0.8	0	0.0
District of Columbia	380	127	33.4	4	1.1	2	0.5	3	0.8	0	0.0
FIRST CIRCUIT	1,880	1,029	54.7	5	0.3	1	0.1	17	0.9	7	0.4
Maine	169	75	44.4	0	0.0	1	0.6	2	1.2	0	0.0
Massachusetts	442	142	32.1	3	0.7	0	0.0	5	1.1	3	0.7
New Hampshire	231	98	42.4	1	0.4	0	0.0	5	2.2	0	0.0
Puerto Rico	879	642	73.0	1	0.1	0	0.0	4	0.5	4	0.5
Rhode Island	159	72	45.3	0	0.0	0	0.0	1	0.6	0	0.0
SECOND CIRCUIT	4,380	1,743	39.8	11	0.3	3	0.1	25	0.6	5	0.1
Connecticut	425	159	37.4	1	0.2	1	0.2	4	0.9	0	0.0
New York											
Eastern	1,175	372	31.7	2	0.2	0	0.0	13	1.1	1	0.1
Northern	505	304	60.2	1	0.2	0	0.0	0	0.0	1	0.2
Southern	1,431	467	32.6	1	0.1	1	0.1	5	0.3	1	0.1
Western	667	362	54.3	5	0.7	1	0.1	3	0.4	2	0.3
Vermont	177	79	44.6	1	0.6	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	2,936	1,301	44.3	8	0.3	2	0.1	22	0.7	5	0.2
Delaware	131	42	32.1	0	0.0	0	0.0	6	4.6	0	0.0
New Jersey	818	402	49.1	2	0.2	0	0.0	5	0.6	0	0.0
Pennsylvania											
Eastern	928	346	37.3	1	0.1	0	0.0	5	0.5	2	0.2
Middle	494	210	42.5	4	0.8	1	0.2	1	0.2	0	0.0
Western	492	261	53.0	0	0.0	0	0.0	4	0.8	3	0.6
Virgin Islands	73	40	54.8	1	1.4	1	1.4	1	1.4	0	0.0
FOURTH CIRCUIT	6,621	4,090	61.8	42	0.6	15	0.2	91	1.4	6	0.1
Maryland	732	338	46.2	11	1.5	4	0.5	12	1.6	3	0.4
North Carolina											
Eastern	739	396	53.6	9	1.2	3	0.4	3	0.4	0	0.0
Middle	552	404	73.2	1	0.2	1	0.2	14	2.5	0	0.0
Western	502	285	56.8	3	0.6	0	0.0	5	1.0	0	0.0
South Carolina	1,237	750	60.6	7	0.6	2	0.2	10	0.8	3	0.2
Virginia											
Eastern	1,971	1,453	73.7	8	0.4	4	0.2	25	1.3	0	0.0
Western	363	181	49.9	0	0.0	1	0.3	18	5.0	0	0.0
West Virginia											
Northern	283	155	54.8	1	0.4	0	0.0	3	1.1	0	0.0
Southern	242	128	52.9	2	0.8	0	0.0	1	0.4	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	9,421	11.5	8,119	9.9	3,214	3.9	1,687	2.1	865	1.1	11,116	13.6	897	1.1
D.C. CIRCUIT	115	30.3	0	0.0	47	12.4	10	2.6	8	2.1	57	15.0	7	1.8
District of Columbia	115	30.3	0	0.0	47	12.4	10	2.6	8	2.1	57	15.0	7	1.8
FIRST CIRCUIT	254	13.5	31	1.6	131	7.0	30	1.6	21	1.1	338	18.0	16	0.9
Maine	61	36.1	0	0.0	1	0.6	2	1.2	0	0.0	27	16.0	0	0.0
Massachusetts	49	11.1	0	0.0	82	18.6	13	2.9	8	1.8	133	30.1	4	0.9
New Hampshire	61	26.4	0	0.0	22	9.5	2	0.9	4	1.7	36	15.6	2	0.9
Puerto Rico	66	7.5	31	3.5	25	2.8	13	1.5	7	0.8	76	8.6	10	1.1
Rhode Island	17	10.7	0	0.0	1	0.6	0	0.0	2	1.3	66	41.5	0	0.0
SECOND CIRCUIT	846	19.3	0	0.0	115	2.6	120	2.7	122	2.8	1,315	30.0	75	1.7
Connecticut	67	15.8	0	0.0	10	2.4	33	7.8	23	5.4	123	28.9	4	0.9
New York														
Eastern	263	22.4	0	0.0	30	2.6	47	4.0	45	3.8	382	32.5	20	1.7
Northern	103	20.4	0	0.0	9	1.8	7	1.4	6	1.2	73	14.5	1	0.2
Southern	228	15.9	0	0.0	27	1.9	21	1.5	37	2.6	600	41.9	43	3.0
Western	164	24.6	0	0.0	31	4.6	3	0.4	2	0.3	88	13.2	6	0.9
Vermont	21	11.9	0	0.0	8	4.5	9	5.1	9	5.1	49	27.7	1	0.6
THIRD CIRCUIT	733	25.0	0	0.0	94	3.2	47	1.6	50	1.7	634	21.6	40	1.4
Delaware	24	18.3	0	0.0	1	0.8	1	0.8	1	0.8	52	39.7	4	3.1
New Jersey	225	27.5	0	0.0	13	1.6	15	1.8	7	0.9	142	17.4	7	0.9
Pennsylvania														
Eastern	297	32.0	0	0.0	22	2.4	8	0.9	19	2.0	209	22.5	19	2.0
Middle	97	19.6	0	0.0	47	9.5	12	2.4	11	2.2	110	22.3	1	0.2
Western	75	15.2	0	0.0	7	1.4	10	2.0	12	2.4	115	23.4	5	1.0
Virgin Islands	15	20.5	0	0.0	4	5.5	1	1.4	0	0.0	6	8.2	4	5.5
FOURTH CIRCUIT	1,012	15.3	0	0.0	207	3.1	92	1.4	46	0.7	949	14.3	71	1.1
Maryland	163	22.3	0	0.0	69	9.4	12	1.6	15	2.0	96	13.1	9	1.2
North Carolina														
Eastern	262	35.5	0	0.0	2	0.3	3	0.4	1	0.1	54	7.3	6	0.8
Middle	60	10.9	0	0.0	1	0.2	4	0.7	2	0.4	62	11.2	3	0.5
Western	140	27.9	0	0.0	6	1.2	7	1.4	1	0.2	51	10.2	4	0.8
South Carolina	190	15.4	0	0.0	42	3.4	17	1.4	7	0.6	192	15.5	17	1.4
Virginia														
Eastern	81	4.1	0	0.0	39	2.0	42	2.1	18	0.9	273	13.9	28	1.4
Western	64	17.6	0	0.0	16	4.4	5	1.4	2	0.6	74	20.4	2	0.6
West Virginia														
Northern	26	9.2	0	0.0	32	11.3	1	0.4	0	0.0	63	22.3	2	0.7
Southern	26	10.7	0	0.0	0	0.0	1	0.4	0	0.0	84	34.7	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	19,869	14,170	71.3	85	0.4	30	0.2	301	1.5	27	0.1
Louisiana											
Eastern	413	285	69.0	2	0.5	7	1.7	10	2.4	0	0.0
Middle	202	121	59.9	8	4.0	1	0.5	4	2.0	0	0.0
Western	368	262	71.2	4	1.1	5	1.4	9	2.4	6	1.6
Mississippi											
Northern	169	102	60.4	0	0.0	0	0.0	13	7.7	0	0.0
Southern	324	234	72.2	0	0.0	0	0.0	7	2.2	1	0.3
Texas											
Eastern	848	663	78.2	4	0.5	0	0.0	4	0.5	2	0.2
Northern	931	596	64.0	15	1.6	10	1.1	44	4.7	3	0.3
Southern	8,479	5,481	64.6	36	0.4	4	0.0	79	0.9	4	0.0
Western	8,135	6,426	79.0	16	0.2	3	0.0	131	1.6	11	0.1
SIXTH CIRCUIT	5,577	2,779	49.8	24	0.4	11	0.2	69	1.2	7	0.1
Kentucky											
Eastern	636	274	43.1	2	0.3	1	0.2	11	1.7	0	0.0
Western	505	270	53.5	1	0.2	0	0.0	3	0.6	0	0.0
Michigan											
Eastern	749	333	44.5	2	0.3	0	0.0	5	0.7	0	0.0
Western	541	320	59.1	11	2.0	3	0.6	14	2.6	0	0.0
Ohio											
Northern	665	371	55.8	1	0.2	1	0.2	12	1.8	4	0.6
Southern	679	265	39.0	0	0.0	3	0.4	9	1.3	2	0.3
Tennessee											
Eastern	839	477	56.9	1	0.1	2	0.2	6	0.7	1	0.1
Middle	294	127	43.2	5	1.7	1	0.3	4	1.4	0	0.0
Western	669	342	51.1	1	0.1	0	0.0	5	0.7	0	0.0
SEVENTH CIRCUIT	3,043	1,458	47.9	20	0.7	13	0.4	53	1.7	8	0.3
Illinois											
Central	375	207	55.2	1	0.3	0	0.0	3	0.8	0	0.0
Northern	880	364	41.4	7	0.8	2	0.2	15	1.7	1	0.1
Southern	318	215	67.6	9	2.8	9	2.8	5	1.6	1	0.3
Indiana											
Northern	460	258	56.1	1	0.2	0	0.0	9	2.0	5	1.1
Southern	329	167	50.8	1	0.3	1	0.3	11	3.3	0	0.0
Wisconsin											
Eastern	471	140	29.7	0	0.0	0	0.0	9	1.9	1	0.2
Western	210	107	51.0	1	0.5	1	0.5	1	0.5	0	0.0
EIGHTH CIRCUIT	4,907	2,614	53.3	39	0.8	8	0.2	70	1.4	5	0.1
Arkansas											
Eastern	391	242	61.9	3	0.8	1	0.3	10	2.6	0	0.0
Western	258	194	75.2	0	0.0	0	0.0	1	0.4	0	0.0
Iowa											
Northern	344	192	55.8	9	2.6	2	0.6	11	3.2	2	0.6
Southern	452	190	42.0	3	0.7	0	0.0	5	1.1	0	0.0
Minnesota	504	149	29.6	2	0.4	2	0.4	4	0.8	0	0.0
Missouri											
Eastern	1,039	492	47.4	8	0.8	0	0.0	9	0.9	0	0.0
Western	654	343	52.4	2	0.3	0	0.0	21	3.2	1	0.2
Nebraska	601	360	59.9	3	0.5	0	0.0	2	0.3	1	0.2
North Dakota	261	169	64.8	0	0.0	1	0.4	1	0.4	1	0.4
South Dakota	403	283	70.2	9	2.2	2	0.5	6	1.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,224	6.2	1,139	5.7	315	1.6	696	3.5	63	0.3	1,628	8.2	191	1.0
Louisiana														
Eastern	28	6.8	0	0.0	8	1.9	6	1.5	4	1.0	55	13.3	8	1.9
Middle	28	13.9	0	0.0	0	0.0	0	0.0	1	0.5	38	18.8	1	0.5
Western	33	9.0	0	0.0	3	0.8	4	1.1	6	1.6	22	6.0	14	3.8
Mississippi														
Northern	39	23.1	0	0.0	1	0.6	0	0.0	1	0.6	9	5.3	4	2.4
Southern	34	10.5	0	0.0	4	1.2	2	0.6	1	0.3	33	10.2	8	2.5
Texas														
Eastern	59	7.0	0	0.0	48	5.7	14	1.7	4	0.5	45	5.3	5	0.6
Northern	130	14.0	0	0.0	8	0.9	5	0.5	5	0.5	110	11.8	5	0.5
Southern	403	4.8	1,084	12.8	125	1.5	495	5.8	13	0.2	727	8.6	28	0.3
Western	470	5.8	55	0.7	118	1.5	170	2.1	28	0.3	589	7.2	118	1.5
SIXTH CIRCUIT	1,276	22.9	2	0.0	208	3.7	78	1.4	105	1.9	945	16.9	73	1.3
Kentucky														
Eastern	259	40.7	0	0.0	11	1.7	3	0.5	2	0.3	70	11.0	3	0.5
Western	110	21.8	0	0.0	47	9.3	3	0.6	2	0.4	64	12.7	5	1.0
Michigan														
Eastern	169	22.6	1	0.1	19	2.5	11	1.5	14	1.9	191	25.5	4	0.5
Western	70	12.9	0	0.0	1	0.2	12	2.2	9	1.7	96	17.7	5	0.9
Ohio														
Northern	112	16.8	1	0.2	9	1.4	13	2.0	13	2.0	117	17.6	11	1.7
Southern	177	26.1	0	0.0	64	9.4	17	2.5	30	4.4	90	13.3	22	3.2
Tennessee														
Eastern	209	24.9	0	0.0	6	0.7	6	0.7	4	0.5	115	13.7	12	1.4
Middle	42	14.3	0	0.0	32	10.9	6	2.0	9	3.1	66	22.4	2	0.7
Western	128	19.1	0	0.0	19	2.8	7	1.0	22	3.3	136	20.3	9	1.3
SEVENTH CIRCUIT	462	15.2	1	0.0	124	4.1	63	2.1	97	3.2	694	22.8	50	1.6
Illinois														
Central	72	19.2	0	0.0	8	2.1	6	1.6	4	1.1	71	18.9	3	0.8
Northern	124	14.1	1	0.1	10	1.1	24	2.7	68	7.7	252	28.6	12	1.4
Southern	16	5.0	0	0.0	6	1.9	8	2.5	10	3.1	28	8.8	11	3.5
Indiana														
Northern	84	18.3	0	0.0	21	4.6	10	2.2	7	1.5	59	12.8	6	1.3
Southern	52	15.8	0	0.0	25	7.6	4	1.2	1	0.3	65	19.8	2	0.6
Wisconsin														
Eastern	99	21.0	0	0.0	54	11.5	7	1.5	3	0.6	142	30.1	16	3.4
Western	15	7.1	0	0.0	0	0.0	4	1.9	4	1.9	77	36.7	0	0.0
EIGHTH CIRCUIT	760	15.5	31	0.6	194	4.0	63	1.3	66	1.3	1,007	20.5	50	1.0
Arkansas														
Eastern	38	9.7	0	0.0	19	4.9	10	2.6	3	0.8	57	14.6	8	2.0
Western	26	10.1	0	0.0	0	0.0	1	0.4	2	0.8	33	12.8	1	0.4
Iowa														
Northern	76	22.1	0	0.0	8	2.3	1	0.3	2	0.6	41	11.9	0	0.0
Southern	103	22.8	0	0.0	32	7.1	1	0.2	3	0.7	113	25.0	2	0.4
Minnesota	123	24.4	0	0.0	9	1.8	12	2.4	22	4.4	179	35.5	2	0.4
Missouri														
Eastern	198	19.1	0	0.0	48	4.6	2	0.2	12	1.2	258	24.8	12	1.2
Western	125	19.1	0	0.0	25	3.8	6	0.9	3	0.5	119	18.2	9	1.4
Nebraska	17	2.8	31	5.2	37	6.2	12	2.0	4	0.7	123	20.5	11	1.8
North Dakota	47	18.0	0	0.0	8	3.1	7	2.7	3	1.1	21	8.0	3	1.1
South Dakota	7	1.7	0	0.0	8	2.0	11	2.7	12	3.0	63	15.6	2	0.5

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	18,330	7,357	40.1	71	0.4	18	0.1	113	0.6	29	0.2
Alaska	156	64	41.0	2	1.3	0	0.0	0	0.0	0	0.0
Arizona	6,198	2,698	43.5	44	0.7	5	0.1	25	0.4	4	0.1
California											
Central	2,110	721	34.2	3	0.1	5	0.2	19	0.9	7	0.3
Eastern	995	403	40.5	1	0.1	2	0.2	12	1.2	3	0.3
Northern	876	432	49.3	3	0.3	1	0.1	10	1.1	5	0.6
Southern	4,580	1,396	30.5	4	0.1	1	0.0	5	0.1	8	0.2
Guam	55	39	70.9	0	0.0	2	3.6	0	0.0	0	0.0
Hawaii	166	62	37.3	0	0.0	0	0.0	3	1.8	0	0.0
Idaho	300	128	42.7	0	0.0	0	0.0	1	0.3	0	0.0
Montana	376	259	68.9	2	0.5	0	0.0	11	2.9	1	0.3
Nevada	618	385	62.3	4	0.6	0	0.0	8	1.3	1	0.2
Northern Mariana Islands	28	21	75.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	609	246	40.4	0	0.0	0	0.0	7	1.1	0	0.0
Washington											
Eastern	403	145	36.0	2	0.5	2	0.5	7	1.7	0	0.0
Western	860	358	41.6	6	0.7	0	0.0	5	0.6	0	0.0
TENTH CIRCUIT	6,947	4,110	59.2	21	0.3	3	0.0	45	0.6	13	0.2
Colorado	523	301	57.6	0	0.0	1	0.2	6	1.1	1	0.2
Kansas	708	389	54.9	6	0.8	2	0.3	18	2.5	1	0.1
New Mexico	3,719	2,284	61.4	9	0.2	0	0.0	4	0.1	6	0.2
Oklahoma											
Eastern	113	72	63.7	0	0.0	0	0.0	1	0.9	0	0.0
Northern	155	101	65.2	0	0.0	0	0.0	1	0.6	0	0.0
Western	415	295	71.1	0	0.0	0	0.0	8	1.9	0	0.0
Utah	897	407	45.4	5	0.6	0	0.0	4	0.4	3	0.3
Wyoming	417	261	62.6	1	0.2	0	0.0	3	0.7	2	0.5
ELEVENTH CIRCUIT	6,989	4,250	60.8	20	0.3	13	0.2	107	1.5	15	0.2
Alabama											
Middle	243	141	58.0	0	0.0	0	0.0	4	1.6	0	0.0
Northern	423	268	63.4	1	0.2	1	0.2	4	0.9	1	0.2
Southern	307	185	60.3	0	0.0	2	0.7	6	2.0	1	0.3
Florida											
Middle	1,677	877	52.3	4	0.2	1	0.1	29	1.7	2	0.1
Northern	390	262	67.2	1	0.3	2	0.5	4	1.0	1	0.3
Southern	2,269	1,432	63.1	4	0.2	3	0.1	25	1.1	8	0.4
Georgia											
Middle	298	221	74.2	2	0.7	2	0.7	8	2.7	2	0.7
Northern	673	321	47.7	2	0.3	2	0.3	8	1.2	0	0.0
Southern	709	543	76.6	6	0.8	0	0.0	19	2.7	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,328	7.2	6,050	33.0	1,016	5.5	288	1.6	169	0.9	1,638	8.9	253	1.4
Alaska	20	12.8	1	0.6	23	14.7	2	1.3	5	3.2	36	23.1	3	1.9
Arizona	176	2.8	2,660	42.9	143	2.3	77	1.2	31	0.5	290	4.7	45	0.7
California														
Central	243	11.5	419	19.9	179	8.5	57	2.7	51	2.4	315	14.9	91	4.3
Eastern	95	9.5	309	31.1	49	4.9	15	1.5	5	0.5	93	9.3	8	0.8
Northern	65	7.4	94	10.7	96	11.0	13	1.5	22	2.5	128	14.6	7	0.8
Southern	276	6.0	2,386	52.1	106	2.3	91	2.0	27	0.6	231	5.0	49	1.1
Guam	7	12.7	0	0.0	2	3.6	0	0.0	0	0.0	4	7.3	1	1.8
Hawaii	49	29.5	0	0.0	3	1.8	0	0.0	0	0.0	48	28.9	1	0.6
Idaho	74	24.7	33	11.0	6	2.0	1	0.3	3	1.0	49	16.3	5	1.7
Montana	48	12.8	0	0.0	8	2.1	4	1.1	3	0.8	39	10.4	1	0.3
Nevada	50	8.1	0	0.0	43	7.0	7	1.1	1	0.2	99	16.0	20	3.2
Northern Mariana Islands	1	3.6	0	0.0	1	3.6	0	0.0	2	7.1	3	10.7	0	0.0
Oregon	92	15.1	43	7.1	102	16.7	6	1.0	8	1.3	96	15.8	9	1.5
Washington														
Eastern	50	12.4	67	16.6	35	8.7	7	1.7	3	0.7	81	20.1	4	1.0
Western	82	9.5	38	4.4	220	25.6	8	0.9	8	0.9	126	14.7	9	1.0
TENTH CIRCUIT	421	6.1	865	12.5	638	9.2	122	1.8	47	0.7	639	9.2	23	0.3
Colorado	82	15.7	0	0.0	21	4.0	15	2.9	5	1.0	87	16.6	4	0.8
Kansas	122	17.2	0	0.0	93	13.1	1	0.1	1	0.1	74	10.5	1	0.1
New Mexico	70	1.9	659	17.7	439	11.8	72	1.9	20	0.5	148	4.0	8	0.2
Oklahoma														
Eastern	25	22.1	0	0.0	1	0.9	0	0.0	0	0.0	14	12.4	0	0.0
Northern	25	16.1	0	0.0	0	0.0	0	0.0	0	0.0	28	18.1	0	0.0
Western	31	7.5	0	0.0	4	1.0	0	0.0	4	1.0	72	17.3	1	0.2
Utah	32	3.6	203	22.6	45	5.0	26	2.9	8	0.9	158	17.6	6	0.7
Wyoming	34	8.2	3	0.7	35	8.4	8	1.9	9	2.2	58	13.9	3	0.7
ELEVENTH CIRCUIT	990	14.2	0	0.0	125	1.8	78	1.1	71	1.0	1,272	18.2	48	0.7
Alabama														
Middle	62	25.5	0	0.0	6	2.5	0	0.0	1	0.4	29	11.9	0	0.0
Northern	85	20.1	0	0.0	4	0.9	1	0.2	0	0.0	56	13.2	2	0.5
Southern	50	16.3	0	0.0	4	1.3	2	0.7	1	0.3	53	17.3	3	1.0
Florida														
Middle	323	19.3	0	0.0	27	1.6	16	1.0	23	1.4	364	21.7	11	0.7
Northern	65	16.7	0	0.0	1	0.3	5	1.3	5	1.3	44	11.3	0	0.0
Southern	195	8.6	0	0.0	38	1.7	22	1.0	27	1.2	489	21.6	26	1.1
Georgia														
Middle	41	13.8	0	0.0	8	2.7	0	0.0	1	0.3	12	4.0	1	0.3
Northern	97	14.4	0	0.0	28	4.2	25	3.7	13	1.9	173	25.7	4	0.6
Southern	72	10.2	0	0.0	9	1.3	7	1.0	0	0.0	52	7.3	1	0.1

¹ Of the 83,946 cases, 2,087 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Georgia (29.2%), Arizona (8.7%), Western Texas (7.9%), Maryland (7.8%), Western Louisiana (7.3%), Guam (5.2%), and Eastern Virginia (5.0%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ BOOKER		ABOVE RANGE WITH W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	81,859	45,028	55.0	350	0.4	119	0.1	916	1.1	127	0.2
Murder	66	41	62.1	2	3.0	1	1.5	3	4.5	2	3.0
Manslaughter	64	38	59.4	7	10.9	3	4.7	9	14.1	1	1.6
Kidnapping/Hostage Taking	38	16	42.1	0	0.0	0	0.0	3	7.9	0	0.0
Sexual Abuse	383	247	64.5	4	1.0	5	1.3	11	2.9	1	0.3
Assault	596	351	58.9	11	1.8	5	0.8	16	2.7	2	0.3
Robbery	1,079	621	57.6	15	1.4	5	0.5	30	2.8	5	0.5
Arson	75	38	50.7	4	5.3	0	0.0	1	1.3	2	2.7
Drugs - Trafficking	23,458	10,530	44.9	63	0.3	16	0.1	110	0.5	23	0.1
Drugs - Communication Facility	511	245	47.9	1	0.2	1	0.2	2	0.4	1	0.2
Drugs - Simple Possession	746	708	94.9	5	0.7	1	0.1	4	0.5	0	0.0
Firearms	7,969	4,667	58.6	71	0.9	24	0.3	169	2.1	33	0.4
Burglary/B&E	36	18	50.0	2	5.6	0	0.0	1	2.8	0	0.0
Auto Theft	91	52	57.1	1	1.1	1	1.1	3	3.3	0	0.0
Larceny	1,541	1,097	71.2	6	0.4	4	0.3	21	1.4	6	0.4
Fraud	7,471	4,149	55.5	24	0.3	19	0.3	112	1.5	16	0.2
Embezzlement	432	301	69.7	1	0.2	0	0.0	0	0.0	1	0.2
Forgery/Counterfeiting	877	577	65.8	8	0.9	3	0.3	22	2.5	1	0.1
Bribery	223	72	32.3	1	0.4	0	0.0	2	0.9	0	0.0
Tax	660	234	35.5	0	0.0	1	0.2	4	0.6	0	0.0
Money Laundering	800	278	34.8	1	0.1	0	0.0	6	0.8	0	0.0
Racketeering/Extortion	672	271	40.3	5	0.7	2	0.3	10	1.5	1	0.1
Gambling/Lottery	76	38	50.0	8	10.5	0	0.0	0	0.0	0	0.0
Civil Rights	60	30	50.0	0	0.0	0	0.0	0	0.0	1	1.7
Immigration	27,922	16,763	60.0	77	0.3	19	0.1	272	1.0	23	0.1
Child Pornography	1,886	783	41.5	12	0.6	3	0.2	28	1.5	2	0.1
Prison Offenses	418	308	73.7	0	0.0	2	0.5	10	2.4	0	0.0
Administration of Justice Offenses	1,141	626	54.9	7	0.6	0	0.0	34	3.0	4	0.4
Environmental/Wildlife	166	110	66.3	2	1.2	0	0.0	1	0.6	0	0.0
National Defense	69	21	30.4	1	1.4	0	0.0	2	2.9	0	0.0
Antitrust	16	3	18.8	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	79	47	59.5	0	0.0	0	0.0	3	3.8	0	0.0
Other Miscellaneous Offenses	2,238	1,748	78.1	11	0.5	4	0.2	27	1.2	2	0.1

Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	9,421	11.5	8,119	9.9	3,214	3.9	1,687	2.1	865	1.1	11,116	13.6	897	1.1
Murder	8	12.1	0	0.0	4	6.1	0	0.0	0	0.0	5	7.6	0	0.0
Manslaughter	1	1.6	0	0.0	2	3.1	0	0.0	0	0.0	3	4.7	0	0.0
Kidnapping/Hostage Taking	9	23.7	0	0.0	3	7.9	0	0.0	0	0.0	7	18.4	0	0.0
Sexual Abuse	9	2.3	0	0.0	46	12.0	4	1.0	3	0.8	50	13.1	3	0.8
Assault	5	0.8	6	1.0	79	13.3	17	2.9	14	2.3	82	13.8	8	1.3
Robbery	100	9.3	2	0.2	39	3.6	36	3.3	31	2.9	188	17.4	7	0.6
Arson	17	22.7	0	0.0	2	2.7	1	1.3	1	1.3	9	12.0	0	0.0
Drugs - Trafficking	5,768	24.6	1,336	5.7	986	4.2	361	1.5	296	1.3	3,764	16.0	205	0.9
Drugs - Communication Facility	51	10.0	2	0.4	32	6.3	17	3.3	18	3.5	134	26.2	7	1.4
Drugs - Simple Possession	7	0.9	3	0.4	4	0.5	1	0.1	0	0.0	7	0.9	6	0.8
Firearms	911	11.4	9	0.1	384	4.8	132	1.7	98	1.2	1,368	17.2	103	1.3
Burglary/B&E	2	5.6	0	0.0	2	5.6	0	0.0	1	2.8	9	25.0	1	2.8
Auto Theft	17	18.7	0	0.0	1	1.1	0	0.0	0	0.0	14	15.4	2	2.2
Larceny	81	5.3	3	0.2	41	2.7	21	1.4	10	0.6	218	14.1	33	2.1
Fraud	1,196	16.0	4	0.1	286	3.8	120	1.6	106	1.4	1,322	17.7	117	1.6
Embezzlement	15	3.5	3	0.7	19	4.4	7	1.6	7	1.6	70	16.2	8	1.9
Forgery/Counterfeiting	84	9.6	2	0.2	25	2.9	12	1.4	8	0.9	121	13.8	14	1.6
Bribery	72	32.3	1	0.4	11	4.9	2	0.9	4	1.8	54	24.2	4	1.8
Tax	102	15.5	4	0.6	36	5.5	34	5.2	18	2.7	209	31.7	18	2.7
Money Laundering	196	24.5	18	2.3	70	8.8	15	1.9	10	1.3	191	23.9	15	1.9
Racketeering/Extortion	149	22.2	0	0.0	64	9.5	15	2.2	13	1.9	128	19.0	14	2.1
Gambling/Lottery	9	11.8	0	0.0	1	1.3	1	1.3	0	0.0	19	25.0	0	0.0
Civil Rights	11	18.3	0	0.0	1	1.7	0	0.0	1	1.7	11	18.3	5	8.3
Immigration	288	1.0	6,716	24.1	672	2.4	782	2.8	128	0.5	1,947	7.0	235	0.8
Child Pornography	57	3.0	0	0.0	195	10.3	43	2.3	57	3.0	676	35.8	30	1.6
Prison Offenses	11	2.6	3	0.7	30	7.2	5	1.2	3	0.7	40	9.6	6	1.4
Administration of Justice Offenses	106	9.3	5	0.4	68	6.0	17	1.5	14	1.2	242	21.2	18	1.6
Environmental/Wildlife	7	4.2	0	0.0	10	6.0	5	3.0	3	1.8	24	14.5	4	2.4
National Defense	19	27.5	0	0.0	6	8.7	7	10.1	4	5.8	9	13.0	0	0.0
Antitrust	8	50.0	0	0.0	0	0.0	1	6.3	1	6.3	3	18.8	0	0.0
Food & Drug	7	8.9	0	0.0	9	11.4	2	2.5	1	1.3	9	11.4	1	1.3
Other Miscellaneous Offenses	98	4.4	2	0.1	86	3.8	29	1.3	15	0.7	183	8.2	33	1.5

¹ Of the 83,946 cases, 2,087 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹

Fiscal Years 2005 - 2010

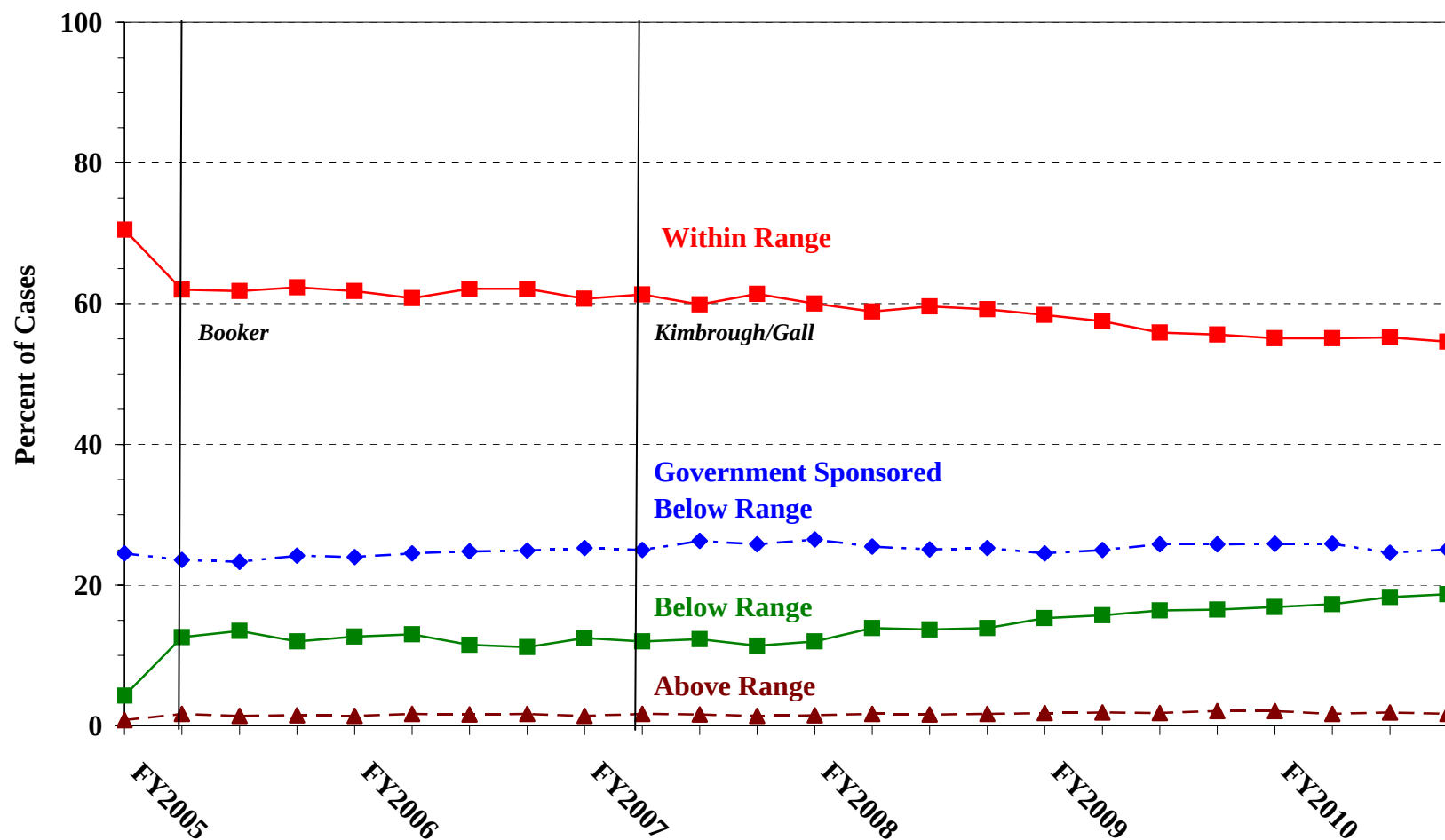
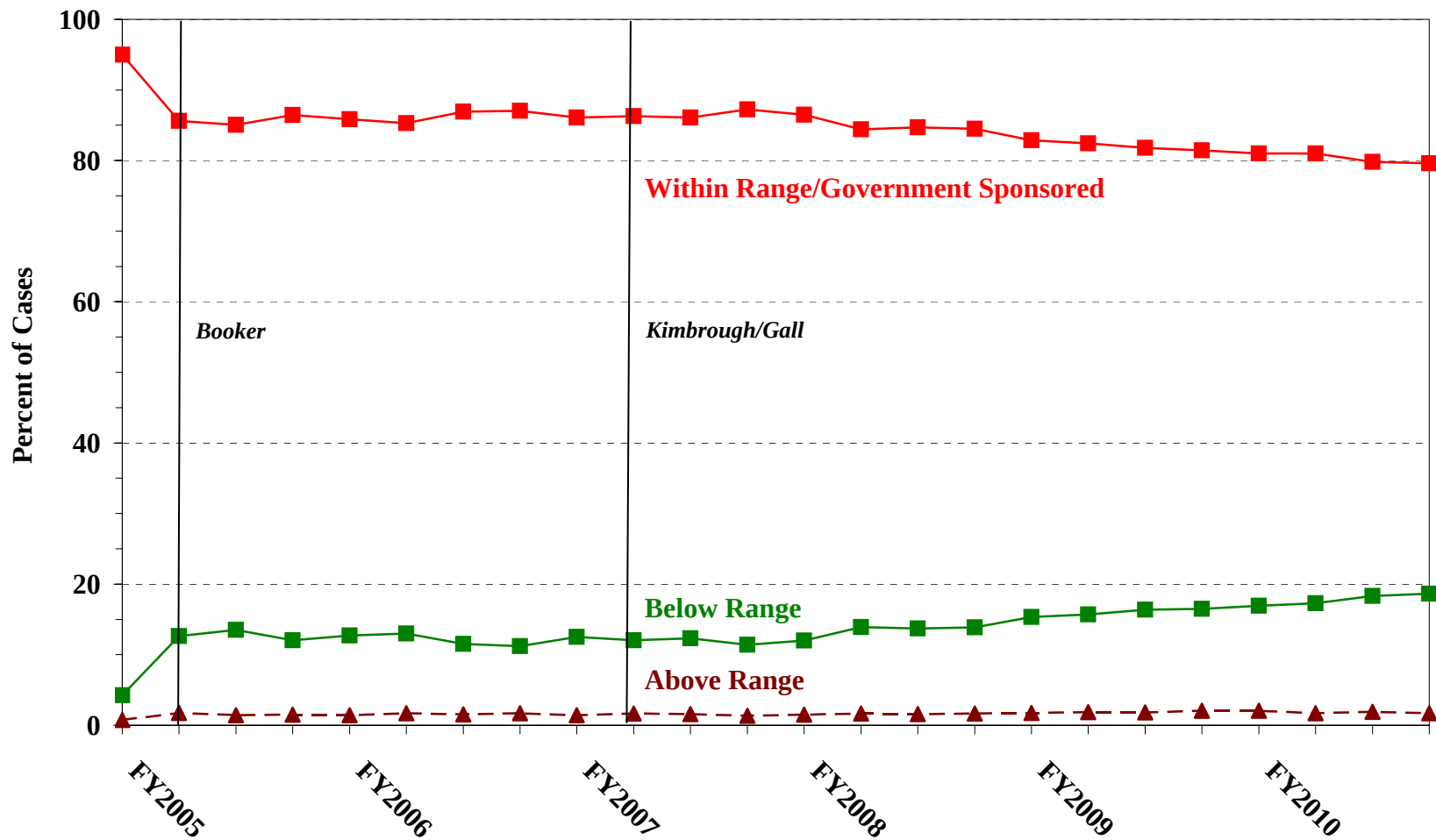
¹ Descriptions of variables used in this table are provided in Appendix A.

Figure B

QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED
AND OTHER OUT OF RANGE SENTENCES¹

Fiscal Years 2005 - 2010



¹ Descriptions of variables used in this table are provided in Appendix A.

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2005 - 2010

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2005				
1st Quarter	70.5	24.5	4.3	0.8
2ndQuarter	62.0	23.6	12.6	1.7
3rd Quarter	61.8	23.3	13.5	1.4
4th Quarter	62.3	24.2	12.0	1.5
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7

¹ Descriptions of variables used in this table are provided in Appendix A.

Table 5

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY SENTENCING GUIDELINE¹
Fiscal Year 2010**

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others				Gdline Only	with Booker	with Booker	All Others
\$2A1.1	139	83	0	0	1	0	30	0	9	0	2	12	2
\$2A1.2	40	24	2	2	2	2	2	0	4	0	0	1	1
\$2A1.3	29	15	5	3	3	0	1	0	0	1	0	1	0
\$2A1.4	50	30	5	2	7	1	0	0	2	0	0	2	1
\$2A1.5	19	7	0	0	0	0	1	0	0	1	0	4	6
\$2A2.1	86	39	0	1	2	0	21	0	7	3	1	7	5
\$2A2.2	340	181	7	3	7	0	10	1	55	11	13	49	3
\$2A2.3	33	25	0	0	1	1	0	0	0	0	0	3	3
\$2A2.4	152	95	1	1	1	1	0	6	12	9	2	20	4
\$2A3.1	104	60	1	0	6	0	2	0	20	0	1	13	1
\$2A3.2	49	33	1	1	2	0	0	0	4	1	1	6	0
\$2A3.3	8	5	0	0	0	0	1	0	2	0	0	0	0
\$2A3.4	37	27	0	0	2	0	0	0	4	1	0	2	1
\$2A3.5	247	161	3	0	12	1	2	0	9	4	4	49	2
\$2A4.1	88	32	1	0	1	0	24	0	8	0	0	21	1
\$2A4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2A5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2A5.2	20	6	0	0	2	0	2	0	3	2	0	4	1
\$2A5.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2A6.1	151	71	3	2	18	0	3	1	15	5	4	27	2
\$2A6.2	15	8	2	0	0	0	0	0	2	1	0	2	0
\$2B1.1	8,470	4,784	39	24	140	22	1,169	9	324	142	121	1,541	155
\$2B1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B1.4	9	1	0	0	0	0	3	0	0	0	0	5	0
\$2B1.5	19	2	0	0	0	0	3	0	4	0	0	10	0
\$2B1.6 ²	--	--	--	--	--	--	--	--	--	--	--	--	--
\$2B2.1	56	34	3	0	2	0	3	0	1	0	1	10	2
\$2B2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B2.3	5	5	0	0	0	0	0	0	0	0	0	0	0
\$2B3.1	1,833	952	25	10	59	12	296	2	65	42	41	313	16
\$2B3.2	64	20	0	0	1	0	10	0	17	1	0	13	2
\$2B3.3	5	2	0	0	0	0	0	0	1	0	0	1	1
\$2B4.1	59	18	0	0	1	0	14	0	1	1	4	19	1
\$2B5.1	486	307	5	0	8	0	44	0	14	10	6	79	13
\$2B5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B5.3	194	67	1	0	0	1	48	0	15	3	3	47	9
\$2B5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2B6.1	28	10	0	0	1	0	9	0	0	0	0	7	1
\$2C1.1	284	82	1	1	5	0	95	0	12	2	3	81	2
\$2C1.2	31	10	0	0	0	0	13	0	1	1	1	5	0
\$2C1.3	11	11	0	0	0	0	0	0	0	0	0	0	0
\$2C1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2C1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2C1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2C1.7	1	0	0	0	0	0	1	0	0	0	0	0	0
\$2C1.8	3	1	0	0	0	0	2	0	0	0	0	0	0
\$2D1.1	23,448	10,546	66	17	107	23	5,672	1,311	994	372	309	3,807	224
\$2D1.2	628	421	3	0	4	4	72	0	24	10	2	82	6
\$2D1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D1.4	0	0	0	0	0	0	0	0	0	0	0	0	0

14

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others				Gdline Only	with Booker	with Booker	All Others
\$2D1.5	10	4	0	0	0	0	5	0	1	0	0	0	0
\$2D1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D1.7	3	1	0	0	0	0	2	0	0	0	0	0	0
\$2D1.8	34	11	0	0	0	0	2	0	2	0	4	14	1
\$2D1.9	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D1.10	6	4	0	0	0	0	0	0	1	0	0	1	0
\$2D1.11	246	45	0	0	0	0	95	0	12	5	9	78	2
\$2D1.12	6	5	0	0	0	0	0	0	0	0	0	1	0
\$2D1.13	1	1	0	0	0	0	0	0	0	0	0	0	0
\$2D1.14	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D2.1	213	192	3	1	6	0	4	1	1	1	0	1	3
\$2D2.2	77	61	0	0	6	0	6	0	0	0	0	4	0
\$2D2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D3.1	4	4	0	0	0	0	0	0	0	0	0	0	0
\$2D3.2	3	3	0	0	0	0	0	0	0	0	0	0	0
\$2D3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2D3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E1.1	55	22	0	0	0	0	6	0	11	2	4	6	4
\$2E1.2	2	2	0	0	0	0	0	0	0	0	0	0	0
\$2E1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E1.4	15	7	1	0	1	0	3	0	1	0	0	2	0
\$2E1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E2.1	16	7	0	0	1	0	1	0	0	0	0	7	0
\$2E3.1	97	53	12	0	1	0	9	0	1	1	0	19	1
\$2E3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E3.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E4.1	49	12	0	0	0	0	8	0	2	0	0	24	3
\$2E5.1	9	3	0	0	0	0	3	0	0	0	0	2	1
\$2E5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E5.3	2	2	0	0	0	0	0	0	0	0	0	0	0
\$2E5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E5.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2E5.6	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2F1.1	88	26	0	0	1	0	41	0	2	3	2	12	1
\$2F1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2G1.1	43	15	0	0	3	0	11	0	5	0	0	7	2
\$2G1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2G1.3	216	136	2	4	6	1	12	0	20	2	1	30	2
\$2G2.1	207	115	2	1	7	0	7	0	24	2	2	41	6
\$2G2.2	1,708	683	8	2	22	2	52	0	178	41	56	639	25
\$2G2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2G2.4	9	3	2	0	0	0	0	0	0	0	0	4	0
\$2G2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2G2.6	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2G3.1	29	21	0	0	1	1	0	0	2	0	0	4	0
\$2G3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.1	72	26	0	0	0	1	18	0	2	2	0	20	3
\$2H1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H2.1	6	2	0	0	0	0	3	0	0	0	0	1	0
\$2H3.1	14	12	0	0	1	0	0	0	1	0	0	0	0
\$2H3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
\$2H3.3	7	7	0	0	0	0	0	0	0	0	0	0	0

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward Departure		Above Range		Government Sponsored			Downward Departure		Below Range	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2H4.1	9	5	0	0	1	0	0	0	2	0	0	1	0
§2H4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.2	156	58	1	0	4	1	29	0	14	0	1	46	2
§2J1.3	54	24	1	0	1	0	7	0	2	3	1	15	0
§2J1.4	24	16	0	1	1	0	3	0	1	0	0	1	1
§2J1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.6	65	50	0	0	2	0	1	1	3	0	1	7	0
§2J1.7	1	0	0	0	0	0	0	0	0	0	0	1	0
§2J1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2J1.9	1	1	0	0	0	0	0	0	0	0	0	0	0
§2K1.1	2	2	0	0	0	0	0	0	0	0	0	0	0
§2K1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.3	13	5	0	0	0	0	5	0	0	1	0	2	0
§2K1.4	84	37	4	0	2	2	24	0	2	1	1	11	0
§2K1.5	4	4	0	0	0	0	0	0	0	0	0	0	0
§2K1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.1	6,104	3,735	42	16	113	14	517	7	300	113	74	1,112	61
§2K2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K2.4 ³	--	--	--	--	--	--	--	--	--	--	--	--	--
§2K2.5	14	10	2	0	2	0	0	0	0	0	0	0	0
§2K2.6	3	1	0	0	0	0	0	0	0	0	0	2	0
§2K3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2K3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L1.1	2,627	1,388	15	4	19	3	176	693	80	35	11	175	28
§2L1.2	19,893	11,287	52	14	230	11	64	5,236	530	691	111	1,510	157
§2L1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.1	338	183	1	0	7	0	49	0	26	1	3	57	11
§2L2.2	1,486	1,267	6	1	21	4	6	65	13	7	2	75	19
§2L2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2L2.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M1.1	1	0	0	0	0	0	0	0	0	0	1	0	0
§2M2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M2.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.1	1	1	0	0	0	0	0	0	0	0	0	0	0
§2M3.2	2	0	0	0	1	0	0	0	1	0	0	0	0
§2M3.3	2	0	0	0	0	0	0	0	1	0	1	0	0
§2M3.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M3.9	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M5.1	10	2	0	0	0	0	3	0	1	0	0	4	0
§2M5.2	62	27	2	0	2	0	15	0	2	7	1	6	0
§2M5.3	21	1	0	0	0	0	9	0	3	2	4	2	0
§2M6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2M6.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N1.1	4	0	0	0	1	0	0	0	3	0	0	0	0
§2N1.2	1	0	0	0	0	0	0	0	1	0	0	0	0

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward		Above Range		Government Sponsored			Downward		Below Range	
			Departure		with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Departure		with Booker	All Others
			Gdline Only	Booker						Gdline Only	Booker		
§2N1.3	1	0	0	0	0	0	0	0	0	0	0	0	1
§2N2.1	35	32	0	0	2	0	1	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	239	176	0	2	6	0	7	3	4	3	2	32	4
§2P1.2	120	88	0	0	1	0	3	0	19	2	0	6	1
§2P1.3	17	14	0	0	1	0	1	0	1	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	42	18	0	0	0	0	2	0	4	4	2	12	0
§2Q1.3	32	14	0	0	0	0	5	0	5	5	0	3	0
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	75	46	1	0	0	0	3	0	3	2	3	14	3
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	11	2	0	0	0	0	4	0	0	1	1	3	0
§2S1.1	952	293	0	0	4	0	347	2	60	15	11	207	13
§2S1.2	1	0	0	0	0	0	1	0	0	0	0	0	0
§2S1.3	313	138	1	0	0	0	33	17	41	11	4	61	7
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	544	183	0	2	4	0	87	0	35	20	10	187	16
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	128	51	0	0	1	0	15	0	7	6	4	41	3
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	22	5	0	0	0	0	2	0	0	7	0	8	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	22	6	0	0	1	0	7	0	0	3	2	3	0
§2T2.1	2	2	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	21	7	0	0	0	0	4	1	1	0	2	6	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	38	13	0	0	0	0	7	0	2	2	0	14	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	99	49	0	0	2	0	17	0	7	0	2	20	2
§2X4.1	415	210	2	0	6	2	49	4	27	8	5	93	9
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	192	174	0	2	8	1	0	0	1	0	1	3	2
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	1	0	0	0	0	0	0	0	0	0	0	1	0
§2X7.2	4	2	0	0	0	0	1	0	0	0	0	1	0
TOTAL	74,796	39,287	334	117	894	111	9,345	7,360	3,097	1,632	858	10,902	859

¹ Of the 83,946 cases, 9,150 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (2,087) or missing guideline applied (9,039). Descriptions of variables used in this table are provided in Appendix A.

² In 830 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 830 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 2,360 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 2,360 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Table 6

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
Fiscal Year 2010

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1		§5K3.1		Binding Plea		Plea w/ Departure Court		Plea Agreement States Gov't	
		Plea Agreement		Plea Agreement		Accepted by Court		Finds Reasonable		Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	36,831	6,165	16.7	7,716	20.9	3,262	8.9	1,701	4.6	170	0.5
Above Range	1,512	8	0.5	8	0.5	215	14.2	98	6.5	0	0.0
Upward Departure From Guideline Range	350	1	0.3	1	0.3	86	24.6	39	11.1	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	119	1	0.8	0	0.0	21	17.6	7	5.9	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	916	0	0.0	0	0.0	103	11.2	50	5.5	0	0.0
All Remaining Cases Above Guideline Range	127	6	4.7	7	5.5	5	3.9	2	1.6	0	0.0
Government Sponsored Below Range	20,754	6,157	29.7	7,708	37.1	3,047	14.7	1,603	7.7	170	0.8
§5K1.1 Substantial Assistance Departure	9,421	6,157	65.4	118	1.3	196	2.1	145	1.5	24	0.3
§5K3.1 Early Disposition Program Departure	8,119	0	0.0	7,590	93.5	1,252	15.4	489	6.0	15	0.2
Other Government Sponsored Below Range	3,214	0	0.0	0	0.0	1,599	49.8	969	30.1	131	4.1
Below Range	14,565	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,687	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	865	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	11,116	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	897	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1		§5K3.1		Other		Defense Motion/		Defense Motion/		Other than a Plea/Motion by Parties		No Information Available	
	Government		Government		Government		Government		Government					
	Motion		Motion		Motion		Did Not Object		Did Object					
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	3,032	8.2	223	0.6	1,102	3.0	4,426	12.0	4,657	12.6	6,339	17.2	4,110	11.2
Above Range	4	0.3	0	0.0	219	14.5	9	0.6	9	0.6	754	49.9	309	20.4
Upward Departure From Guideline Range	1	0.3	0	0.0	64	18.3	5	1.4	4	1.1	123	35.1	50	14.3
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	31	26.1	1	0.8	1	0.8	104	87.4	16	13.4
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	119	13.0	3	0.3	4	0.4	520	56.8	138	15.1
All Remaining Cases Above Guideline Range	3	2.4	0	0.0	5	3.9	0	0.0	0	0.0	7	5.5	105	82.7
Government Sponsored Below Range	3,028	14.6	223	1.1	883	4.3	1,085	5.2	714	3.4	812	3.9	555	2.7
§5K1.1 Substantial Assistance Departure	3,028	32.1	2	0.0	277	2.9	436	4.6	330	3.5	473	5.0	195	2.1
§5K3.1 Early Disposition Program Departure	0	0.0	221	2.7	28	0.3	368	4.5	291	3.6	116	1.4	290	3.6
Other Government Sponsored Below Range	0	0.0	0	0.0	578	18.0	281	8.7	93	2.9	223	6.9	70	2.2
Below Range	0	0.0	0	0.0	0	0.0	3,332	22.9	3,934	27.0	4,773	32.8	3,246	22.3
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	717	42.5	299	17.7	473	28.0	243	14.4
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	289	33.4	400	46.2	480	55.5	134	15.5
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	2,274	20.5	3,194	28.7	3,793	34.1	2,083	18.7
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	52	5.8	41	4.6	27	3.0	786	87.6

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 5,385 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	8,974	36.0	30.0	50.0
Murder	6	9.3	65.0	88.2
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	8	108.0	101.5	50.6
Sexual Abuse	8	66.0	54.0	47.6
Assault	5	0.0	12.0	100.0
Robbery	97	39.0	26.0	40.0
Arson	17	37.0	20.0	33.3
Drugs - Trafficking	5,520	48.0	42.3	46.8
Drugs - Communication Facility	50	18.0	17.0	50.0
Drugs - Simple Possession	7	1.0	5.0	83.3
Firearms	842	55.0	31.5	41.5
Burglary/B&E	2	--	--	--
Auto Theft	17	6.0	10.0	50.0
Larceny	79	0.0	12.0	100.0
Fraud	1,138	8.5	17.0	70.0
Embezzlement	15	6.0	8.7	58.3
Forgery/Counterfeiting	81	0.0	10.0	100.0
Bribery	71	12.0	18.0	68.4
Tax	100	0.0	12.0	100.0
Money Laundering	184	13.0	26.0	73.3
Racketeering/Extortion	139	24.0	28.0	53.3
Gambling/Lottery	8	0.0	6.0	100.0
Civil Rights	11	2.0	15.0	93.3
Immigration	273	10.0	12.0	50.5
Child Pornography	55	96.0	50.0	33.3
Prison Offenses	11	1.0	8.0	91.1
Administration of Justice Offenses	101	0.0	12.0	100.0
Environmental/Wildlife	7	0.0	16.8	100.0
National Defense	19	20.0	33.0	56.5
Antitrust	4	0.0	12.0	99.8
Food & Drug	6	0.0	16.0	100.0
Other Miscellaneous Offenses	93	1.0	17.6	97.8

¹ Of the 83,946 cases, 9,421 received a §5K1.1 substantial assistance departure. Of these, 9,099 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 111 cases were also excluded from this table. Of the remaining 8,988 cases, 14 were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	7,205	18.0	7.0	28.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	5	12.0	6.0	33.3
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	1,272	18.0	10.0	34.8
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	3	4.7	6.0	57.7
Firearms	8	15.0	10.0	27.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	0.0	8.0	100.0
Fraud	4	5.5	10.6	60.7
Embezzlement	2	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	4	14.0	10.0	39.9
Money Laundering	15	1.8	6.0	70.7
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	5,874	18.0	6.0	28.3
Child Pornography	0	--	--	--
Prison Offenses	3	15.0	8.0	33.3
Administration of Justice Offenses	5	8.0	8.4	47.4
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 83,946 cases, 8,119 received a §5K3.1 early disposition program departure. Of these, 7,205 cases had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,995	27.0	15.0	37.1
Murder	4	171.5	41.0	22.6
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	39	84.0	32.0	37.1
Assault	69	21.0	18.0	51.4
Robbery	38	57.0	26.0	31.4
Arson	2	--	--	--
Drugs - Trafficking	941	66.0	30.0	31.3
Drugs - Communication Facility	29	18.0	24.0	50.0
Drugs - Simple Possession	3	0.0	12.0	100.0
Firearms	369	46.0	16.5	30.0
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	37	0.0	8.0	100.0
Fraud	269	6.0	11.0	70.7
Embezzlement	19	0.0	8.0	100.0
Forgery/Counterfeiting	24	4.5	9.5	53.8
Bribery	9	18.0	10.0	45.9
Tax	34	0.0	12.0	100.0
Money Laundering	66	4.6	12.0	66.1
Racketeering/Extortion	56	72.0	36.5	42.8
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	626	12.0	5.0	33.3
Child Pornography	189	60.0	43.0	38.5
Prison Offenses	23	12.0	6.0	37.5
Administration of Justice Offenses	59	0.0	12.0	100.0
Environmental/Wildlife	7	0.0	10.0	100.0
National Defense	4	54.0	22.5	21.3
Antitrust	0	--	--	--
Food & Drug	4	9.0	31.5	79.9
Other Miscellaneous Offenses	68	3.5	12.0	81.9

¹ Of the 83,946 cases, 3,214 received an other government sponsored downward departure. Of these, 3,012 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 14 cases were also excluded from this table. Of the remaining 2,998 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,598	24.0	10.0	29.5
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	9.0	13.5	62.5
Assault	17	6.0	8.0	50.0
Robbery	36	45.0	15.5	23.9
Arson	1	--	--	--
Drugs - Trafficking	349	54.0	14.0	27.1
Drugs - Communication Facility	17	30.0	17.0	33.3
Drugs - Simple Possession	1	--	--	--
Firearms	129	36.0	9.0	20.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	21	0.0	8.0	100.0
Fraud	115	12.0	9.0	41.3
Embezzlement	7	3.0	10.0	62.5
Forgery/Counterfeiting	12	2.5	11.0	86.0
Bribery	2	--	--	--
Tax	34	6.5	11.0	60.0
Money Laundering	14	15.0	6.0	53.1
Racketeering/Extortion	15	46.0	24.0	28.6
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	726	18.0	7.0	28.6
Child Pornography	41	60.0	30.0	31.3
Prison Offenses	5	4.0	15.0	68.4
Administration of Justice Offenses	15	0.0	10.0	100.0
Environmental/Wildlife	4	0.0	10.0	100.0
National Defense	7	16.4	16.0	45.4
Antitrust	1	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	22	0.0	9.0	100.0

¹ Of the 83,946 cases, 1,687 received a downward departure from the guideline range. Of these, 1,599 cases had complete guideline application information. Of these cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	814	24.0	18.0	42.9
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	24.0	75.0	55.6
Assault	13	12.0	15.0	50.0
Robbery	30	24.0	21.0	41.4
Arson	1	--	--	--
Drugs - Trafficking	279	48.0	27.0	36.2
Drugs - Communication Facility	18	8.0	32.0	80.7
Drugs - Simple Possession	0	--	--	--
Firearms	94	34.5	17.5	36.8
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	9	0.0	12.0	100.0
Fraud	101	6.0	12.0	66.7
Embezzlement	7	1.0	8.0	87.5
Forgery/Counterfeiting	8	8.0	9.5	47.0
Bribery	4	3.0	10.5	79.2
Tax	16	5.0	16.5	81.9
Money Laundering	9	14.0	23.0	47.8
Racketeering/Extortion	11	5.0	18.0	76.2
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	120	19.5	11.0	36.8
Child Pornography	53	60.0	54.0	43.3
Prison Offenses	2	--	--	--
Administration of Justice Offenses	14	6.0	11.0	58.7
Environmental/Wildlife	3	12.0	6.0	33.2
National Defense	4	78.0	270.0	78.3
Antitrust	1	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	11	0.0	15.0	100.0

¹ Of the 83,946 cases, 865 received a downward departure from the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 818 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional three cases were also excluded from this table. Of the remaining 815 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	10,590	27.0	13.0	35.0
Murder	2	--	--	--
Manslaughter	3	18.0	30.0	40.0
Kidnapping/Hostage Taking	6	78.5	114.5	53.6
Sexual Abuse	44	58.0	23.5	33.3
Assault	80	15.0	12.0	36.4
Robbery	180	42.0	16.0	26.5
Arson	9	36.0	18.0	34.8
Drugs - Trafficking	3,629	60.0	19.0	29.4
Drugs - Communication Facility	129	24.0	18.0	45.5
Drugs - Simple Possession	5	60.0	10.0	19.4
Firearms	1,331	36.0	14.0	27.0
Burglary/B&E	9	0.0	9.0	100.0
Auto Theft	14	0.0	10.0	100.0
Larceny	212	0.0	10.0	100.0
Fraud	1,269	12.0	10.0	52.9
Embezzlement	69	0.0	8.0	99.6
Forgery/Counterfeiting	118	4.6	7.0	66.8
Bribery	53	6.0	12.0	70.0
Tax	206	5.0	12.0	75.0
Money Laundering	177	12.0	13.0	56.1
Racketeering/Extortion	114	24.5	14.8	33.2
Gambling/Lottery	19	0.0	10.0	100.0
Civil Rights	11	6.0	12.0	50.0
Immigration	1,749	20.0	10.0	33.2
Child Pornography	664	60.0	37.0	38.1
Prison Offenses	39	8.7	6.3	42.3
Administration of Justice Offenses	236	6.0	10.0	66.7
Environmental/Wildlife	23	0.0	8.0	100.0
National Defense	8	45.0	30.5	34.1
Antitrust	3	7.0	6.0	33.2
Food & Drug	9	5.0	21.0	80.5
Other Miscellaneous Offenses	170	0.7	10.0	94.5

¹ Of the 83,946 cases, 11,116 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 10,631 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 38 cases were also excluded from this table. Of the remaining 10,593 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	807	10.0	6.0	48.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	7	7.3	5.0	50.0
Robbery	7	40.0	6.0	29.8
Arson	0	--	--	--
Drugs - Trafficking	186	45.0	12.5	33.3
Drugs - Communication Facility	7	12.0	18.0	59.9
Drugs - Simple Possession	5	6.0	6.0	50.0
Firearms	97	60.0	12.0	21.7
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	32	0.0	6.0	100.0
Fraud	106	3.4	6.0	68.1
Embezzlement	8	0.0	6.0	99.6
Forgery/Counterfeiting	13	0.0	6.0	100.0
Bribery	4	3.7	6.4	47.2
Tax	18	0.0	6.0	100.0
Money Laundering	13	6.0	12.0	66.7
Racketeering/Extortion	7	10.0	10.0	52.4
Gambling/Lottery	0	--	--	--
Civil Rights	4	0.0	12.0	100.0
Immigration	208	5.4	3.0	49.9
Child Pornography	30	108.0	43.5	29.3
Prison Offenses	5	9.0	6.0	40.0
Administration of Justice Offenses	15	0.0	6.0	100.0
Environmental/Wildlife	4	0.9	5.1	84.3
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	25	0.0	6.0	100.0

¹ Of the 83,946 cases, 897 were otherwise sentenced below the guideline range. Of these, 812 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional three cases were also excluded from this table. Of the remaining 809 cases, two were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	323	60.0	12.0	37.5
Murder	2	--	--	--
Manslaughter	7	96.0	33.0	53.8
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	148.5	28.5	31.7
Assault	10	60.5	23.5	74.6
Robbery	14	132.0	27.0	26.3
Arson	4	165.0	73.0	78.2
Drugs - Trafficking	58	96.0	12.0	24.6
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	4	36.0	27.0	100.0
Firearms	57	105.0	21.0	25.0
Burglary/B&E	2	--	--	--
Auto Theft	1	--	--	--
Larceny	6	28.0	6.5	75.0
Fraud	23	50.0	8.0	25.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	8	33.0	9.0	38.1
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	5	120.0	10.0	24.4
Gambling/Lottery	8	18.0	11.0	183.3
Civil Rights	0	--	--	--
Immigration	74	31.0	8.0	41.7
Child Pornography	12	162.0	39.5	37.0
Prison Offenses	0	--	--	--
Administration of Justice Offenses	7	60.0	15.0	75.6
Environmental/Wildlife	2	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	10	44.0	10.5	65.8

¹ Of the 83,946 cases, 350 received an upward departure from the guideline range. Of these, 326 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**UPWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	105	96.0	23.0	41.2
Murder	1	--	--	--
Manslaughter	3	180.0	43.0	31.4
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	156.0	60.0	44.4
Assault	5	72.0	26.0	53.2
Robbery	5	196.0	30.0	24.8
Arson	0	--	--	--
Drugs - Trafficking	14	106.5	28.0	59.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	21	120.0	24.0	38.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	24.0	12.0	100.0
Fraud	15	87.0	21.0	33.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	12.0	6.0	100.0
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	18	54.5	16.0	45.2
Child Pornography	2	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	21.0	10.0	77.6

¹ Of the 83,946 cases, 119 received an upward departure from the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 110 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, four cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	855	51.0	13.0	41.2
Murder	3	300.0	90.0	42.9
Manslaughter	9	60.0	23.0	62.2
Kidnapping/Hostage Taking	3	300.0	65.0	50.0
Sexual Abuse	11	144.0	25.0	46.3
Assault	16	67.5	19.5	51.9
Robbery	30	140.5	33.0	39.6
Arson	1	--	--	--
Drugs - Trafficking	103	84.0	14.0	30.4
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	149	96.0	19.0	31.4
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	20	33.0	8.0	50.0
Fraud	103	51.0	12.0	33.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	19	40.0	12.0	40.0
Bribery	1	--	--	--
Tax	4	43.5	12.0	19.6
Money Laundering	6	98.0	20.5	23.4
Racketeering/Extortion	8	186.0	48.0	38.1
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	261	24.0	8.0	50.0
Child Pornography	27	240.0	42.0	33.3
Prison Offenses	9	45.0	15.0	71.4
Administration of Justice Offenses	33	36.0	12.0	71.4
Environmental/Wildlife	1	--	--	--
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	9.0	3.0	50.0
Other Miscellaneous Offenses	26	30.0	9.0	86.7

¹ Of the 83,946 cases, 916 were sentenced above the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 868 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Furthermore, 12 cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	78	65.5	12.0	20.2
Murder	2	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	0	--	--	--
Robbery	4	180.0	24.0	14.4
Arson	2	--	--	--
Drugs - Trafficking	16	115.0	13.0	16.7
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	17	151.0	36.0	18.8
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	4	35.0	13.0	66.7
Fraud	12	30.0	8.5	44.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	13	36.0	6.0	20.3
Child Pornography	2	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 83,946 cases, 127 were otherwise sentenced above the guideline range. Of these, 104 cases had complete guideline application information. 26 additional cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Table 18

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	83,120	74,660	89.8	72,615	87.4	2,045	2.5	8,460	10.2	2,356	2.8	6,104	7.3
Murder	66	65	98.5	64	97.0	1	1.5	1	1.5	0	0.0	1	1.5
Manslaughter	64	63	98.4	61	95.3	2	3.1	1	1.6	1	1.6	0	0.0
Kidnapping/Hostage Taking	38	38	100.0	38	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	383	371	96.9	364	95.0	7	1.8	12	3.1	7	1.8	5	1.3
Assault	622	518	83.3	492	79.1	26	4.2	104	16.7	23	3.7	81	13.0
Robbery	1,080	1,037	96.0	1,002	92.8	35	3.2	43	4.0	20	1.9	23	2.1
Arson	75	72	96.0	68	90.7	4	5.3	3	4.0	1	1.3	2	2.7
Drugs - Trafficking	23,499	22,663	96.4	22,081	94.0	582	2.5	836	3.6	319	1.4	517	2.2
Drugs - Communication Facility	512	423	82.6	413	80.7	10	2.0	89	17.4	29	5.7	60	11.7
Drugs - Simple Possession	986	677	68.7	676	68.6	1	0.1	309	31.3	24	2.4	285	28.9
Firearms	7,976	7,531	94.4	7,344	92.1	187	2.3	445	5.6	186	2.3	259	3.2
Burglary/B&E	36	27	75.0	27	75.0	0	0.0	9	25.0	5	13.9	4	11.1
Auto Theft	91	70	76.9	68	74.7	2	2.2	21	23.1	8	8.8	13	14.3
Larceny	1,506	612	40.6	542	36.0	70	4.6	894	59.4	225	14.9	669	44.4
Fraud	8,028	6,233	77.6	5,766	71.8	467	5.8	1,795	22.4	625	7.8	1,170	14.6
Embezzlement	423	190	44.9	149	35.2	41	9.7	233	55.1	52	12.3	181	42.8
Forgery/Counterfeiting	879	634	72.1	581	66.1	53	6.0	245	27.9	80	9.1	165	18.8
Bribery	223	163	73.1	148	66.4	15	6.7	60	26.9	26	11.7	34	15.2
Tax	661	416	62.9	355	53.7	61	9.2	245	37.1	115	17.4	130	19.7
Money Laundering	806	620	76.9	584	72.5	36	4.5	186	23.1	53	6.6	133	16.5
Racketeering/Extortion	674	607	90.1	589	87.4	18	2.7	67	9.9	17	2.5	50	7.4
Gambling/Lottery	76	24	31.6	23	30.3	1	1.3	52	68.4	19	25.0	33	43.4
Civil Rights	59	41	69.5	40	67.8	1	1.7	18	30.5	8	13.6	10	16.9
Immigration	28,499	27,481	96.4	27,258	95.6	223	0.8	1,018	3.6	170	0.6	848	3.0
Child Pornography	1,884	1,857	98.6	1,821	96.7	36	1.9	27	1.4	11	0.6	16	0.8
Prison Offenses	423	403	95.3	383	90.5	20	4.7	20	4.7	6	1.4	14	3.3
Administration of Justice Offenses	1,137	812	71.4	747	65.7	65	5.7	325	28.6	88	7.7	237	20.8
Environmental/Wildlife	143	43	30.1	36	25.2	7	4.9	100	69.9	14	9.8	86	60.1
National Defense	69	61	88.4	60	87.0	1	1.4	8	11.6	3	4.3	5	7.2
Antitrust	15	12	80.0	10	66.7	2	13.3	3	20.0	1	6.7	2	13.3
Food & Drug	73	26	35.6	21	28.8	5	6.8	47	64.4	5	6.8	42	57.5
Other Miscellaneous Offenses	2,114	870	41.2	804	38.0	66	3.1	1,244	58.8	215	10.2	1,029	48.7

¹ Of the 83,946 cases, 826 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (814), or missing sentencing information (12). Descriptions of variables used in this table are provided in Appendix A.

² Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

Table 19

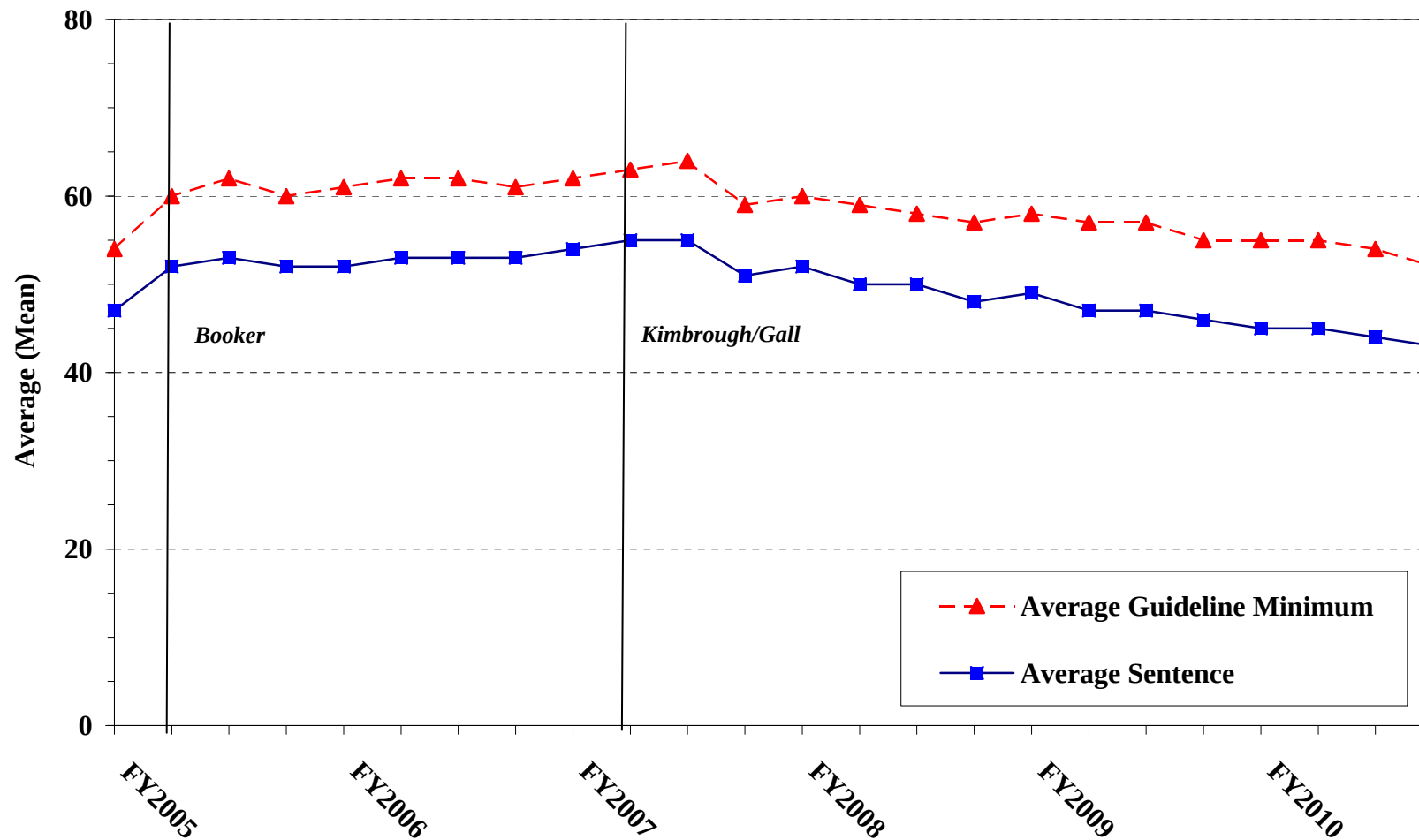
SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	44.3	21.0	83,919
Murder	276.1	251.0	66
Manslaughter	72.6	44.0	64
Kidnapping/Hostage Taking	162.7	144.0	39
Sexual Abuse	108.6	96.0	384
Assault	37.6	24.0	631
Robbery	76.8	62.0	1,081
Arson	78.6	60.0	75
Drugs - Trafficking	74.9	60.0	23,503
Drugs - Communication Facility	34.3	32.0	512
Drugs - Simple Possession	3.4	3.0	1,024
Firearms	85.0	57.0	7,984
Burglary/B&E	16.7	13.5	36
Auto Theft	51.0	24.0	91
Larceny	7.6	0.0	1,617
Fraud	23.2	10.0	8,065
Embezzlement	7.8	3.0	434
Forgery/Counterfeiting	14.4	12.0	880
Bribery	19.7	12.0	224
Tax	16.3	12.0	665
Money Laundering	30.6	15.0	806
Racketeering/Extortion	76.7	44.0	675
Gambling/Lottery	6.0	5.0	76
Civil Rights	22.5	12.0	61
Immigration	16.8	10.0	28,496
Child Pornography	118.0	80.0	1,886
Prison Offenses	15.4	12.0	424
Administration of Justice Offenses	18.1	12.0	1,157
Environmental/Wildlife	3.0	0.0	188
National Defense	53.5	34.0	69
Antitrust	7.4	8.0	16
Food & Drug	10.3	0.0	84
Other Miscellaneous Offenses	10.4	0.0	2,606

¹ Of the 83,946 cases, 27 were excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR ALL CASES¹
Fiscal Years 2005 - 2010

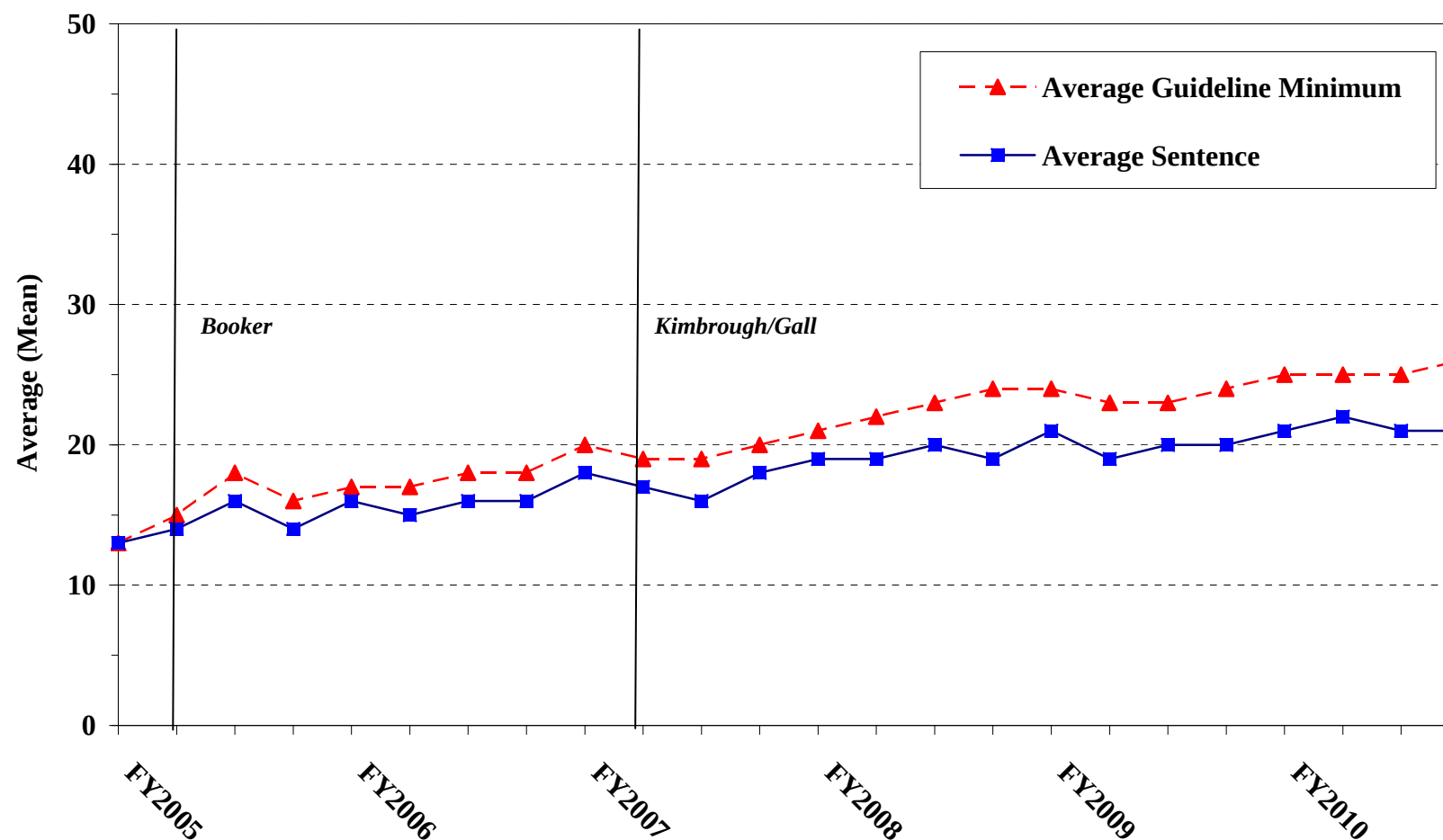


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure D

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY
DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)¹**

Fiscal Years 2005 - 2010



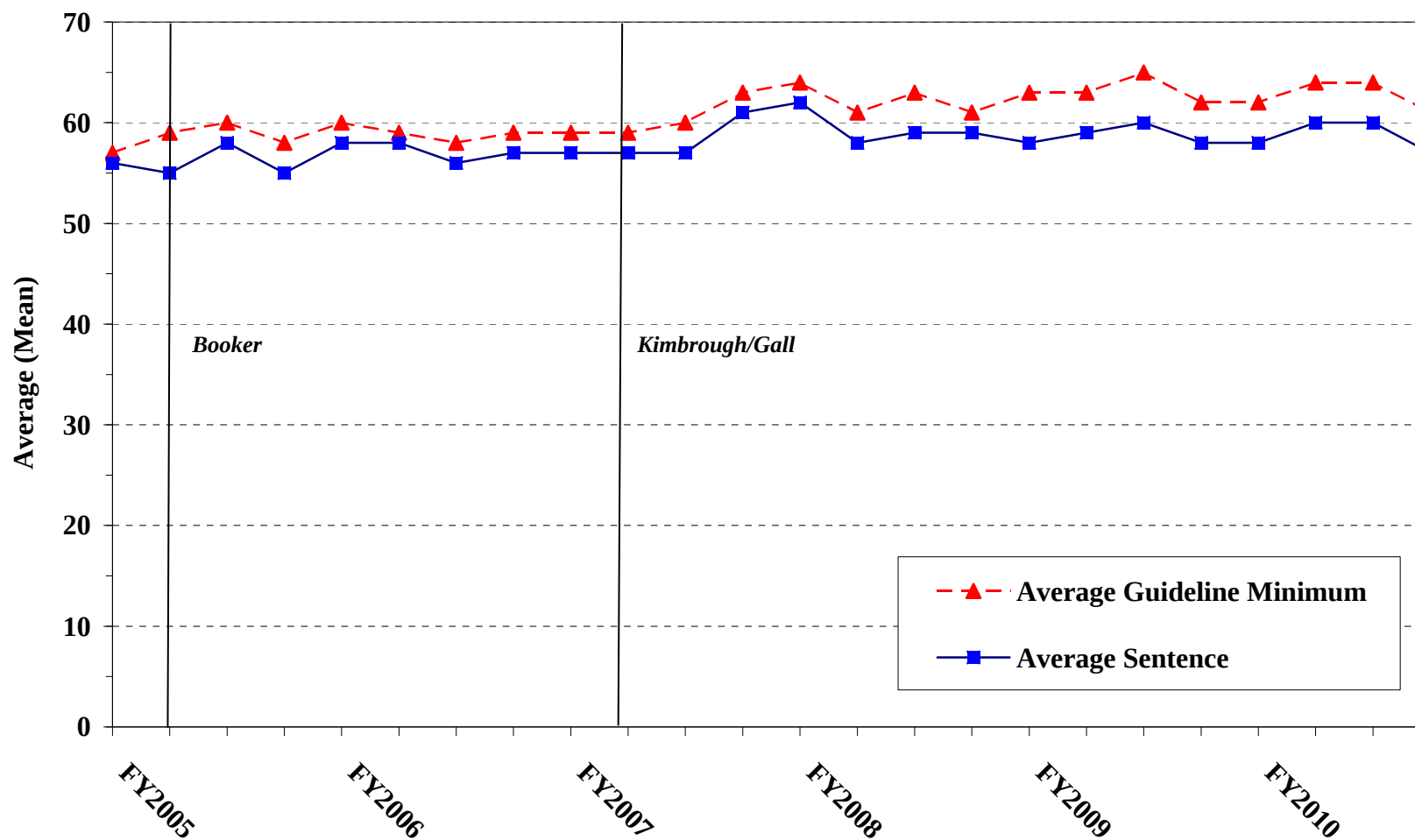
¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 - 2010 Datafiles, USSCFY05 - USSCFY10.

Figure E

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)¹**

Fiscal Years 2005 - 2010

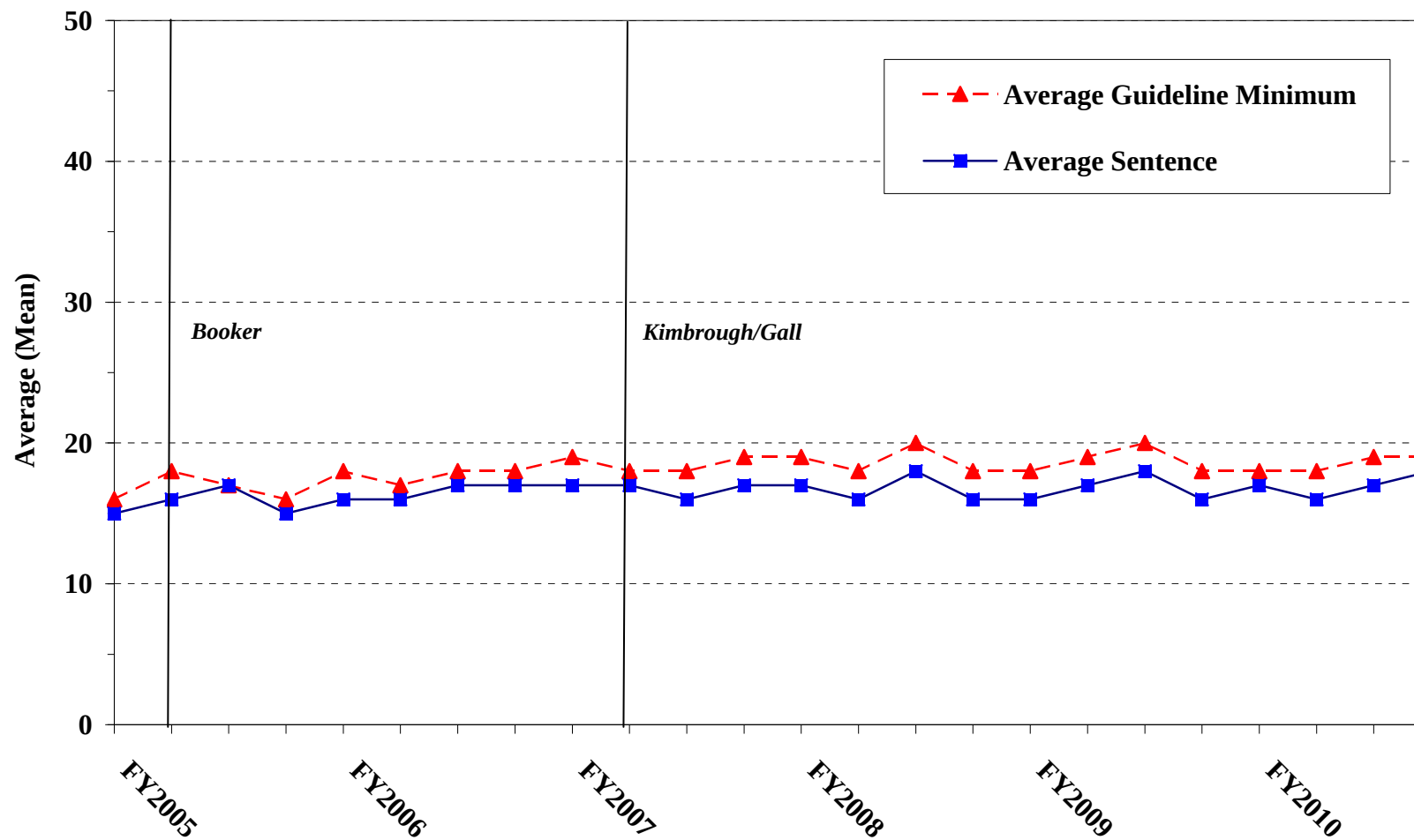


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)¹**

Fiscal Years 2005 - 2010

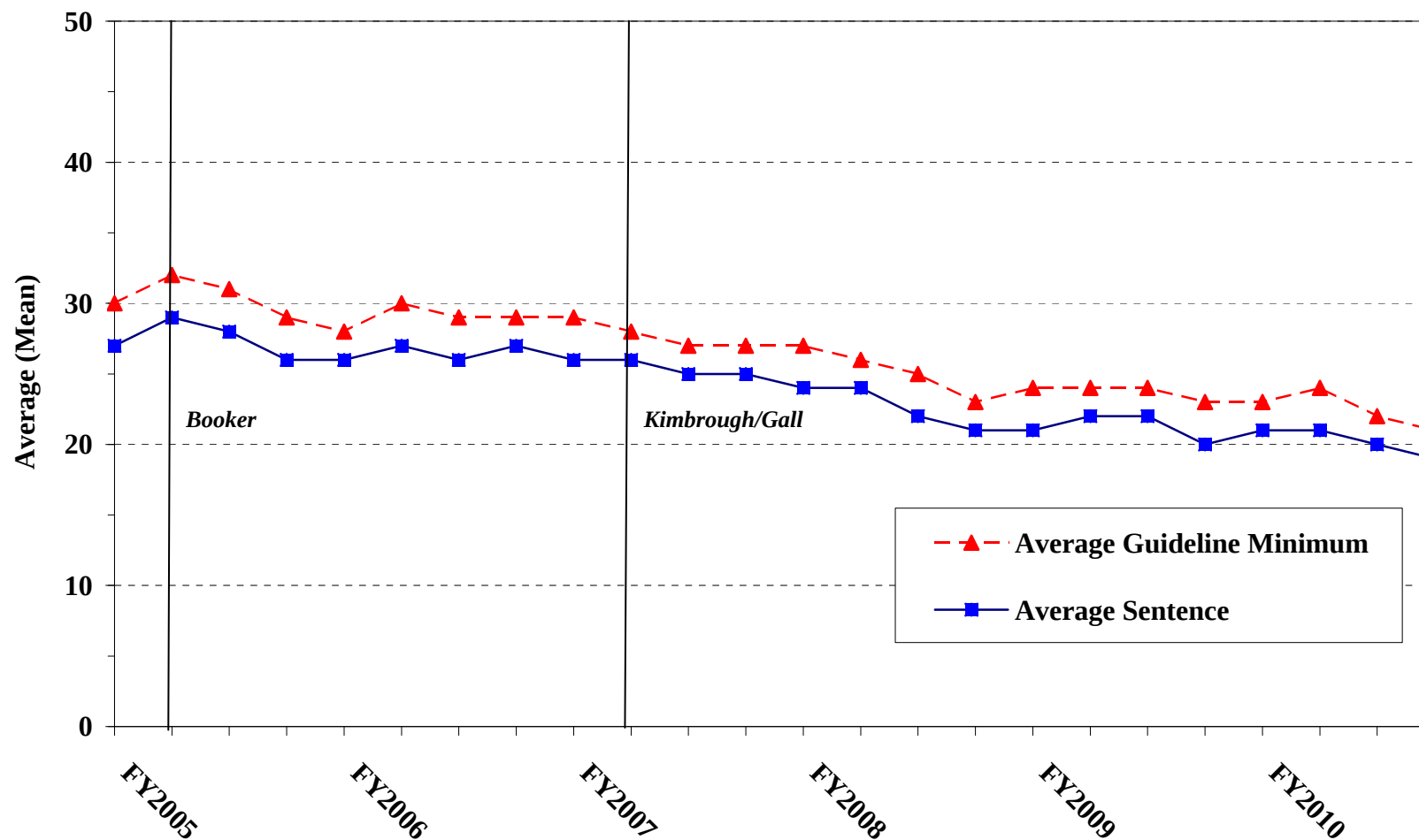


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure G

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR
§2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)¹**

Fiscal Years 2005 - 2010

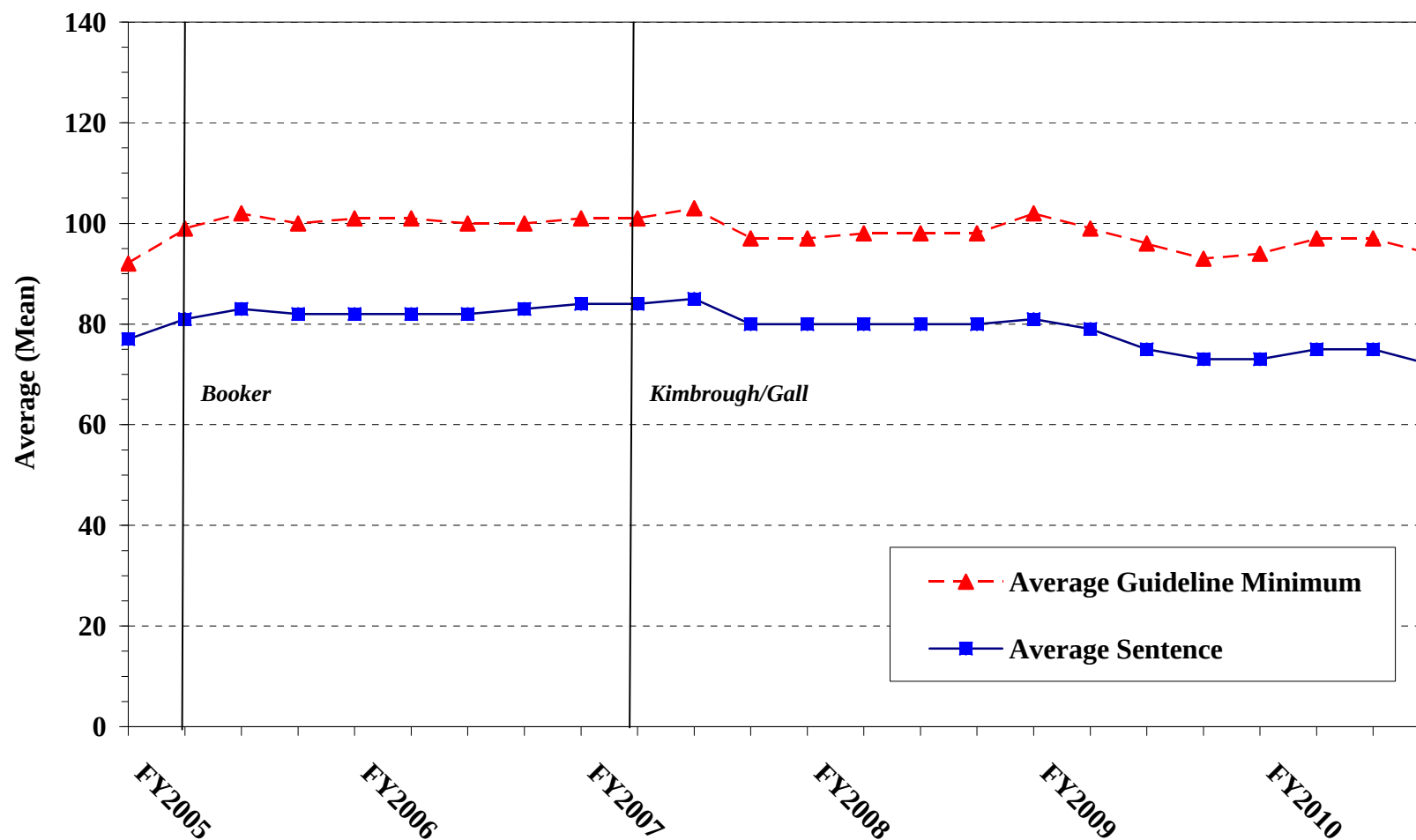


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure H

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY
DATA FOR §2D1.1 OFFENDERS (UNLAWFUL DRUG TRAFFICKING OR MANUFACTURING)¹**

Fiscal Years 2005 - 2010

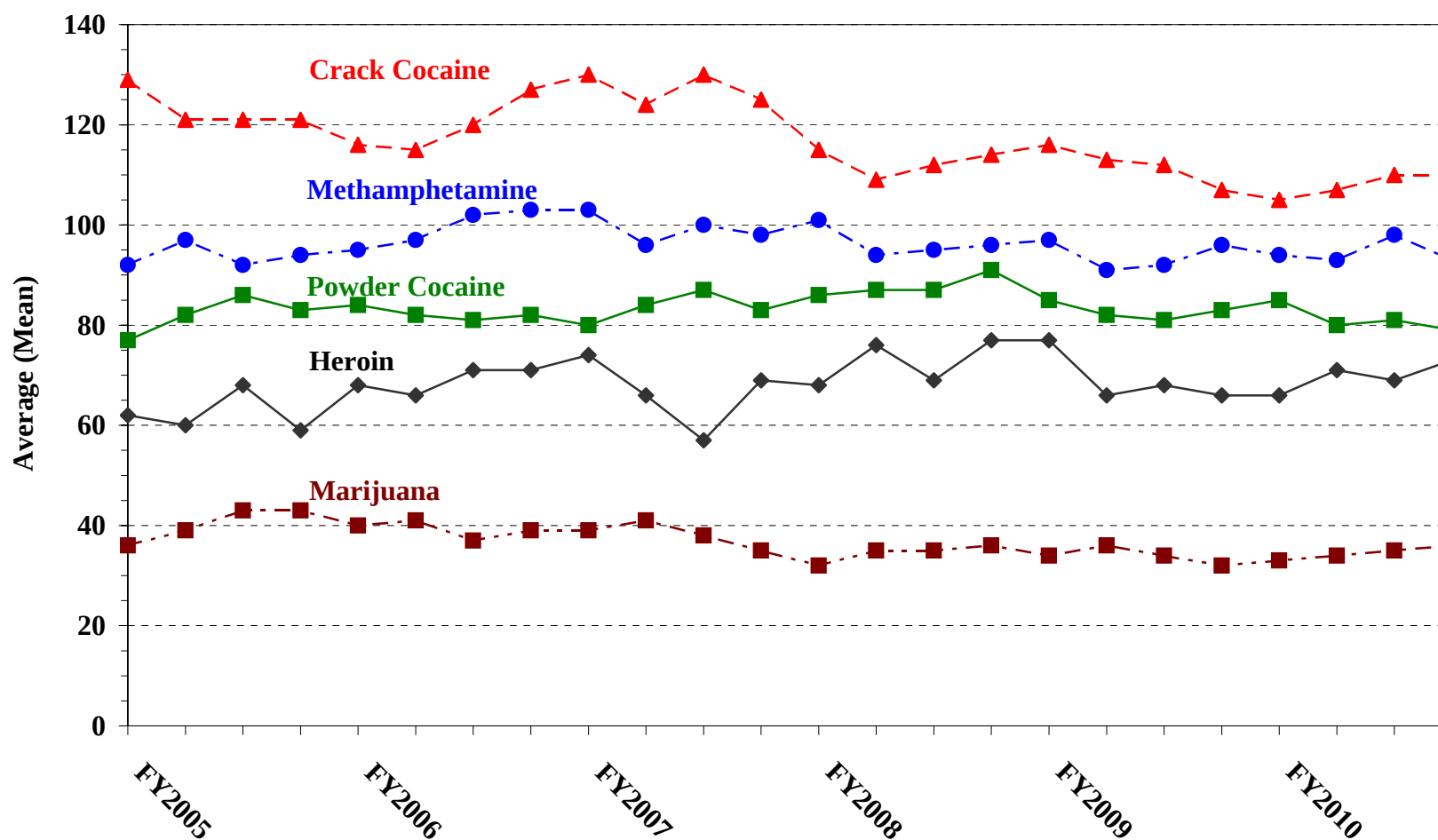


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2005 - 2010



¹ Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010**

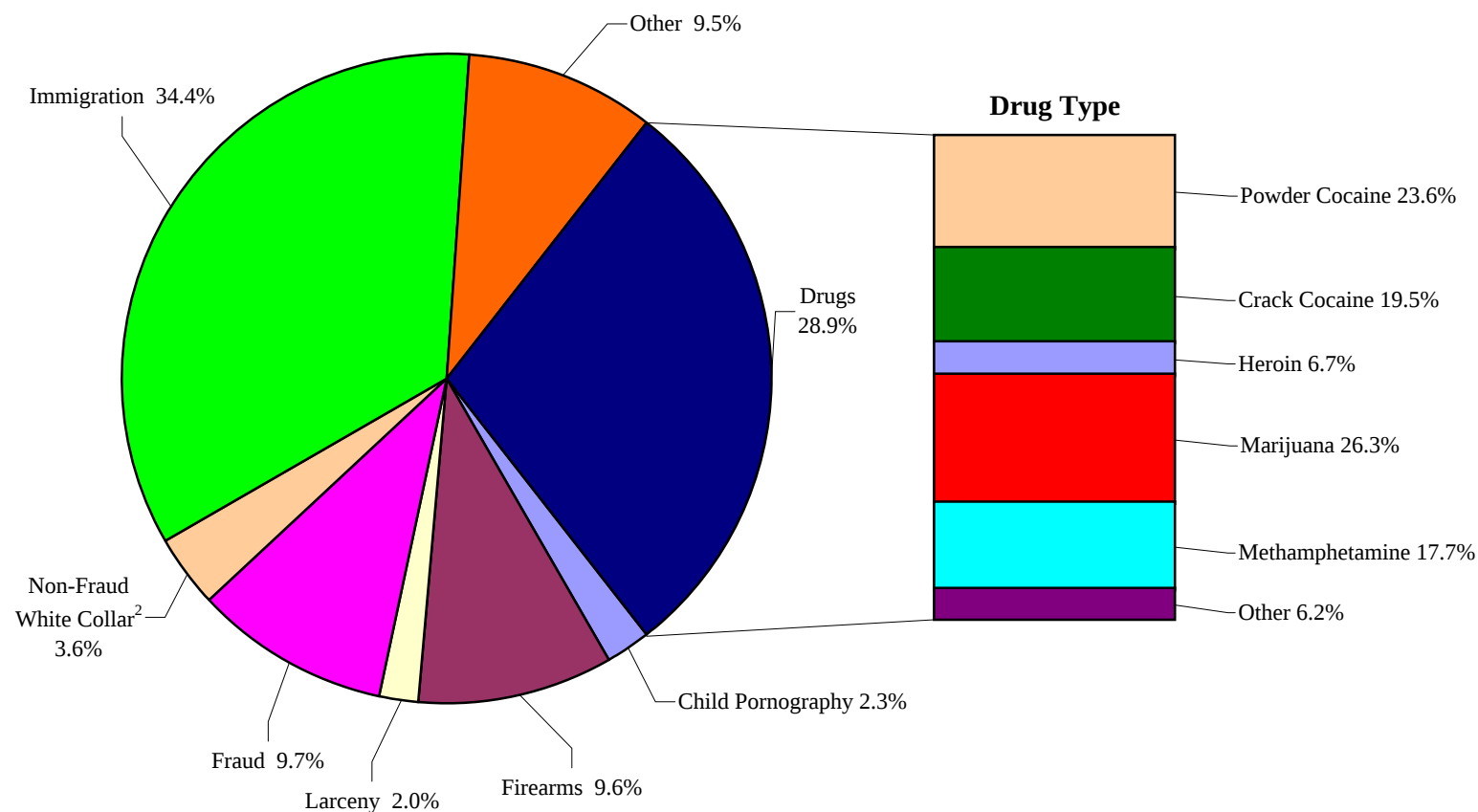
PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	35,793	18,009	50.3	7,086	19.8	3,498	9.8	3,284	9.2	3,916	10.9
Murder	23	9	39.1	6	26.1	1	4.3	6	26.1	1	4.3
Manslaughter	36	14	38.9	2	5.6	8	22.2	1	2.8	11	30.6
Kidnapping/Hostage Taking	14	7	50.0	3	21.4	0	0.0	2	14.3	2	14.3
Sexual Abuse	182	74	40.7	38	20.9	13	7.1	17	9.3	40	22.0
Assault	287	118	41.1	37	12.9	34	11.8	40	13.9	58	20.2
Robbery	590	293	49.7	102	17.3	48	8.1	56	9.5	91	15.4
Arson	27	9	33.3	6	22.2	1	3.7	3	11.1	8	29.6
Drugs - Trafficking	9,166	6,109	66.6	1,462	16.0	689	7.5	390	4.3	516	5.6
Drugs - Communication Facility	100	68	68.0	13	13.0	3	3.0	3	3.0	13	13.0
Drugs - Simple Possession	176	127	72.2	24	13.6	11	6.3	4	2.3	10	5.7
Firearms	4,057	2,160	53.2	589	14.5	392	9.7	326	8.0	590	14.5
Burglary/B&E	18	4	22.2	1	5.6	4	22.2	4	22.2	5	27.8
Auto Theft	46	26	56.5	6	13.0	3	6.5	3	6.5	8	17.4
Larceny	793	561	70.7	88	11.1	52	6.6	29	3.7	63	7.9
Fraud	3,226	1,822	56.5	494	15.3	288	8.9	228	7.1	394	12.2
Embezzlement	272	202	74.3	30	11.0	10	3.7	9	3.3	21	7.7
Forgery/Counterfeiting	540	270	50.0	80	14.8	56	10.4	50	9.3	84	15.6
Bribery	69	41	59.4	15	21.7	5	7.2	2	2.9	6	8.7
Tax	200	121	60.5	33	16.5	8	4.0	8	4.0	30	15.0
Money Laundering	248	161	64.9	40	16.1	21	8.5	10	4.0	16	6.5
Racketeering/Extortion	192	120	62.5	32	16.7	7	3.6	11	5.7	22	11.5
Gambling/Lottery	37	29	78.4	6	16.2	0	0.0	0	0.0	2	5.4
Civil Rights	23	11	47.8	3	13.0	3	13.0	2	8.7	4	17.4
Immigration	13,199	4,241	32.1	3,697	28.0	1,658	12.6	1,949	14.8	1,654	12.5
Child Pornography	644	390	60.6	90	14.0	44	6.8	54	8.4	66	10.2
Prison Offenses	285	140	49.1	47	16.5	43	15.1	14	4.9	41	14.4
Administration of Justice Offenses	552	328	59.4	55	10.0	50	9.1	29	5.3	90	16.3
Environmental/Wildlife	66	54	81.8	5	7.6	1	1.5	3	4.5	3	4.5
National Defense	18	14	77.8	2	11.1	1	5.6	0	0.0	1	5.6
Antitrust	2	1	50.0	0	0.0	1	50.0	0	0.0	0	0.0
Food & Drug	37	33	89.2	0	0.0	1	2.7	2	5.4	1	2.7
Other Miscellaneous Offenses	668	452	67.7	80	12.0	42	6.3	29	4.3	65	9.7

¹ Of the 83,946 cases, 45,028 were sentenced within the applicable guideline range. Of those, 38,294 cases had complete guideline application information. An additional 2,501 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010



¹ Of the 83,946 guideline cases, 25,043 were drug cases. Of these, 1,149 were excluded due to missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

² The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	N	%
TOTAL	83,946	100.0
Murder	66	0.1
Manslaughter	64	0.1
Kidnapping/Hostage Taking	39	0.0
Sexual Abuse	384	0.5
Assault	631	0.8
Robbery	1,081	1.3
Arson	75	0.1
Drugs - Trafficking	23,506	28.0
Drugs - Communication Facility	512	0.6
Drugs - Simple Possession	1,025	1.2
Firearms	7,986	9.5
Burglary/B&E	36	0.0
Auto Theft	91	0.1
Larceny	1,621	1.9
Fraud	8,067	9.6
Embezzlement	435	0.5
Forgery/Counterfeiting	880	1.0
Bribery	224	0.3
Tax	665	0.8
Money Laundering	806	1.0
Racketeering/Extortion	675	0.8
Gambling/Lottery	76	0.1
Civil Rights	61	0.1
Immigration	28,504	34.0
Child Pornography	1,886	2.2
Prison Offenses	424	0.5
Administration of Justice Offenses	1,157	1.4
Environmental/Wildlife	188	0.2
National Defense	70	0.1
Antitrust	16	0.0
Food & Drug	84	0.1
Other Miscellaneous Offenses	2,611	3.1

¹ Descriptions of variables used in this table are provided in Appendix A.

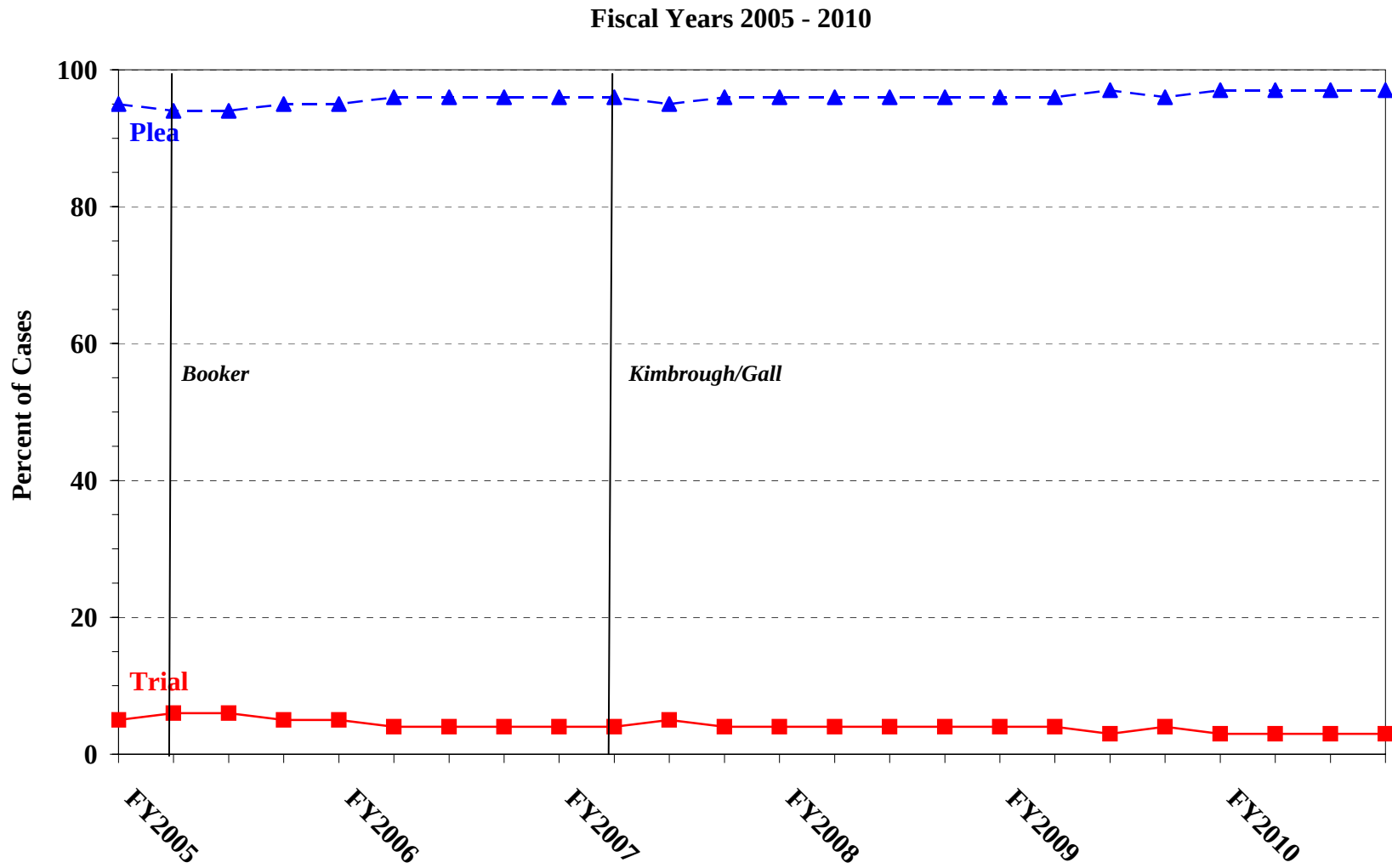
Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	83,941	81,217	96.8	2,724	3.2
Murder	66	45	68.2	21	31.8
Manslaughter	64	60	93.8	4	6.3
Kidnapping/Hostage Taking	39	36	92.3	3	7.7
Sexual Abuse	384	336	87.5	48	12.5
Assault	631	568	90.0	63	10.0
Robbery	1,081	1,040	96.2	41	3.8
Arson	75	65	86.7	10	13.3
Drugs - Trafficking	23,506	22,649	96.4	857	3.6
Drugs - Communication Facility	512	511	99.8	1	0.2
Drugs - Simple Possession	1,024	1,004	98.0	20	2.0
Firearms	7,986	7,485	93.7	501	6.3
Burglary/B&E	36	36	100.0	0	0.0
Auto Theft	91	89	97.8	2	2.2
Larceny	1,621	1,579	97.4	42	2.6
Fraud	8,067	7,675	95.1	392	4.9
Embezzlement	435	417	95.9	18	4.1
Forgery/Counterfeiting	880	873	99.2	7	0.8
Bribery	224	204	91.1	20	8.9
Tax	665	602	90.5	63	9.5
Money Laundering	806	750	93.1	56	6.9
Racketeering/Extortion	675	623	92.3	52	7.7
Gambling/Lottery	76	73	96.1	3	3.9
Civil Rights	61	51	83.6	10	16.4
Immigration	28,504	28,321	99.4	183	0.6
Child Pornography	1,886	1,801	95.5	85	4.5
Prison Offenses	424	419	98.8	5	1.2
Administration of Justice Offenses	1,157	1,090	94.2	67	5.8
Environmental/Wildlife	188	176	93.6	12	6.4
National Defense	70	64	91.4	6	8.6
Antitrust	16	15	93.8	1	6.3
Food & Drug	84	80	95.2	4	4.8
Other Miscellaneous Offenses	2,607	2,480	95.1	127	4.9

¹ Of the 83,946 cases, five were excluded due to missing information on mode of conviction. Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹

¹ Descriptions of variables used in this table are provided in Appendix A.

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	75,378	20,796	27.6	15,613	20.7	36,293	48.1	2,676	3.6
Murder	65	18	27.7	8	12.3	7	10.8	32	49.2
Manslaughter	64	1	1.6	4	6.3	8	12.5	51	79.7
Kidnapping/Hostage Taking	38	7	18.4	6	15.8	23	60.5	2	5.3
Sexual Abuse	383	171	44.6	40	10.4	31	8.1	141	36.8
Assault	550	151	27.5	109	19.8	78	14.2	212	38.5
Robbery	1,075	479	44.6	428	39.8	130	12.1	38	3.5
Arson	75	44	58.7	10	13.3	6	8.0	15	20.0
Drugs - Trafficking	23,382	6,087	26.0	6,169	26.4	10,378	44.4	748	3.2
Drugs - Communication Facility	508	124	24.4	191	37.6	173	34.1	20	3.9
Drugs - Simple Possession	282	147	52.1	57	20.2	67	23.8	11	3.9
Firearms	7,917	2,293	29.0	3,961	50.0	1,449	18.3	214	2.7
Burglary/B&E	34	4	11.8	4	11.8	2	5.9	24	70.6
Auto Theft	91	46	50.5	17	18.7	26	28.6	2	2.2
Larceny	1,321	659	49.9	422	31.9	156	11.8	84	6.4
Fraud	6,820	3,200	46.9	2,074	30.4	1,190	17.4	356	5.2
Embezzlement	404	239	59.2	84	20.8	36	8.9	45	11.1
Forgery/Counterfeiting	868	388	44.7	324	37.3	137	15.8	19	2.2
Bribery	220	107	48.6	56	25.5	38	17.3	19	8.6
Tax	655	435	66.4	95	14.5	72	11.0	53	8.1
Money Laundering	779	283	36.3	114	14.6	307	39.4	75	9.6
Racketeering/Extortion	664	220	33.1	198	29.8	207	31.2	39	5.9
Gambling/Lottery	75	58	77.3	7	9.3	5	6.7	5	6.7
Civil Rights	58	39	67.2	10	17.2	9	15.5	0	0.0
Immigration	24,124	2,500	10.4	463	1.9	21,009	87.1	152	0.6
Child Pornography	1,878	1,665	88.7	59	3.1	118	6.3	36	1.9
Prison Offenses	392	102	26.0	122	31.1	129	32.9	39	9.9
Administration of Justice Offenses	1,097	471	42.9	271	24.7	265	24.2	90	8.2
Environmental/Wildlife	124	95	76.6	5	4.0	8	6.5	16	12.9
National Defense	67	22	32.8	5	7.5	28	41.8	12	17.9
Antitrust	13	11	84.6	0	0.0	0	0.0	2	15.4
Food & Drug	67	48	71.6	1	1.5	8	11.9	10	14.9
Other Miscellaneous Offenses	1,288	682	53.0	299	23.2	193	15.0	114	8.9

¹ Of the 83,946 cases, 8,568 were excluded due to missing race. Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	81,605	70,860	86.8	10,745	13.2
Murder	66	59	89.4	7	10.6
Manslaughter	64	52	81.3	12	18.8
Kidnapping/Hostage Taking	39	32	82.1	7	17.9
Sexual Abuse	384	369	96.1	15	3.9
Assault	608	545	89.6	63	10.4
Robbery	1,078	969	89.9	109	10.1
Arson	75	71	94.7	4	5.3
Drugs - Trafficking	23,491	20,542	87.4	2,949	12.6
Drugs - Communication Facility	512	421	82.2	91	17.8
Drugs - Simple Possession	844	676	80.1	168	19.9
Firearms	7,975	7,715	96.7	260	3.3
Burglary/B&E	36	35	97.2	1	2.8
Auto Theft	91	83	91.2	8	8.8
Larceny	1,495	895	59.9	600	40.1
Fraud	8,032	5,465	68.0	2,567	32.0
Embezzlement	429	177	41.3	252	58.7
Forgery/Counterfeiting	876	665	75.9	211	24.1
Bribery	224	179	79.9	45	20.1
Tax	663	532	80.2	131	19.8
Money Laundering	804	619	77.0	185	23.0
Racketeering/Extortion	674	616	91.4	58	8.6
Gambling/Lottery	75	66	88.0	9	12.0
Civil Rights	61	54	88.5	7	11.5
Immigration	26,929	24,870	92.4	2,059	7.6
Child Pornography	1,886	1,872	99.3	14	0.7
Prison Offenses	423	381	90.1	42	9.9
Administration of Justice Offenses	1,142	857	75.0	285	25.0
Environmental/Wildlife	178	169	94.9	9	5.1
National Defense	69	59	85.5	10	14.5
Antitrust	16	16	100.0	0	0.0
Food & Drug	80	61	76.3	19	23.8
Other Miscellaneous Offenses	2,286	1,738	76.0	548	24.0

¹ Of the 83,946 cases, 2,341 were excluded due to missing gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
Fiscal Year 2010

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	17,285	100.0	13,538	100.0	33,176	100.0	2,169	100.0
Under 21	401	2.3	404	3.0	1,311	4.0	76	3.5
21 - 25	1,807	10.5	2,243	16.6	5,532	16.7	354	16.3
26 - 30	2,478	14.3	3,124	23.1	6,945	20.9	402	18.5
31 - 35	2,582	14.9	2,663	19.7	6,860	20.7	366	16.9
36 - 40	2,384	13.8	2,115	15.6	5,215	15.7	276	12.7
41 - 50	3,962	22.9	2,028	15.0	5,479	16.5	444	20.5
Over 50	3,671	21.2	961	7.1	1,834	5.5	251	11.6
Females	3,505	100.0	2,073	100.0	3,097	100.0	505	100.0
Under 21	102	2.9	38	1.8	161	5.2	15	3.0
21 - 25	448	12.8	313	15.1	525	17.0	64	12.7
26 - 30	563	16.1	398	19.2	613	19.8	72	14.3
31 - 35	457	13.0	350	16.9	526	17.0	74	14.7
36 - 40	520	14.8	306	14.8	428	13.8	76	15.0
41 - 50	798	22.8	433	20.9	593	19.1	125	24.8
Over 50	617	17.6	235	11.3	251	8.1	79	15.6

¹ Of the 83,946 cases, 8,598 were excluded due to one or more of the following reasons: missing race (8,568), missing gender (2,341), or missing age (496). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2010

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	81,304	42,685	52.5	38,619	47.5
Murder	66	60	90.9	6	9.1
Manslaughter	64	62	96.9	2	3.1
Kidnapping/Hostage Taking	38	22	57.9	16	42.1
Sexual Abuse	383	364	95.0	19	5.0
Assault	557	500	89.8	57	10.2
Robbery	1,076	1,039	96.6	37	3.4
Arson	75	71	94.7	4	5.3
Drugs - Trafficking	23,432	16,242	69.3	7,190	30.7
Drugs - Communication Facility	509	425	83.5	84	16.5
Drugs - Simple Possession	663	348	52.5	315	47.5
Firearms	7,953	7,257	91.2	696	8.8
Burglary/B&E	35	34	97.1	1	2.9
Auto Theft	91	77	84.6	14	15.4
Larceny	1,365	1,263	92.5	102	7.5
Fraud	7,876	5,696	72.3	2,180	27.7
Embezzlement	413	405	98.1	8	1.9
Forgery/Counterfeiting	868	786	90.6	82	9.4
Bribery	223	200	89.7	23	10.3
Tax	656	592	90.2	64	9.8
Money Laundering	791	520	65.7	271	34.3
Racketeering/Extortion	664	559	84.2	105	15.8
Gambling/Lottery	75	70	93.3	5	6.7
Civil Rights	60	58	96.7	2	3.3
Immigration	28,276	1,462	5.2	26,814	94.8
Child Pornography	1,884	1,833	97.3	51	2.7
Prison Offenses	410	363	88.5	47	11.5
Administration of Justice Offenses	1,110	926	83.4	184	16.6
Environmental/Wildlife	129	108	83.7	21	16.3
National Defense	69	36	52.2	33	47.8
Antitrust	13	11	84.6	2	15.4
Food & Drug	69	57	82.6	12	17.4
Other Miscellaneous Offenses	1,411	1,239	87.8	172	12.2

¹ Of the 83,946 cases, 2,642 were excluded due to missing citizenship information. Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2010

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	83,946	386,332	83,937	81,978	60,775	22,837	83,869	75,773	8,148
D.C. CIRCUIT	394	1,915	394	381	360	33	393	387	6
District of Columbia	394	1,915	394	381	360	33	393	387	6
FIRST CIRCUIT	1,889	8,805	1,889	1,879	1,339	543	1,887	1,811	77
Maine	169	776	169	169	101	68	169	168	1
Massachusetts	449	1,990	449	443	210	238	449	439	10
New Hampshire	231	1,129	231	231	206	25	231	230	1
Puerto Rico	881	4,180	881	877	728	148	879	815	65
Rhode Island	159	730	159	159	94	64	159	159	0
SECOND CIRCUIT	4,399	20,645	4,395	4,375	3,253	1,125	4,392	4,230	163
Connecticut	428	2,109	428	425	402	26	426	428	0
New York									
Eastern	1,176	5,688	1,176	1,175	991	181	1,176	1,170	6
Northern	515	2,289	515	505	303	208	515	451	63
Southern	1,435	6,444	1,432	1,428	744	678	1,430	1,410	20
Western	667	3,238	667	667	642	25	667	595	72
Vermont	178	877	177	175	171	7	178	176	2
THIRD CIRCUIT	2,955	14,016	2,955	2,937	2,286	654	2,949	2,889	65
Delaware	131	641	131	131	117	14	131	131	0
New Jersey	818	4,022	818	818	753	65	818	815	3
Pennsylvania									
Eastern	936	4,360	936	929	638	298	934	923	13
Middle	495	2,412	495	495	437	58	495	490	5
Western	499	2,227	499	492	284	200	495	457	41
Virgin Islands	76	354	76	72	57	19	76	73	3
FOURTH CIRCUIT	6,836	30,859	6,834	6,632	4,668	2,114	6,826	5,899	937
Maryland	794	3,699	793	729	654	139	793	730	64
North Carolina									
Eastern	766	3,540	766	740	557	204	766	711	55
Middle	552	2,721	552	552	513	39	552	552	0
Western	502	2,362	502	502	354	141	502	502	0
South Carolina	1,250	5,726	1,250	1,245	749	498	1,249	1,233	17
Virginia									
Eastern	2,075	8,442	2,074	1,971	1,037	1,000	2,067	1,293	782
Western	369	1,783	369	366	317	52	369	362	7
West Virginia									
Northern	286	1,403	286	286	271	15	286	274	12
Southern	242	1,183	242	241	216	26	242	242	0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
FIFTH CIRCUIT	20,623	90,688	20,623	19,884	11,287	9,214	20,613	18,281	2,336
Louisiana									
Eastern	414	1,942	414	412	290	124	413	413	1
Middle	202	954	202	202	146	55	202	202	0
Western	397	1,810	397	362	292	105	396	363	34
Mississippi									
Northern	172	832	172	172	149	23	172	167	5
Southern	332	1,618	332	324	307	25	332	323	8
Texas									
Eastern	848	4,163	848	847	777	71	848	843	5
Northern	931	4,377	931	930	656	275	931	929	2
Southern	8,494	39,602	8,494	8,493	5,752	2,731	8,493	8,370	123
Western	8,833	35,390	8,833	8,142	2,918	5,805	8,826	6,671	2,158
SIXTH CIRCUIT	5,622	26,583	5,622	5,576	4,426	1,162	5,619	5,340	281
Kentucky									
Eastern	637	3,096	637	637	573	61	637	612	25
Western	508	2,324	508	505	401	107	508	402	106
Michigan									
Eastern	750	3,670	750	749	678	72	749	744	6
Western	544	2,435	544	543	318	222	544	486	58
Ohio									
Northern	667	3,058	667	658	401	264	667	665	2
Southern	682	3,336	682	678	624	57	682	670	12
Tennessee									
Eastern	847	3,999	847	840	639	206	846	827	19
Middle	309	1,422	309	291	222	65	308	292	17
Western	678	3,243	678	675	570	108	678	642	36
SEVENTH CIRCUIT	3,053	14,613	3,053	3,037	2,435	617	3,051	3,037	16
Illinois									
Central	376	1,714	376	375	212	164	376	375	1
Northern	882	4,151	882	877	632	249	881	879	3
Southern	318	1,476	318	318	211	107	317	312	6
Indiana									
Northern	464	2,275	464	456	430	34	464	461	3
Southern	331	1,618	331	330	297	34	331	329	2
Wisconsin									
Eastern	472	2,339	472	471	453	19	472	471	1
Western	210	1,040	210	210	200	10	210	210	0
EIGHTH CIRCUIT	4,929	23,634	4,929	4,900	3,982	945	4,926	4,897	32
Arkansas									
Eastern	392	1,852	392	391	289	102	390	390	2
Western	258	1,273	258	257	243	15	258	257	1
Iowa									
Northern	344	1,583	344	344	207	137	344	344	0
Southern	456	2,144	456	456	325	131	456	451	5
Minnesota	505	2,493	505	504	477	27	505	502	3
Missouri									
Eastern	1,048	5,188	1,048	1,039	1,017	31	1,048	1,036	12
Western	659	3,057	659	647	435	224	659	657	2
Nebraska	602	2,911	602	601	509	93	602	597	5
North Dakota	261	1,154	261	258	114	147	260	261	0
South Dakota	404	1,979	404	403	366	38	404	402	2

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
NINTH CIRCUIT	19,015	89,285	19,013	18,342	17,383	1,610	18,987	15,560	3,451
Alaska	158	728	158	157	104	54	158	151	7
Arizona	6,792	31,205	6,792	6,188	6,398	388	6,771	5,056	1,735
California									
Central	2,127	10,283	2,127	2,106	1,886	241	2,124	2,040	87
Eastern	1,005	4,897	1,004	991	905	95	1,003	994	11
Northern	884	4,184	883	874	740	141	883	804	80
Southern	4,586	21,431	4,586	4,579	4,367	217	4,586	3,313	1,271
Guam	58	276	58	56	50	8	58	54	4
Hawaii	166	754	166	166	97	68	166	159	7
Idaho	301	1,468	301	300	269	32	301	297	4
Montana	378	1,774	378	377	266	112	378	375	3
Nevada	620	2,984	620	618	510	110	619	617	3
Northern Mariana Islands	28	134	28	28	22	6	28	28	0
Oregon	633	3,092	633	624	596	35	633	606	26
Washington									
Eastern	404	1,940	404	403	341	61	404	388	16
Western	875	4,135	875	875	832	42	875	678	197
TENTH CIRCUIT	6,986	32,332	6,985	6,958	4,728	2,245	6,985	6,676	308
Colorado	531	2,616	531	525	514	17	531	515	16
Kansas	728	3,493	728	709	631	97	728	697	31
New Mexico	3,723	16,998	3,722	3,720	2,126	1,596	3,722	3,708	14
Oklahoma									
Eastern	113	514	113	113	62	51	113	113	0
Northern	155	716	155	155	96	59	155	155	0
Western	419	1,738	419	419	195	216	419	286	132
Utah	900	4,354	900	900	828	69	900	826	74
Wyoming	417	1,903	417	417	276	140	417	376	41
ELEVENTH CIRCUIT	7,245	32,957	7,245	7,077	4,628	2,575	7,241	6,766	476
Alabama									
Middle	243	1,171	243	243	200	43	243	242	1
Northern	432	2,016	432	423	319	112	432	410	22
Southern	307	1,485	307	307	257	50	307	307	0
Florida									
Middle	1,678	7,709	1,678	1,676	1,000	673	1,678	1,677	1
Northern	396	1,845	396	392	273	123	396	388	8
Southern	2,355	10,673	2,355	2,237	1,438	909	2,354	2,289	64
Georgia									
Middle	421	1,782	421	416	209	211	420	316	105
Northern	703	3,208	703	673	466	231	701	665	37
Southern	710	3,068	710	710	466	223	710	472	238

¹ Descriptions of variables used in this table are provided in Appendix A.

² The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 192 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
BY EACH CIRCUIT AND DISTRICT
Fiscal Year 2010**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	83,946	75,111	89.5	6,939	8.3	1,896	2.3
D.C. CIRCUIT	394	394	100.0	0	0.0	0	0.0
District of Columbia	394	394	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,889	1,879	99.5	1	0.1	9	0.5
Maine	169	169	100.0	0	0.0	0	0.0
Massachusetts	449	442	98.4	1	0.2	6	1.3
New Hampshire	231	231	100.0	0	0.0	0	0.0
Puerto Rico	881	878	99.7	0	0.0	3	0.3
Rhode Island	159	159	100.0	0	0.0	0	0.0
SECOND CIRCUIT	4,399	4,270	97.1	105	2.4	24	0.5
Connecticut	428	425	99.3	0	0.0	3	0.7
New York							
Eastern	1,176	1,074	91.3	101	8.6	1	0.1
Northern	515	505	98.1	0	0.0	10	1.9
Southern	1,435	1,427	99.4	1	0.1	7	0.5
Western	667	667	100.0	0	0.0	0	0.0
Vermont	178	172	96.6	3	1.7	3	1.7
THIRD CIRCUIT	2,955	2,127	72.0	811	27.4	17	0.6
Delaware	131	131	100.0	0	0.0	0	0.0
New Jersey	818	34	4.2	784	95.8	0	0.0
Pennsylvania							
Eastern	936	930	99.4	0	0.0	6	0.6
Middle	495	495	100.0	0	0.0	0	0.0
Western	499	490	98.2	2	0.4	7	1.4
Virgin Islands	76	47	61.8	25	32.9	4	5.3
FOURTH CIRCUIT	6,836	6,564	96.0	80	1.2	192	2.8
Maryland	794	737	92.8	4	0.5	53	6.7
North Carolina							
Eastern	766	740	96.6	0	0.0	26	3.4
Middle	552	552	100.0	0	0.0	0	0.0
Western	502	501	99.8	1	0.2	0	0.0
South Carolina	1,250	1,245	99.6	0	0.0	5	0.4
Virginia							
Eastern	2,075	1,899	91.5	72	3.5	104	5.0
Western	369	364	98.6	2	0.5	3	0.8
West Virginia							
Northern	286	285	99.7	1	0.3	0	0.0
Southern	242	241	99.6	0	0.0	1	0.4

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	20,623	14,944	72.5	4,941	24.0	738	3.6
Louisiana							
Eastern	414	411	99.3	1	0.2	2	0.5
Middle	202	202	100.0	0	0.0	0	0.0
Western	397	299	75.3	63	15.9	35	8.8
Mississippi							
Northern	172	172	100.0	0	0.0	0	0.0
Southern	332	323	97.3	1	0.3	8	2.4
Texas							
Eastern	848	847	99.9	0	0.0	1	0.1
Northern	931	929	99.8	2	0.2	0	0.0
Southern	8,494	8,493	100.0	0	0.0	1	0.0
Western	8,833	3,268	37.0	4,874	55.2	691	7.8
SIXTH CIRCUIT	5,622	5,368	95.5	210	3.7	44	0.8
Kentucky							
Eastern	637	637	100.0	0	0.0	0	0.0
Western	508	505	99.4	0	0.0	3	0.6
Michigan							
Eastern	750	750	100.0	0	0.0	0	0.0
Western	544	543	99.8	0	0.0	1	0.2
Ohio							
Northern	667	657	98.5	1	0.1	9	1.3
Southern	682	624	91.5	54	7.9	4	0.6
Tennessee							
Eastern	847	841	99.3	0	0.0	6	0.7
Middle	309	207	67.0	84	27.2	18	5.8
Western	678	604	89.1	71	10.5	3	0.4
SEVENTH CIRCUIT	3,053	2,996	98.1	41	1.3	16	0.5
Illinois							
Central	376	375	99.7	0	0.0	1	0.3
Northern	882	877	99.4	0	0.0	5	0.6
Southern	318	318	100.0	0	0.0	0	0.0
Indiana							
Northern	464	452	97.4	4	0.9	8	1.7
Southern	331	330	99.7	0	0.0	1	0.3
Wisconsin							
Eastern	472	434	91.9	37	7.8	1	0.2
Western	210	210	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	4,929	4,885	99.1	16	0.3	28	0.6
Arkansas							
Eastern	392	391	99.7	0	0.0	1	0.3
Western	258	257	99.6	0	0.0	1	0.4
Iowa							
Northern	344	344	100.0	0	0.0	0	0.0
Southern	456	456	100.0	0	0.0	0	0.0
Minnesota	505	491	97.2	13	2.6	1	0.2
Missouri							
Eastern	1,048	1,036	98.9	3	0.3	9	0.9
Western	659	648	98.3	0	0.0	11	1.7
Nebraska	602	601	99.8	0	0.0	1	0.2
North Dakota	261	258	98.9	0	0.0	3	1.1
South Dakota	404	403	99.8	0	0.0	1	0.2

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	19,015	17,765	93.4	616	3.2	634	3.3
Alaska	158	157	99.4	0	0.0	1	0.6
Arizona	6,792	6,219	91.6	0	0.0	573	8.4
California							
Central	2,127	2,109	99.2	2	0.1	16	0.8
Eastern	1,005	991	98.6	0	0.0	14	1.4
Northern	884	876	99.1	0	0.0	8	0.9
Southern	4,586	4,579	99.8	0	0.0	7	0.2
Guam	58	56	96.6	0	0.0	2	3.4
Hawaii	166	159	95.8	7	4.2	0	0.0
Idaho	301	300	99.7	0	0.0	1	0.3
Montana	378	376	99.5	1	0.3	1	0.3
Nevada	620	619	99.8	0	0.0	1	0.2
Northern Mariana Islands	28	28	100.0	0	0.0	0	0.0
Oregon	633	18	2.8	606	95.7	9	1.4
Washington							
Eastern	404	403	99.8	0	0.0	1	0.2
Western	875	875	100.0	0	0.0	0	0.0
TENTH CIRCUIT	6,986	6,897	98.7	61	0.9	28	0.4
Colorado	531	525	98.9	0	0.0	6	1.1
Kansas	728	708	97.3	1	0.1	19	2.6
New Mexico	3,723	3,719	99.9	1	0.0	3	0.1
Oklahoma							
Eastern	113	113	100.0	0	0.0	0	0.0
Northern	155	155	100.0	0	0.0	0	0.0
Western	419	419	100.0	0	0.0	0	0.0
Utah	900	841	93.4	59	6.6	0	0.0
Wyoming	417	417	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	7,245	7,022	96.9	57	0.8	166	2.3
Alabama							
Middle	243	243	100.0	0	0.0	0	0.0
Northern	432	423	97.9	0	0.0	9	2.1
Southern	307	307	100.0	0	0.0	0	0.0
Florida							
Middle	1,678	1,678	100.0	0	0.0	0	0.0
Northern	396	392	99.0	0	0.0	4	1.0
Southern	2,355	2,237	95.0	0	0.0	118	5.0
Georgia							
Middle	421	398	94.5	18	4.3	5	1.2
Northern	703	634	90.2	39	5.5	30	4.3
Southern	710	710	100.0	0	0.0	0	0.0

¹ Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05 or Revision 09/08) to the Commission. Only cases in which all required pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

² Cases are included in this category for one or more of the following reasons: one or more of the required pages of Form AO 245B were missing; deletions or substantive changes were made in Form AO 245B that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. §3553(c); the outdated version of Form AO 245B was submitted; or a unique, district created, or modified form was submitted.

Appendix A

Descriptions of Datafiles and Variables

Introduction

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

Variables

The following section describes the variables used in this report.

Above Guideline Range With *Booker*/18 U.S.C. § 3553

Above Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Age

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the presentence report and the date of sentencing as reported in the Judgment and Commitment Order.

All Remaining Cases Above Guideline Range

All Remaining Cases Above Guideline Range consist of cases sentenced above the guideline range that could not be classified into any of the other three above the range categories. This category includes cases in which no reason was provided for a sentence above the guideline range.

All Remaining Cases Below Guideline Range

All Remaining Cases Below Guideline Range consist of cases sentenced below the guideline range that could not be classified into any of the other three below the range categories. This category includes cases in which no reason was provided for a sentence below the guideline range.

Sentence Length

Using sentencing information obtained from the Judgment and Commitment Order, *Sentence Length* is reported as the mean and median terms of imprisonment ordered (including any months of alternative

confinement as defined in §5C1.1). Cases that receive no term of imprisonment (i.e. probation) are also included. Cases for which a term of imprisonment is ordered but the length is indeterminable are excluded. In most cases for which the exact term is unknown, the Judgment and Commitment Order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

Below Guideline Range With *Booker*/18 U.S.C. § 3553

Below Guideline Range with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

Circuit

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

Citizenship Status

Information on the *Citizenship Status* of offenders is obtained from the presentence report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” and “non-U.S. citizen, alien status unknown.” The latter three categories are collapsed into the category of “non-U.S. citizen.”

Degree of Decrease

Degree of Decrease is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) and the guideline minimum for the following categories of below range cases: departures below the guideline range, departures below the guideline range with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, all other below range cases, §5K1.1 substantial assistance cases, and §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences, and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

Degree of Increase

Degree of Increase is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in §5C1.1) for the following categories of above range cases: departures above the guideline range, departures above the guideline range with *Booker*/18 U.S.C. § 3553, above the guideline range with *Booker*/18 U.S.C. § 3553, and all other above range cases. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

District

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea

Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender's guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals.

Downward Departure From Guideline Range

Downward Departure from Guideline Range consist of cases with downward departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Downward Departure With Booker/18 U.S.C. § 3553

Downward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced below the guideline range in which the court indicated both a departure (see Downward Departure From Guideline Range) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Drug Offense Guideline

Drug Offense Guideline information is obtained from the presentence report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (§2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

Drug Type

Information on *Drug Type* is obtained from the Judgment and Commitment Order or the presentence report. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE", methamphetamine mixture, and methamphetamine precursors (specifically including ephedrine and pseudoephedrine). ("ICE" has been included in the methamphetamine category since FY1996). All drug types not listed separately in this report are collapsed into the "other" drug category.

Education

Information on education of the offender is obtained from the presentence report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges are included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

Gender

Gender of the offender is obtained from the presentence report or probation office.

Government Sponsored

Government sponsorship of a departure is determined by a yearly case review by USSC staff of both the reasons for departure and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03, 06/05, and 09/08 have specific check-boxes to indicate the origins of the departure, but cases which do not use this form may

also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with §5K3.1 Early Disposition Program (EDP) departures.

Guideline Offenders Sentenced

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

Mode of Conviction

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Plea* category.

Outside of the Range Attribution Categories

All categories replicate the list of checkboxes available on the SOR Form AO245B (12/03, 06/05, and 09/08 versions). Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and that multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a §5K1.1, §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally other types of SOR forms may indicate sponsorship in writing and these attributions are also included in the appropriate category.

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact

midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Offense Category

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense code for the case is determined to be the offense code applicable for the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This code is generated by grouping similar primary offense codes into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

Murder includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage Taking includes ransom taking and hostage/kidnapping.

Sexual Abuse includes sexual abuse of a minor, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

Assault includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

Robbery includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

Arson also includes damage by explosives.

Drugs - Trafficking includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution

to person under 21, and establish/rent drug operation.

Drugs - Communication Facility includes use of a communication facility in a drug trafficking offense.

Drugs - Simple Possession includes distribution of a small amount of marijuana and simple possession.

Firearms includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

Burglary/Breaking & Entering includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

Auto Theft includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

Larceny includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

Fraud includes odometer laws and regulations, insider trading, and fraud and deceit.

Embezzlement includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

Forgery/Counterfeiting includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

Bribery includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

Tax include receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggle); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

Money Laundering includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

Racketeering/Extortion includes extortionate extension of credit, blackmail, extortion by force or treat, Hobbs Act extortion, travel in aid of racketeering, crime relating to racketeering, and violent crimes in aid of racketeering.

Gambling/Lottery includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

Civil Rights includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

Immigration includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering U.S.

Pornography/Prostitution includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

Child Pornography includes the sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

Prisons Offenses includes contraband in prisons, riots in federal facilities, and escape.

Administration of Justice Offenses includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

Environmental/Wildlife includes waste discharge, specially protected fish, wildlife, and plants.

National Defense includes evasion of export controls and exportation of arms, etc., without license.

Antitrust includes bid-rigging, price-fixing, and market allocation agreement.

Food & Drug includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal

transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

Race

Information on *Race* of the offender is obtained from the presentence report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*). Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of

probation without a condition of community confinement, intermittent confinement, or home detention.

Probation and Confinement includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

Upward Departure From Guideline Range

Upward Departure from Guideline Range consist of cases with upward departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

Upward Departure With *Booker*/18 U.S.C. § 3553

Upward Departure with Booker/18 U.S.C. § 3553 consist of cases sentenced above the guideline range in which the court indicated both a departure (see Upward Departure From Guideline Range) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

Year

Information on Year is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.

Zone

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include: probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones.

Zone A: a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

Zone B: a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

Zone C: a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

Zone D: a guideline range is in Zone D when the minimum term of imprisonment specified is twelve months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

Appendix B:
List of Quarterly Report Tables and Figures
and Comparable FY10 *Sourcebook* Number/Letter

<u>Quarterly Report Tables/Figures</u>	<u>Comparable <i>Sourcebook</i> Tables/Figures</u>
Table 1	Table N
Table 2	Table 26
Table 3	Table 27
Figure A	N/A
Figure B	N/A
Table 4	N/A
Table 5	Table 28
Table 6	Table 28A
Table 7	Table 30
Table 8	Table 30A
Table 9	Table 31
Table 10	Table 31A
Table 11	Table 31B
Table 12	Table 31C
Table 13	Table 31D
Table 14	Table 32
Table 15	Table 32A
Table 16	Table 32B
Table 17	Table 32C
Table 18	Table 12
Table 19	Table 13
Figure C	N/A
Figure D	N/A
Figure E	N/A
Figure F	N/A
Figure G	N/A
Figure H	N/A
Figure I	N/A
Table 20	Table 29
Figure J	Figure A
Table 21	Table 3
Table 22	Table 11
Figure K	N/A
Table 23	Table 4

Table 24	Table 5
Table 25	Table 7
Table 26	Table 9
Table 27	Table 1
Table 28	N/A