

U.S. Sentencing Commission Preliminary Quarterly Data Report



**2nd Quarter Release
Preliminary Fiscal Year 2010 Data
Through March 31, 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

¹In 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).

²See the Commission's website, www.ussc.gov, for electronic copies of the 1995-2009 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

³See 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.

⁴See 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.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of the fiscal year may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the second quarter.⁶ Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report and Sourcebook of Federal Sentencing Statistics*. As a result, **quarterly data should not be considered final until publication of the Commission's *Annual Report and Sourcebook*.**

⁵The 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.

⁶The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the United States Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

	N	%
TOTAL CASES	39,152	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	21,462	54.8
CASES SENTENCED ABOVE GUIDELINE RANGE	747	1.9
DEPARTURE ABOVE GUIDELINE RANGE	241	0.6
Upward Departure From Guideline Range ²	185	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	56	0.1
OTHERWISE ABOVE GUIDELINE RANGE	506	1.3
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	444	1.1
All Remaining Cases Above Guideline Range ⁵	62	0.2
GOVERNMENT SPONSORED BELOW RANGE⁶	10,357	26.5
§5K1.1 Substantial Assistance Departure	4,646	11.9
§5K3.1 Early Disposition Program Departure	4,030	10.3
Other Government Sponsored Below Range	1,681	4.3
NON-GOVERNMENT SPONSORED BELOW RANGE	6,586	16.9
DEPARTURE BELOW GUIDELINE RANGE	1,137	2.9
Downward Departure From Guideline Range ²	733	1.9
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	404	1.0
OTHERWISE BELOW GUIDELINE RANGE	5,449	14.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	5,033	12.9
All Remaining Cases Below Guideline Range ⁵	416	1.1

¹This table reflects the 40,057 cases sentenced on or after October 1, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 19, 2010. Of these, 905 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.

²All 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*.

³All 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.

⁴All 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.

⁵All 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.

⁶Cases 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, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 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	39,152	21,462	54.8	185	0.5	56	0.1	444	1.1	62	0.2
D.C. CIRCUIT	179	65	36.3	1	0.6	1	0.6	1	0.6	0	0.0
District of Columbia	179	65	36.3	1	0.6	1	0.6	1	0.6	0	0.0
FIRST CIRCUIT	886	465	52.5	4	0.5	0	0.0	8	0.9	1	0.1
Maine	94	48	51.1	0	0.0	0	0.0	2	2.1	0	0.0
Massachusetts	211	56	26.5	2	0.9	0	0.0	1	0.5	0	0.0
New Hampshire	127	49	38.6	1	0.8	0	0.0	4	3.1	0	0.0
Puerto Rico	377	275	72.9	1	0.3	0	0.0	1	0.3	1	0.3
Rhode Island	77	37	48.1	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	2,011	855	42.5	3	0.1	1	0.0	12	0.6	2	0.1
Connecticut	174	75	43.1	0	0.0	0	0.0	2	1.1	0	0.0
New York											
Eastern	583	190	32.6	1	0.2	0	0.0	7	1.2	0	0.0
Northern	214	138	64.5	0	0.0	0	0.0	0	0.0	1	0.5
Southern	602	219	36.4	1	0.2	0	0.0	3	0.5	0	0.0
Western	351	199	56.7	1	0.3	1	0.3	0	0.0	1	0.3
Vermont	87	34	39.1	0	0.0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	1,427	643	45.1	6	0.4	1	0.1	13	0.9	4	0.3
Delaware	63	24	38.1	0	0.0	0	0.0	3	4.8	0	0.0
New Jersey	408	200	49.0	2	0.5	0	0.0	4	1.0	0	0.0
Pennsylvania											
Eastern	442	164	37.1	1	0.2	0	0.0	2	0.5	3	0.7
Middle	231	97	42.0	2	0.9	1	0.4	0	0.0	0	0.0
Western	244	139	57.0	0	0.0	0	0.0	3	1.2	1	0.4
Virgin Islands	39	19	48.7	1	2.6	0	0.0	1	2.6	0	0.0
FOURTH CIRCUIT	3,150	1,959	62.2	20	0.6	7	0.2	46	1.5	2	0.1
Maryland	374	172	46.0	6	1.6	2	0.5	6	1.6	1	0.3
North Carolina											
Eastern	401	228	56.9	3	0.7	1	0.2	2	0.5	0	0.0
Middle	272	199	73.2	1	0.4	0	0.0	9	3.3	0	0.0
Western	219	134	61.2	2	0.9	0	0.0	1	0.5	0	0.0
South Carolina	510	330	64.7	1	0.2	0	0.0	3	0.6	1	0.2
Virginia											
Eastern	906	648	71.5	5	0.6	3	0.3	11	1.2	0	0.0
Western	185	88	47.6	0	0.0	1	0.5	12	6.5	0	0.0
West Virginia											
Northern	157	88	56.1	0	0.0	0	0.0	2	1.3	0	0.0
Southern	126	72	57.1	2	1.6	0	0.0	0	0.0	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	4,646	11.9	4,030	10.3	1,681	4.3	733	1.9	404	1.0	5,033	12.9	416	1.1
D.C. CIRCUIT	53	29.6	0	0.0	24	13.4	4	2.2	3	1.7	26	14.5	1	0.6
District of Columbia	53	29.6	0	0.0	24	13.4	4	2.2	3	1.7	26	14.5	1	0.6
FIRST CIRCUIT	137	15.5	15	1.7	80	9.0	12	1.4	11	1.2	147	16.6	6	0.7
Maine	30	31.9	0	0.0	1	1.1	1	1.1	0	0.0	12	12.8	0	0.0
Massachusetts	27	12.8	0	0.0	53	25.1	3	1.4	4	1.9	62	29.4	3	1.4
New Hampshire	40	31.5	0	0.0	17	13.4	2	1.6	3	2.4	10	7.9	1	0.8
Puerto Rico	32	8.5	15	4.0	9	2.4	6	1.6	4	1.1	31	8.2	2	0.5
Rhode Island	8	10.4	0	0.0	0	0.0	0	0.0	0	0.0	32	41.6	0	0.0
SECOND CIRCUIT	388	19.3	0	0.0	85	4.2	38	1.9	61	3.0	534	26.6	32	1.6
Connecticut	29	16.7	0	0.0	4	2.3	11	6.3	10	5.7	43	24.7	0	0.0
New York														
Eastern	123	21.1	0	0.0	27	4.6	16	2.7	24	4.1	185	31.7	10	1.7
Northern	38	17.8	0	0.0	3	1.4	6	2.8	4	1.9	24	11.2	0	0.0
Southern	105	17.4	0	0.0	28	4.7	3	0.5	18	3.0	206	34.2	19	3.2
Western	79	22.5	0	0.0	19	5.4	1	0.3	1	0.3	47	13.4	2	0.6
Vermont	14	16.1	0	0.0	4	4.6	1	1.1	4	4.6	29	33.3	1	1.1
THIRD CIRCUIT	367	25.7	0	0.0	47	3.3	19	1.3	25	1.8	285	20.0	17	1.2
Delaware	12	19.0	0	0.0	0	0.0	1	1.6	0	0.0	23	36.5	0	0.0
New Jersey	115	28.2	0	0.0	6	1.5	8	2.0	4	1.0	64	15.7	5	1.2
Pennsylvania														
Eastern	145	32.8	0	0.0	14	3.2	3	0.7	7	1.6	95	21.5	8	1.8
Middle	48	20.8	0	0.0	21	9.1	3	1.3	5	2.2	53	22.9	1	0.4
Western	36	14.8	0	0.0	3	1.2	3	1.2	9	3.7	48	19.7	2	0.8
Virgin Islands	11	28.2	0	0.0	3	7.7	1	2.6	0	0.0	2	5.1	1	2.6
FOURTH CIRCUIT	472	15.0	0	0.0	101	3.2	40	1.3	20	0.6	447	14.2	36	1.1
Maryland	89	23.8	0	0.0	43	11.5	4	1.1	4	1.1	42	11.2	5	1.3
North Carolina														
Eastern	126	31.4	0	0.0	0	0.0	0	0.0	0	0.0	38	9.5	3	0.7
Middle	33	12.1	0	0.0	1	0.4	1	0.4	1	0.4	27	9.9	0	0.0
Western	52	23.7	0	0.0	5	2.3	5	2.3	1	0.5	15	6.8	4	1.8
South Carolina	81	15.9	0	0.0	7	1.4	6	1.2	3	0.6	68	13.3	10	2.0
Virginia														
Eastern	39	4.3	0	0.0	16	1.8	18	2.0	10	1.1	144	15.9	12	1.3
Western	28	15.1	0	0.0	10	5.4	5	2.7	1	0.5	39	21.1	1	0.5
West Virginia														
Northern	13	8.3	0	0.0	19	12.1	0	0.0	0	0.0	34	21.7	1	0.6
Southern	11	8.7	0	0.0	0	0.0	1	0.8	0	0.0	40	31.7	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	9,553	6,801	71.2	47	0.5	10	0.1	146	1.5	10	0.1
Louisiana											
Eastern	242	171	70.7	2	0.8	2	0.8	3	1.2	0	0.0
Middle	98	59	60.2	4	4.1	1	1.0	1	1.0	0	0.0
Western	156	117	75.0	1	0.6	1	0.6	5	3.2	0	0.0
Mississippi											
Northern	91	58	63.7	0	0.0	0	0.0	7	7.7	0	0.0
Southern	122	90	73.8	0	0.0	0	0.0	3	2.5	0	0.0
Texas											
Eastern	414	328	79.2	3	0.7	0	0.0	2	0.5	2	0.5
Northern	486	314	64.6	6	1.2	5	1.0	24	4.9	0	0.0
Southern	4,054	2,580	63.6	20	0.5	1	0.0	37	0.9	3	0.1
Western	3,890	3,084	79.3	11	0.3	0	0.0	64	1.6	5	0.1
SIXTH CIRCUIT	2,708	1,347	49.7	16	0.6	5	0.2	35	1.3	5	0.2
Kentucky											
Eastern	326	148	45.4	0	0.0	0	0.0	4	1.2	0	0.0
Western	241	138	57.3	1	0.4	0	0.0	1	0.4	0	0.0
Michigan											
Eastern	336	170	50.6	1	0.3	0	0.0	3	0.9	0	0.0
Western	282	163	57.8	9	3.2	2	0.7	9	3.2	0	0.0
Ohio											
Northern	291	155	53.3	0	0.0	1	0.3	8	2.7	3	1.0
Southern	349	131	37.5	0	0.0	0	0.0	5	1.4	1	0.3
Tennessee											
Eastern	393	219	55.7	1	0.3	1	0.3	2	0.5	1	0.3
Middle	145	55	37.9	3	2.1	1	0.7	1	0.7	0	0.0
Western	345	168	48.7	1	0.3	0	0.0	2	0.6	0	0.0
SEVENTH CIRCUIT	1,512	716	47.4	4	0.3	6	0.4	29	1.9	5	0.3
Illinois											
Central	175	87	49.7	1	0.6	0	0.0	2	1.1	0	0.0
Northern	434	197	45.4	2	0.5	1	0.2	10	2.3	0	0.0
Southern	129	85	65.9	0	0.0	3	2.3	3	2.3	1	0.8
Indiana											
Northern	214	123	57.5	1	0.5	0	0.0	2	0.9	3	1.4
Southern	197	96	48.7	0	0.0	1	0.5	7	3.6	0	0.0
Wisconsin											
Eastern	265	78	29.4	0	0.0	0	0.0	5	1.9	1	0.4
Western	98	50	51.0	0	0.0	1	1.0	0	0.0	0	0.0
EIGHTH CIRCUIT	2,408	1,322	54.9	23	1.0	4	0.2	31	1.3	3	0.1
Arkansas											
Eastern	193	131	67.9	1	0.5	1	0.5	4	2.1	0	0.0
Western	123	99	80.5	0	0.0	0	0.0	1	0.8	0	0.0
Iowa											
Northern	168	98	58.3	6	3.6	0	0.0	9	5.4	1	0.6
Southern	217	107	49.3	1	0.5	0	0.0	3	1.4	0	0.0
Minnesota	253	67	26.5	2	0.8	1	0.4	0	0.0	0	0.0
Missouri											
Eastern	495	237	47.9	5	1.0	0	0.0	3	0.6	0	0.0
Western	315	169	53.7	1	0.3	0	0.0	8	2.5	1	0.3
Nebraska	331	199	60.1	3	0.9	0	0.0	0	0.0	0	0.0
North Dakota	109	68	62.4	0	0.0	1	0.9	0	0.0	1	0.9
South Dakota	204	147	72.1	4	2.0	1	0.5	3	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	590	6.2	606	6.3	167	1.7	318	3.3	21	0.2	750	7.9	87	0.9
Louisiana														
Eastern	19	7.9	0	0.0	7	2.9	3	1.2	3	1.2	28	11.6	4	1.7
Middle	13	13.3	0	0.0	0	0.0	0	0.0	0	0.0	20	20.4	0	0.0
Western	8	5.1	0	0.0	1	0.6	2	1.3	1	0.6	12	7.7	8	5.1
Mississippi														
Northern	20	22.0	0	0.0	1	1.1	0	0.0	1	1.1	3	3.3	1	1.1
Southern	12	9.8	0	0.0	0	0.0	0	0.0	0	0.0	14	11.5	3	2.5
Texas														
Eastern	34	8.2	0	0.0	21	5.1	6	1.4	2	0.5	15	3.6	1	0.2
Northern	71	14.6	0	0.0	2	0.4	3	0.6	1	0.2	56	11.5	4	0.8
Southern	204	5.0	568	14.0	67	1.7	228	5.6	5	0.1	332	8.2	9	0.2
Western	209	5.4	38	1.0	68	1.7	76	2.0	8	0.2	270	6.9	57	1.5
SIXTH CIRCUIT	643	23.7	0	0.0	110	4.1	36	1.3	45	1.7	438	16.2	28	1.0
Kentucky														
Eastern	139	42.6	0	0.0	5	1.5	0	0.0	1	0.3	29	8.9	0	0.0
Western	49	20.3	0	0.0	17	7.1	0	0.0	1	0.4	31	12.9	3	1.2
Michigan														
Eastern	74	22.0	0	0.0	12	3.6	5	1.5	4	1.2	65	19.3	2	0.6
Western	43	15.2	0	0.0	2	0.7	8	2.8	3	1.1	40	14.2	3	1.1
Ohio														
Northern	39	13.4	0	0.0	2	0.7	6	2.1	7	2.4	63	21.6	7	2.4
Southern	97	27.8	0	0.0	44	12.6	11	3.2	13	3.7	42	12.0	5	1.4
Tennessee														
Eastern	105	26.7	0	0.0	3	0.8	1	0.3	1	0.3	56	14.2	3	0.8
Middle	23	15.9	0	0.0	16	11.0	2	1.4	5	3.4	38	26.2	1	0.7
Western	74	21.4	0	0.0	9	2.6	3	0.9	10	2.9	74	21.4	4	1.2
SEVENTH CIRCUIT	251	16.6	0	0.0	75	5.0	28	1.9	38	2.5	339	22.4	21	1.4
Illinois														
Central	35	20.0	0	0.0	4	2.3	4	2.3	2	1.1	40	22.9	0	0.0
Northern	73	16.8	0	0.0	7	1.6	9	2.1	26	6.0	107	24.7	2	0.5
Southern	9	7.0	0	0.0	7	5.4	0	0.0	4	3.1	12	9.3	5	3.9
Indiana														
Northern	37	17.3	0	0.0	9	4.2	6	2.8	2	0.9	28	13.1	3	1.4
Southern	29	14.7	0	0.0	16	8.1	3	1.5	1	0.5	42	21.3	2	1.0
Wisconsin														
Eastern	59	22.3	0	0.0	31	11.7	5	1.9	2	0.8	75	28.3	9	3.4
Western	9	9.2	0	0.0	1	1.0	1	1.0	1	1.0	35	35.7	0	0.0
EIGHTH CIRCUIT	398	16.5	17	0.7	94	3.9	27	1.1	35	1.5	426	17.7	28	1.2
Arkansas														
Eastern	16	8.3	0	0.0	8	4.1	6	3.1	2	1.0	19	9.8	5	2.6
Western	9	7.3	0	0.0	0	0.0	1	0.8	1	0.8	12	9.8	0	0.0
Iowa														
Northern	31	18.5	0	0.0	2	1.2	0	0.0	0	0.0	21	12.5	0	0.0
Southern	52	24.0	0	0.0	11	5.1	0	0.0	3	1.4	39	18.0	1	0.5
Minnesota	71	28.1	0	0.0	7	2.8	5	2.0	12	4.7	87	34.4	1	0.4
Missouri														
Eastern	108	21.8	0	0.0	28	5.7	1	0.2	6	1.2	97	19.6	10	2.0
Western	66	21.0	0	0.0	14	4.4	2	0.6	3	1.0	49	15.6	2	0.6
Nebraska	10	3.0	17	5.1	19	5.7	5	1.5	0	0.0	71	21.5	7	2.1
North Dakota	29	26.6	0	0.0	1	0.9	2	1.8	2	1.8	5	4.6	0	0.0
South Dakota	6	2.9	0	0.0	4	2.0	5	2.5	6	2.9	26	12.7	2	1.0

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	%
NINTH CIRCUIT	8,476	3,146	37.1	41	0.5	10	0.1	51	0.6	14	0.2
Alaska	53	19	35.8	1	1.9	0	0.0	0	0.0	0	0.0
Arizona	2,617	902	34.5	27	1.0	4	0.2	18	0.7	2	0.1
California											
Central	1,085	382	35.2	1	0.1	3	0.3	8	0.7	2	0.2
Eastern	489	201	41.1	0	0.0	1	0.2	3	0.6	1	0.2
Northern	408	211	51.7	2	0.5	0	0.0	1	0.2	4	1.0
Southern	2,211	635	28.7	2	0.1	0	0.0	2	0.1	4	0.2
Guam	31	19	61.3	0	0.0	1	3.2	0	0.0	0	0.0
Hawaii	85	33	38.8	0	0.0	0	0.0	2	2.4	0	0.0
Idaho	127	57	44.9	0	0.0	0	0.0	0	0.0	0	0.0
Montana	194	132	68.0	1	0.5	0	0.0	7	3.6	0	0.0
Nevada	299	202	67.6	2	0.7	0	0.0	2	0.7	1	0.3
Northern Mariana Islands	12	10	83.3	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	284	127	44.7	0	0.0	0	0.0	3	1.1	0	0.0
Washington											
Eastern	143	48	33.6	1	0.7	1	0.7	3	2.1	0	0.0
Western	438	168	38.4	4	0.9	0	0.0	2	0.5	0	0.0
TENTH CIRCUIT	3,288	1,939	59.0	9	0.3	2	0.1	26	0.8	5	0.2
Colorado	285	163	57.2	0	0.0	1	0.4	4	1.4	0	0.0
Kansas	376	213	56.6	2	0.5	1	0.3	12	3.2	0	0.0
New Mexico	1,770	1,063	60.1	4	0.2	0	0.0	2	0.1	3	0.2
Oklahoma											
Eastern	55	40	72.7	0	0.0	0	0.0	1	1.8	0	0.0
Northern	77	56	72.7	0	0.0	0	0.0	0	0.0	0	0.0
Western	199	143	71.9	0	0.0	0	0.0	4	2.0	0	0.0
Utah	336	144	42.9	3	0.9	0	0.0	2	0.6	2	0.6
Wyoming	190	117	61.6	0	0.0	0	0.0	1	0.5	0	0.0
ELEVENTH CIRCUIT	3,554	2,204	62.0	11	0.3	9	0.3	46	1.3	11	0.3
Alabama											
Middle	125	76	60.8	0	0.0	0	0.0	1	0.8	0	0.0
Northern	218	140	64.2	0	0.0	0	0.0	1	0.5	1	0.5
Southern	162	92	56.8	0	0.0	2	1.2	3	1.9	0	0.0
Florida											
Middle	898	486	54.1	1	0.1	1	0.1	11	1.2	1	0.1
Northern	174	120	69.0	0	0.0	2	1.1	3	1.7	1	0.6
Southern	1,059	696	65.7	2	0.2	1	0.1	9	0.8	6	0.6
Georgia											
Middle	172	126	73.3	1	0.6	2	1.2	7	4.1	2	1.2
Northern	365	175	47.9	1	0.3	1	0.3	2	0.5	0	0.0
Southern	381	293	76.9	6	1.6	0	0.0	9	2.4	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	%
NINTH CIRCUIT	619	7.3	3,019	35.6	479	5.7	108	1.3	84	1.0	776	9.2	129	1.5
Alaska	7	13.2	0	0.0	8	15.1	0	0.0	2	3.8	16	30.2	0	0.0
Arizona	74	2.8	1,337	51.1	65	2.5	26	1.0	14	0.5	123	4.7	25	1.0
California														
Central	128	11.8	207	19.1	99	9.1	25	2.3	29	2.7	145	13.4	56	5.2
Eastern	42	8.6	158	32.3	22	4.5	5	1.0	2	0.4	51	10.4	3	0.6
Northern	29	7.1	42	10.3	42	10.3	7	1.7	8	2.0	61	15.0	1	0.2
Southern	132	6.0	1,193	54.0	54	2.4	35	1.6	13	0.6	121	5.5	20	0.9
Guam	6	19.4	0	0.0	1	3.2	0	0.0	0	0.0	3	9.7	1	3.2
Hawaii	22	25.9	0	0.0	3	3.5	0	0.0	0	0.0	24	28.2	1	1.2
Idaho	31	24.4	12	9.4	2	1.6	0	0.0	2	1.6	23	18.1	0	0.0
Montana	21	10.8	0	0.0	5	2.6	1	0.5	2	1.0	24	12.4	1	0.5
Nevada	15	5.0	0	0.0	19	6.4	2	0.7	1	0.3	44	14.7	11	3.7
Northern Mariana Islands	0	0.0	0	0.0	1	8.3	0	0.0	1	8.3	0	0.0	0	0.0
Oregon	43	15.1	16	5.6	40	14.1	2	0.7	4	1.4	43	15.1	6	2.1
Washington														
Eastern	18	12.6	29	20.3	14	9.8	0	0.0	1	0.7	27	18.9	1	0.7
Western	51	11.6	25	5.7	104	23.7	5	1.1	5	1.1	71	16.2	3	0.7
TENTH CIRCUIT	208	6.3	373	11.3	352	10.7	62	1.9	26	0.8	277	8.4	9	0.3
Colorado	45	15.8	0	0.0	13	4.6	9	3.2	3	1.1	46	16.1	1	0.4
Kansas	62	16.5	0	0.0	53	14.1	0	0.0	1	0.3	31	8.2	1	0.3
New Mexico	36	2.0	301	17.0	246	13.9	37	2.1	11	0.6	64	3.6	3	0.2
Oklahoma														
Eastern	6	10.9	0	0.0	0	0.0	0	0.0	0	0.0	8	14.5	0	0.0
Northern	9	11.7	0	0.0	0	0.0	0	0.0	0	0.0	12	15.6	0	0.0
Western	13	6.5	0	0.0	2	1.0	0	0.0	2	1.0	35	17.6	0	0.0
Utah	16	4.8	71	21.1	15	4.5	12	3.6	6	1.8	61	18.2	4	1.2
Wyoming	21	11.1	1	0.5	23	12.1	4	2.1	3	1.6	20	10.5	0	0.0
ELEVENTH CIRCUIT	520	14.6	0	0.0	67	1.9	41	1.2	35	1.0	588	16.5	22	0.6
Alabama														
Middle	35	28.0	0	0.0	2	1.6	0	0.0	0	0.0	11	8.8	0	0.0
Northern	48	22.0	0	0.0	3	1.4	0	0.0	0	0.0	24	11.0	1	0.5
Southern	30	18.5	0	0.0	3	1.9	2	1.2	0	0.0	29	17.9	1	0.6
Florida														
Middle	170	18.9	0	0.0	22	2.4	6	0.7	11	1.2	183	20.4	6	0.7
Northern	26	14.9	0	0.0	0	0.0	1	0.6	0	0.0	21	12.1	0	0.0
Southern	90	8.5	0	0.0	17	1.6	10	0.9	16	1.5	203	19.2	9	0.8
Georgia														
Middle	26	15.1	0	0.0	4	2.3	0	0.0	1	0.6	3	1.7	0	0.0
Northern	57	15.6	0	0.0	14	3.8	21	5.8	7	1.9	83	22.7	4	1.1
Southern	38	10.0	0	0.0	2	0.5	1	0.3	0	0.0	31	8.1	1	0.3

¹Of the 40,057 cases, 905 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received included: Middle Georgia (28.0%), Arizona (9.0%), Maryland (7.4%), Western Texas (7.0%), Middle Tennessee (6.5%), and Eastern North Carolina (5.4%). 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
TOTAL	39,152	21,462	54.8	185	0.5	56	0.1	444	1.1	62	0.2
Murder	34	20	58.8	2	5.9	1	2.9	1	2.9	0	0.0
Manslaughter	37	22	59.5	4	10.8	2	5.4	5	13.5	0	0.0
Kidnapping/Hostage Taking	18	5	27.8	0	0.0	0	0.0	2	11.1	0	0.0
Sexual Abuse	224	146	65.2	5	2.2	4	1.8	5	2.2	0	0.0
Assault	296	176	59.5	4	1.4	3	1.0	11	3.7	1	0.3
Robbery	554	307	55.4	8	1.4	2	0.4	15	2.7	3	0.5
Arson	31	19	61.3	2	6.5	0	0.0	1	3.2	0	0.0
Drugs - Trafficking	11,533	5,257	45.6	30	0.3	9	0.1	57	0.5	12	0.1
Drugs - Communication Facility	246	130	52.8	0	0.0	0	0.0	1	0.4	1	0.4
Drugs - Simple Possession	242	225	93.0	3	1.2	0	0.0	2	0.8	0	0.0
Firearms	3,935	2,338	59.4	44	1.1	12	0.3	88	2.2	17	0.4
Burglary/B&E	19	9	47.4	1	5.3	0	0.0	0	0.0	0	0.0
Auto Theft	48	32	66.7	1	2.1	1	2.1	1	2.1	0	0.0
Larceny	687	486	70.7	4	0.6	0	0.0	14	2.0	2	0.3
Fraud	3,447	1,878	54.5	12	0.3	11	0.3	57	1.7	8	0.2
Embezzlement	198	138	69.7	1	0.5	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	428	284	66.4	8	1.9	2	0.5	10	2.3	0	0.0
Bribery	110	38	34.5	0	0.0	0	0.0	1	0.9	0	0.0
Tax	288	113	39.2	0	0.0	1	0.3	1	0.3	0	0.0
Money Laundering	396	147	37.1	0	0.0	0	0.0	3	0.8	0	0.0
Racketeering/Extortion	343	137	39.9	2	0.6	1	0.3	4	1.2	1	0.3
Gambling/Lottery	24	8	33.3	3	12.5	0	0.0	0	0.0	0	0.0
Civil Rights	29	14	48.3	0	0.0	0	0.0	0	0.0	1	3.4
Immigration	13,128	7,776	59.2	38	0.3	5	0.0	128	1.0	10	0.1
Pornography/Prostitution	1,014	449	44.3	6	0.6	0	0.0	12	1.2	2	0.2
Prison Offenses	209	154	73.7	0	0.0	1	0.5	6	2.9	0	0.0
Administration of Justice Offenses	476	252	52.9	1	0.2	0	0.0	9	1.9	3	0.6
Environmental/Wildlife	59	40	67.8	1	1.7	0	0.0	1	1.7	0	0.0
National Defense	33	13	39.4	0	0.0	0	0.0	1	3.0	0	0.0
Antitrust	8	3	37.5	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	44	27	61.4	0	0.0	0	0.0	1	2.3	0	0.0
Other Miscellaneous Offenses	1,014	819	80.8	5	0.5	1	0.1	7	0.7	1	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	4,646	11.9	4,030	10.3	1,681	4.3	733	1.9	404	1.0	5,033	12.9	416	1.1
Murder	4	11.8	0	0.0	2	5.9	0	0.0	0	0.0	4	11.8	0	0.0
Manslaughter	1	2.7	0	0.0	2	5.4	0	0.0	0	0.0	1	2.7	0	0.0
Kidnapping/Hostage Taking	5	27.8	0	0.0	2	11.1	0	0.0	0	0.0	4	22.2	0	0.0
Sexual Abuse	3	1.3	0	0.0	23	10.3	1	0.4	2	0.9	33	14.7	2	0.9
Assault	2	0.7	3	1.0	39	13.2	6	2.0	8	2.7	39	13.2	4	1.4
Robbery	48	8.7	1	0.2	21	3.8	19	3.4	17	3.1	109	19.7	4	0.7
Arson	4	12.9	0	0.0	1	3.2	0	0.0	1	3.2	3	9.7	0	0.0
Drugs - Trafficking	2,868	24.9	714	6.2	491	4.3	144	1.2	140	1.2	1,715	14.9	96	0.8
Drugs - Communication Facility	23	9.3	2	0.8	16	6.5	6	2.4	9	3.7	54	22.0	4	1.6
Drugs - Simple Possession	5	2.1	1	0.4	2	0.8	0	0.0	0	0.0	1	0.4	3	1.2
Firearms	440	11.2	5	0.1	190	4.8	63	1.6	51	1.3	644	16.4	43	1.1
Burglary/B&E	1	5.3	0	0.0	1	5.3	0	0.0	1	5.3	6	31.6	0	0.0
Auto Theft	9	18.8	0	0.0	0	0.0	0	0.0	0	0.0	4	8.3	0	0.0
Larceny	40	5.8	1	0.1	16	2.3	9	1.3	4	0.6	97	14.1	14	2.0
Fraud	577	16.7	3	0.1	150	4.4	64	1.9	46	1.3	589	17.1	52	1.5
Embezzlement	8	4.0	2	1.0	9	4.5	4	2.0	2	1.0	31	15.7	3	1.5
Forgery/Counterfeiting	40	9.3	0	0.0	16	3.7	3	0.7	4	0.9	55	12.9	6	1.4
Bribery	34	30.9	0	0.0	4	3.6	0	0.0	2	1.8	29	26.4	2	1.8
Tax	46	16.0	2	0.7	16	5.6	14	4.9	5	1.7	82	28.5	8	2.8
Money Laundering	99	25.0	9	2.3	34	8.6	6	1.5	1	0.3	89	22.5	8	2.0
Racketeering/Extortion	74	21.6	0	0.0	46	13.4	5	1.5	12	3.5	53	15.5	8	2.3
Gambling/Lottery	3	12.5	0	0.0	1	4.2	0	0.0	0	0.0	9	37.5	0	0.0
Civil Rights	7	24.1	0	0.0	1	3.4	0	0.0	0	0.0	4	13.8	2	6.9
Immigration	145	1.1	3,281	25.0	398	3.0	348	2.7	46	0.4	843	6.4	110	0.8
Pornography/Prostitution	33	3.3	0	0.0	112	11.0	17	1.7	30	3.0	335	33.0	18	1.8
Prison Offenses	8	3.8	2	1.0	17	8.1	3	1.4	1	0.5	15	7.2	2	1.0
Administration of Justice Offenses	64	13.4	3	0.6	31	6.5	5	1.1	5	1.1	93	19.5	10	2.1
Environmental/Wildlife	3	5.1	0	0.0	3	5.1	1	1.7	1	1.7	7	11.9	2	3.4
National Defense	6	18.2	0	0.0	1	3.0	3	9.1	4	12.1	5	15.2	0	0.0
Antitrust	3	37.5	0	0.0	0	0.0	0	0.0	1	12.5	1	12.5	0	0.0
Food & Drug	5	11.4	0	0.0	8	18.2	1	2.3	0	0.0	1	2.3	1	2.3
Other Miscellaneous Offenses	38	3.7	1	0.1	28	2.8	11	1.1	11	1.1	78	7.7	14	1.4

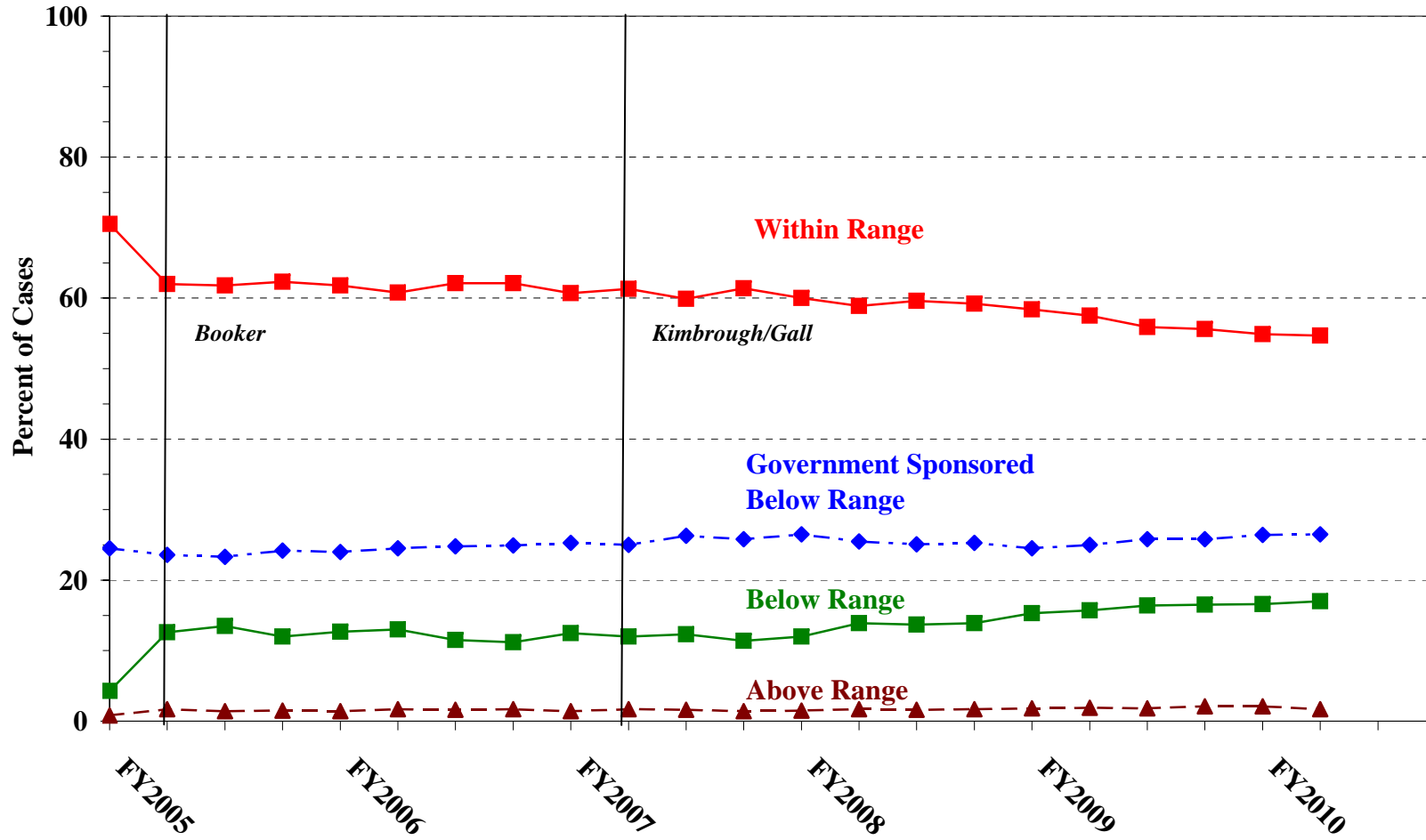
¹Of the 40,057 cases, 905 were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹

Fiscal Years 2005 - 2009,
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)



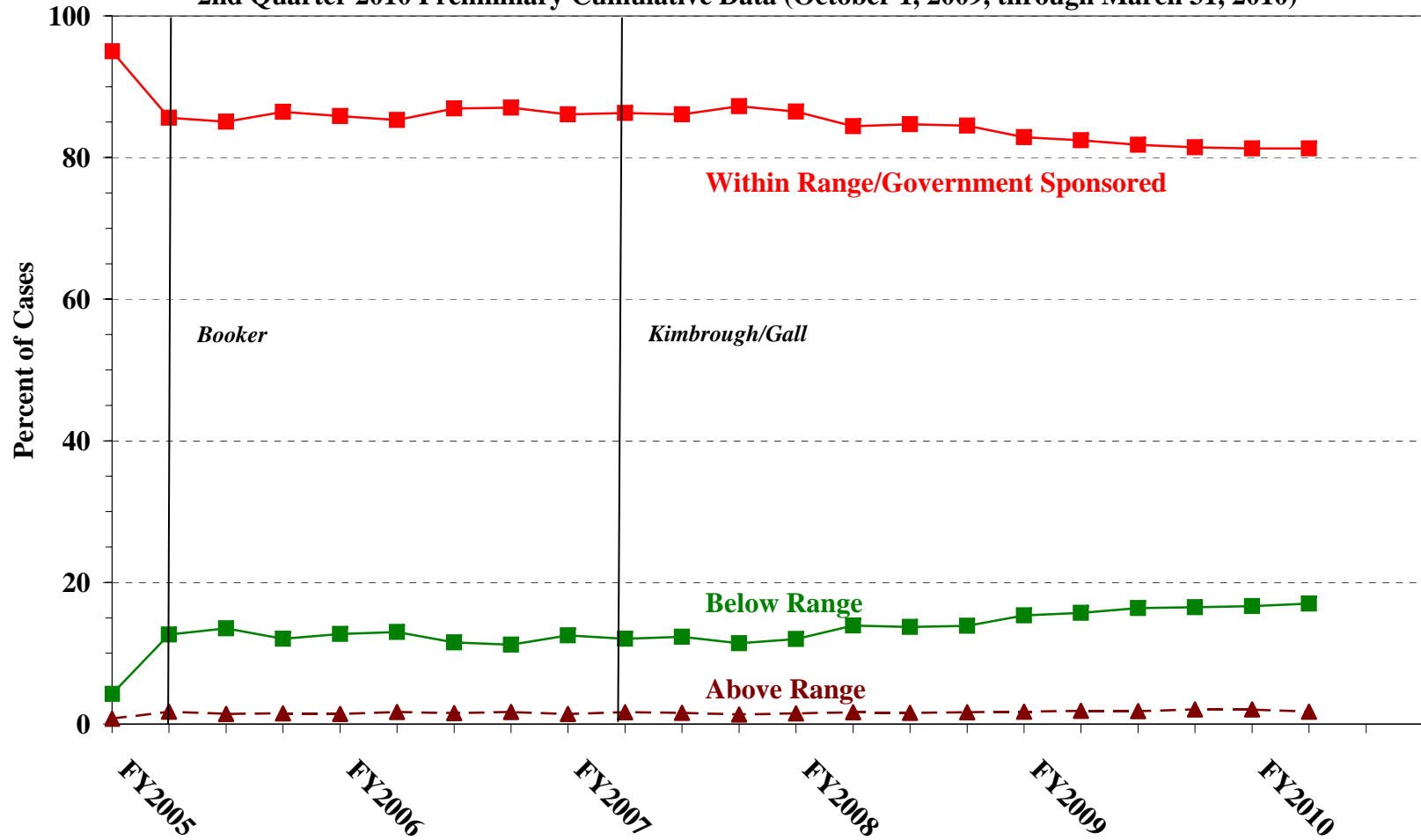
¹Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 - 2009 Datafiles, USSCFY05 - USSCFY09, and Preliminary Data from USSCFY10 (October 1, 2009, through March 31, 2010).

Figure B

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

Fiscal Years 2005 - 2009,
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)



¹Descriptions 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 - 2009,
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 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	54.9	26.4	16.6	2.1
2ndQuarter	54.7	26.5	17.0	1.7
3rd Quarter	--	--	--	--
4th Quarter	--	--	--	--

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

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward		Below Range	
			Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.3	1	0	0	0	0	0	0	0	0	0	0	0	1
§2N2.1	17	17	0	0	0	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	114	83	0	1	4	0	5	2	3	2	1	12	1
§2P1.2	63	43	0	0	1	0	2	0	12	1	0	3	1
§2P1.3	15	13	0	0	0	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	16	8	0	0	0	0	1	0	1	2	2	2	0
§2Q1.3	15	6	0	0	0	0	2	0	4	2	0	1	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	34	22	1	0	0	0	1	0	0	1	2	5	2
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	6	2	0	0	0	0	2	0	0	0	1	1	0
§2S1.1	479	170	0	0	4	0	158	1	34	5	3	97	7
§2S1.2	1	0	0	0	0	0	1	0	0	0	0	0	0
§2S1.3	147	69	0	0	0	0	17	7	15	3	1	31	4
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	251	90	0	2	2	0	44	0	18	9	3	75	8
§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	59	24	0	0	0	0	8	0	3	5	1	17	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	5	1	0	0	0	0	1	0	0	0	0	3	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	5	1	0	0	0	0	2	0	0	1	1	0	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	12	6	0	0	0	0	1	1	1	0	0	3	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	18	8	0	0	0	0	2	0	0	2	0	6	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	43	22	0	0	1	0	10	0	1	0	1	8	0
§2X4.1	210	107	0	0	1	2	31	3	14	2	1	43	6
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	75	72	0	0	0	1	0	0	0	0	0	2	0
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.2	4	2	0	0	0	0	1	0	0	0	0	1	0
TOTAL	36,276	19,207	174	56	429	53	4,607	3,652	1,632	710	403	4,956	397

¹Of the 40,057 cases, 3,781 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (905) or missing guideline applied (3,705). Descriptions of variables used in this table are provided in Appendix A.

²In 421 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 421 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³In 1,208 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 1,208 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	17,690	3,041	17.2	3,819	21.6	1,681	9.5	806	4.6	90	0.5
Above Range	747	3	0.4	7	0.9	103	13.8	41	5.5	0	0.0
Upward Departure From Guideline Range	185	0	0.0	1	0.5	45	24.3	16	8.6	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	56	1	1.8	0	0.0	10	17.9	2	3.6	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	444	0	0.0	0	0.0	46	10.4	21	4.7	0	0.0
All Remaining Cases Above Guideline Range	62	2	3.2	6	9.7	2	3.2	2	3.2	0	0.0
Government Sponsored Below Range	10,357	3,038	29.3	3,812	36.8	1,578	15.2	765	7.4	90	0.9
§5K1.1 Substantial Assistance Departure	4,646	3,038	65.4	52	1.1	105	2.3	73	1.6	14	0.3
§5K3.1 Early Disposition Program Departure	4,030	0	0.0	3,760	93.3	664	16.5	263	6.5	10	0.2
Other Government Sponsored Below Range	1,681	0	0.0	0	0.0	809	48.1	429	25.5	66	3.9
Below Range	6,586	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	733	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	404	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	5,033	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	416	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 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	1,493	8.4	119	0.7	533	3.0	2,052	11.6	2,109	11.9	2,992	16.9	1,901	10.7
Above Range	3	0.4	0	0.0	118	15.8	6	0.8	7	0.9	371	49.7	144	19.3
Upward Departure From Guideline Range	0	0.0	0	0.0	39	21.1	4	2.2	2	1.1	66	35.7	24	13.0
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	16	28.6	1	1.8	1	1.8	43	76.8	8	14.3
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	60	13.5	1	0.2	4	0.9	257	57.9	65	14.6
All Remaining Cases Above Guideline Range	3	4.8	0	0.0	3	4.8	0	0.0	0	0.0	5	8.1	47	75.8
Government Sponsored Below Range	1,490	14.4	119	1.1	415	4.0	541	5.2	340	3.3	441	4.3	307	3.0
§5K1.1 Substantial Assistance Departure	1,490	32.1	2	0.0	151	3.3	202	4.3	133	2.9	220	4.7	92	2.0
§5K3.1 Early Disposition Program Departure	0	0.0	117	2.9	15	0.4	178	4.4	126	3.1	49	1.2	147	3.6
Other Government Sponsored Below Range	0	0.0	0	0.0	249	14.8	161	9.6	81	4.8	172	10.2	68	4.0
Below Range	0	0.0	0	0.0	0	0.0	1,505	22.9	1,762	26.8	2,180	33.1	1,450	22.0
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	326	44.5	119	16.2	212	28.9	92	12.6
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	151	37.4	193	47.8	206	51.0	65	16.1
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	1,006	20.0	1,433	28.5	1,749	34.8	927	18.4
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	22	5.3	17	4.1	13	3.1	366	88.0

¹Multiple 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, 2,608 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,411	36.0	30.0	49.9
Murder	4	9.0	65.0	88.5
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	5	96.0	79.0	52.3
Sexual Abuse	3	0.0	10.0	100.0
Assault	2	--	--	--
Robbery	46	40.5	26.0	41.4
Arson	4	38.5	22.0	36.7
Drugs - Trafficking	2,737	48.0	42.0	46.4
Drugs - Communication Facility	23	18.0	18.0	50.0
Drugs - Simple Possession	5	1.0	5.0	83.3
Firearms	403	54.0	33.0	42.9
Burglary/B&E	1	--	--	--
Auto Theft	9	6.0	10.0	40.0
Larceny	39	0.0	12.0	100.0
Fraud	546	10.0	16.0	64.9
Embezzlement	8	3.0	8.4	83.3
Forgery/Counterfeiting	38	0.0	10.0	100.0
Bribery	33	6.0	24.0	72.7
Tax	46	0.0	12.0	100.0
Money Laundering	92	9.9	24.0	81.5
Racketeering/Extortion	68	24.0	26.5	54.6
Gambling/Lottery	2	--	--	--
Civil Rights	7	12.0	18.0	58.5
Immigration	136	12.0	10.0	49.9
Pornography/Prostitution	33	57.0	45.0	40.4
Prison Offenses	8	0.0	10.0	99.9
Administration of Justice Offenses	60	0.0	12.0	100.0
Environmental/Wildlife	3	0.0	16.8	100.0
National Defense	6	22.5	35.5	61.5
Antitrust	3	0.0	12.0	99.8
Food & Drug	4	2.0	16.0	91.7
Other Miscellaneous Offenses	37	6.0	13.0	73.4

¹Of the 40,057 cases, 4,646 received a §5K1.1 substantial assistance departure. Of these, 4,471 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 58 cases were also excluded from this table. Of the remaining 4,413 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,571	18.0	7.0	28.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	2	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	673	18.0	9.0	34.8
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	5	12.0	3.0	20.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	3	3.0	9.1	80.0
Embezzlement	2	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	7	4.5	4.2	40.0
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,867	18.0	6.0	28.3
Pornography/Prostitution	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	3	9.6	10.0	47.4
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 40,057 cases, 4,030 received a §5K3.1 early disposition program departure. Of these, 3,572 had complete guideline application information. Furthermore, one case was excluded due to several logical criteria. 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.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,577	27.0	14.0	35.3
Murder	2	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	22	93.0	33.2	24.9
Assault	34	19.5	19.0	52.1
Robbery	21	70.0	27.0	33.3
Arson	1	--	--	--
Drugs - Trafficking	470	60.0	27.0	30.7
Drugs - Communication Facility	13	15.0	22.0	45.5
Drugs - Simple Possession	2	--	--	--
Firearms	178	46.0	15.0	28.6
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	15	0.0	6.0	100.0
Fraud	138	12.0	11.5	54.0
Embezzlement	9	0.0	8.0	100.0
Forgery/Counterfeiting	15	2.5	12.0	82.2
Bribery	4	8.0	8.0	58.3
Tax	16	0.1	11.0	98.9
Money Laundering	34	12.4	18.5	45.7
Racketeering/Extortion	40	72.0	45.0	44.4
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	372	12.0	6.0	33.3
Pornography/Prostitution	108	60.0	37.0	37.2
Prison Offenses	15	12.0	6.0	37.5
Administration of Justice Offenses	28	1.1	12.0	89.4
Environmental/Wildlife	2	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	12.0	33.0	76.4
Other Miscellaneous Offenses	28	0.0	12.0	100.0

¹Of the 40,057 cases, 1,681 received an other government sponsored downward departure. Of these, 1,589 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 ten cases were also excluded from this table. Of the remaining 1,579 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	699	21.0	9.0	28.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	6	19.5	8.5	28.8
Robbery	19	50.0	19.0	28.0
Arson	0	--	--	--
Drugs - Trafficking	140	55.5	15.0	27.3
Drugs - Communication Facility	6	24.0	6.5	25.0
Drugs - Simple Possession	0	--	--	--
Firearms	61	33.0	8.0	19.6
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	9	0.0	6.0	100.0
Fraud	63	12.0	8.0	40.0
Embezzlement	4	13.5	9.0	47.2
Forgery/Counterfeiting	3	5.0	13.0	72.2
Bribery	0	--	--	--
Tax	14	8.0	8.5	59.1
Money Laundering	6	20.1	21.5	58.1
Racketeering/Extortion	5	60.0	18.0	23.1
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	324	16.0	6.0	28.1
Pornography/Prostitution	17	48.0	30.0	34.8
Prison Offenses	3	4.0	11.0	68.4
Administration of Justice Offenses	5	0.0	12.0	100.0
Environmental/Wildlife	1	--	--	--
National Defense	3	11.0	22.0	66.7
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	8	0.0	9.0	100.0

¹Of the 40,057 cases, 733 received a downward departure from the guideline range. Of these, 699 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, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	379	26.0	19.0	42.9
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	8	12.0	21.0	59.4
Robbery	17	27.0	21.0	41.2
Arson	1	--	--	--
Drugs - Trafficking	132	38.5	26.9	38.7
Drugs - Communication Facility	9	27.0	30.0	46.1
Drugs - Simple Possession	0	--	--	--
Firearms	49	36.0	16.0	34.8
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	3	0.0	12.0	100.0
Fraud	43	3.0	12.0	70.0
Embezzlement	2	--	--	--
Forgery/Counterfeiting	4	6.0	11.5	71.4
Bribery	2	--	--	--
Tax	3	0.0	24.0	100.0
Money Laundering	1	--	--	--
Racketeering/Extortion	10	5.0	17.0	67.5
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	44	25.0	12.0	33.6
Pornography/Prostitution	27	60.0	39.0	47.0
Prison Offenses	1	--	--	--
Administration of Justice Offenses	5	4.0	13.0	61.9
Environmental/Wildlife	1	--	--	--
National Defense	4	78.0	270.0	78.3
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	9	3.0	15.0	70.7

¹Of the 40,057 cases, 404 received a downward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 381 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one additional case was also excluded from this table. Of the remaining 380 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,826	30.0	15.0	33.3
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	4	60.0	150.0	71.4
Sexual Abuse	31	18.0	12.0	40.0
Assault	38	12.0	12.0	34.0
Robbery	106	47.0	15.0	23.1
Arson	3	12.0	15.0	51.4
Drugs - Trafficking	1,664	60.0	19.0	28.6
Drugs - Communication Facility	52	24.0	18.0	40.1
Drugs - Simple Possession	1	--	--	--
Firearms	631	41.0	16.0	27.3
Burglary/B&E	6	0.0	12.0	100.0
Auto Theft	4	0.0	12.0	100.0
Larceny	95	0.0	10.0	100.0
Fraud	561	12.0	10.0	50.0
Embezzlement	31	1.0	8.0	93.3
Forgery/Counterfeiting	54	5.0	6.5	63.3
Bribery	28	12.0	7.4	52.3
Tax	81	5.0	12.0	75.0
Money Laundering	84	7.6	18.0	71.8
Racketeering/Extortion	49	30.0	14.0	29.4
Gambling/Lottery	9	0.0	10.0	100.0
Civil Rights	4	9.0	6.0	41.6
Immigration	766	24.0	10.0	29.8
Pornography/Prostitution	324	60.0	37.0	38.1
Prison Offenses	15	12.0	6.0	33.3
Administration of Justice Offenses	92	4.5	11.9	73.8
Environmental/Wildlife	7	0.0	6.0	100.0
National Defense	4	74.0	63.0	58.1
Antitrust	1	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	78	0.0	9.5	99.7

¹Of the 40,057 cases, 5,033 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 4,845 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 16 cases were also excluded from this table. Of the remaining 4,829 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	375	11.3	6.0	49.9
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	4	8.7	4.9	46.9
Robbery	4	58.5	10.0	17.9
Arson	0	--	--	--
Drugs - Trafficking	89	36.0	10.0	34.8
Drugs - Communication Facility	4	27.0	18.0	39.3
Drugs - Simple Possession	2	--	--	--
Firearms	39	60.0	12.0	21.9
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	14	0.0	6.0	100.0
Fraud	46	0.8	6.0	89.6
Embezzlement	3	0.0	6.0	99.3
Forgery/Counterfeiting	6	0.0	6.0	100.0
Bribery	2	--	--	--
Tax	8	2.5	6.0	75.0
Money Laundering	8	3.2	16.5	82.7
Racketeering/Extortion	5	41.0	10.0	33.8
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	94	6.4	3.0	38.8
Pornography/Prostitution	17	96.0	52.0	33.3
Prison Offenses	2	--	--	--
Administration of Justice Offenses	9	0.0	4.0	100.0
Environmental/Wildlife	2	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	13	0.0	6.0	100.0

¹Of the 40,057 cases, 416 were otherwise sentenced below the guideline range. Of these, 378 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. 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	170	60.0	12.0	31.3
Murder	2	--	--	--
Manslaughter	4	108.0	37.5	45.9
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	72.0	31.0	55.6
Assault	4	52.4	10.4	29.5
Robbery	8	120.0	27.0	29.2
Arson	2	--	--	--
Drugs - Trafficking	29	96.0	13.0	22.6
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	33	104.0	17.0	23.8
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	4	28.0	6.5	75.0
Fraud	12	53.0	6.0	25.0
Embezzlement	1	--	--	--
Forgery/Counterfeiting	8	33.0	9.0	38.1
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	3	18.0	8.0	100.5
Civil Rights	0	--	--	--
Immigration	37	24.0	6.0	33.3
Pornography/Prostitution	6	120.0	25.5	34.7
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	83.5	34.0	66.1

¹Of the 40,057 cases, 185 received an upward departure from the guideline range. Of these, 172 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, one case was 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	50	112.0	24.5	42.9
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	175.5	67.0	102.7
Assault	3	80.0	35.0	53.2
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	8	156.0	28.0	49.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	9	96.0	24.0	42.9
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	11	96.0	23.0	26.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	5	36.0	17.0	50.0
Pornography/Prostitution	0	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹Of the 40,057 cases, 56 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 53 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.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	413	53.0	13.0	45.5
Murder	1	--	--	--
Manslaughter	5	96.0	18.0	37.9
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	5	84.0	30.0	100.0
Assault	11	96.0	36.0	53.8
Robbery	15	120.0	33.0	44.0
Arson	1	--	--	--
Drugs - Trafficking	52	78.0	13.0	24.5
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	77	87.0	18.0	25.0
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	13	29.0	12.0	60.0
Fraud	54	49.5	12.0	52.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	9	36.0	13.0	66.7
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	3	100.0	23.0	23.7
Racketeering/Extortion	3	240.0	183.0	321.1
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	123	18.0	6.0	50.0
Pornography/Prostitution	12	138.5	33.0	35.1
Prison Offenses	5	48.0	27.0	128.6
Administration of Justice Offenses	9	36.0	15.0	50.0
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	7	36.0	18.0	100.0

¹Of the 40,057 cases, 444 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 420 had complete guideline application information. Furthermore, seven 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	34	65.5	9.0	14.3
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	7	66.0	5.0	9.1
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	8	175.5	16.5	14.3
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	6	52.5	10.5	30.3
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	4	46.0	6.0	18.1
Pornography/Prostitution	2	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 40,057 cases, 62 were otherwise sentenced above the guideline range. Of these, 50 had complete guideline application information. Furthermore, 16 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 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	39,744	35,854	90.2	34,836	87.7	1,018	2.6	3,890	9.8	1,097	2.8	2,793	7.0
Murder	34	33	97.1	32	94.1	1	2.9	1	2.9	0	0.0	1	2.9
Manslaughter	37	37	100.0	36	97.3	1	2.7	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	18	18	100.0	18	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	225	220	97.8	216	96.0	4	1.8	5	2.2	2	0.9	3	1.3
Assault	306	262	85.6	250	81.7	12	3.9	44	14.4	11	3.6	33	10.8
Robbery	553	537	97.1	519	93.9	18	3.3	16	2.9	5	0.9	11	2.0
Arson	31	31	100.0	29	93.5	2	6.5	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	11,549	11,157	96.6	10,868	94.1	289	2.5	392	3.4	154	1.3	238	2.1
Drugs - Communication Facility	246	209	85.0	203	82.5	6	2.4	37	15.0	10	4.1	27	11.0
Drugs - Simple Possession	331	203	61.3	203	61.3	0	0.0	128	38.7	9	2.7	119	36.0
Firearms	3,942	3,730	94.6	3,646	92.5	84	2.1	212	5.4	92	2.3	120	3.0
Burglary/B&E	19	12	63.2	12	63.2	0	0.0	7	36.8	3	15.8	4	21.1
Auto Theft	48	39	81.3	39	81.3	0	0.0	9	18.8	3	6.3	6	12.5
Larceny	669	266	39.8	239	35.7	27	4.0	403	60.2	99	14.8	304	45.4
Fraud	3,685	2,884	78.3	2,650	71.9	234	6.4	801	21.7	290	7.9	511	13.9
Embezzlement	198	97	49.0	74	37.4	23	11.6	101	51.0	25	12.6	76	38.4
Forgery/Counterfeiting	428	317	74.1	292	68.2	25	5.8	111	25.9	40	9.3	71	16.6
Bribery	111	81	73.0	73	65.8	8	7.2	30	27.0	11	9.9	19	17.1
Tax	289	183	63.3	151	52.2	32	11.1	106	36.7	50	17.3	56	19.4
Money Laundering	398	299	75.1	283	71.1	16	4.0	99	24.9	32	8.0	67	16.8
Racketeering/Extortion	344	312	90.7	302	87.8	10	2.9	32	9.3	11	3.2	21	6.1
Gambling/Lottery	24	6	25.0	6	25.0	0	0.0	18	75.0	6	25.0	12	50.0
Civil Rights	28	21	75.0	21	75.0	0	0.0	7	25.0	2	7.1	5	17.9
Immigration	13,404	12,900	96.2	12,781	95.4	119	0.9	504	3.8	88	0.7	416	3.1
Pornography/Prostitution	1,013	1,002	98.9	977	96.4	25	2.5	11	1.1	7	0.7	4	0.4
Prison Offenses	210	199	94.8	190	90.5	9	4.3	11	5.2	2	1.0	9	4.3
Administration of Justice Offenses	474	317	66.9	292	61.6	25	5.3	157	33.1	44	9.3	113	23.8
Environmental/Wildlife	57	20	35.1	19	33.3	1	1.8	37	64.9	8	14.0	29	50.9
National Defense	33	28	84.8	27	81.8	1	3.0	5	15.2	1	3.0	4	12.1
Antitrust	7	6	85.7	4	57.1	2	28.6	1	14.3	0	0.0	1	14.3
Food & Drug	39	15	38.5	12	30.8	3	7.7	24	61.5	2	5.1	22	56.4
Other Miscellaneous Offenses	994	413	41.5	372	37.4	41	4.1	581	58.5	90	9.1	491	49.4

¹Of the 40,057 cases, 313 were excluded due to one or both of the following reasons: the offender received neither imprisonment nor probation (310), or missing sentencing information (3). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

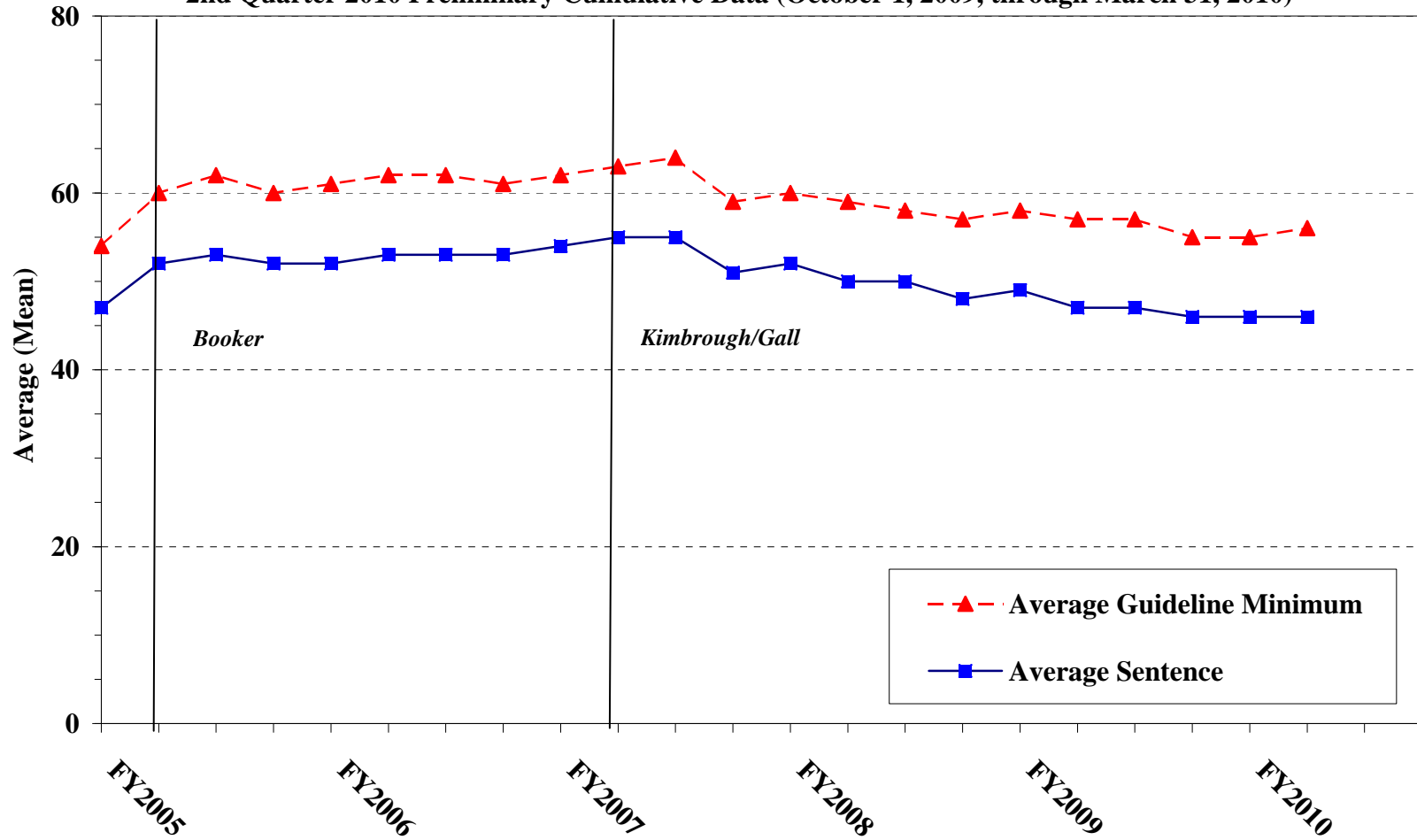
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	46.1	24.0	40,054
Murder	264.8	258.5	34
Manslaughter	85.5	41.0	37
Kidnapping/Hostage Taking	137.4	128.0	18
Sexual Abuse	91.0	60.0	225
Assault	37.5	24.0	307
Robbery	78.8	63.0	554
Arson	78.0	60.0	31
Drugs - Trafficking	75.4	60.0	11,551
Drugs - Communication Facility	34.9	30.0	246
Drugs - Simple Possession	4.8	2.0	343
Firearms	88.3	57.0	3,944
Burglary/B&E	14.5	12.0	19
Auto Theft	62.7	30.0	48
Larceny	7.6	0.0	721
Fraud	25.1	12.0	3,703
Embezzlement	8.4	5.0	201
Forgery/Counterfeiting	14.3	12.0	429
Bribery	19.0	12.0	111
Tax	17.4	12.0	291
Money Laundering	33.8	15.5	398
Racketeering/Extortion	84.3	48.0	345
Gambling/Lottery	5.3	0.5	24
Civil Rights	21.7	12.0	29
Immigration	17.6	11.0	13,404
Pornography/Prostitution	105.9	78.0	1,014
Prison Offenses	17.3	12.0	210
Administration of Justice Offenses	18.4	9.9	482
Environmental/Wildlife	3.5	0.0	65
National Defense	42.9	34.0	33
Antitrust	5.8	6.0	8
Food & Drug	16.5	0.0	44
Other Miscellaneous Offenses	6.8	0.0	1,185

¹Of the 40,057 cases, three 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 - 2009,
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**



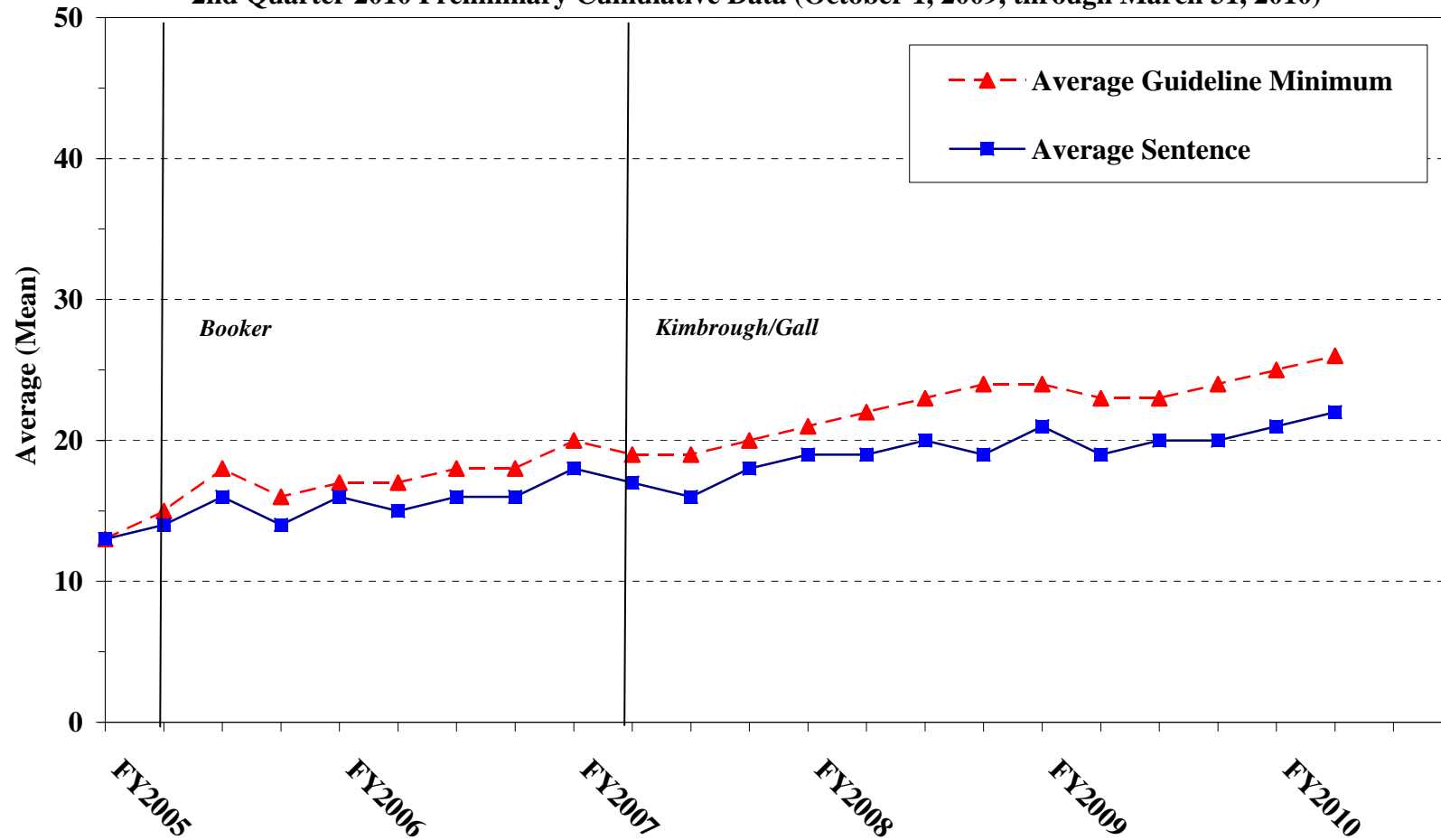
¹Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months 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 - 2009,

2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)



¹Figure 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.

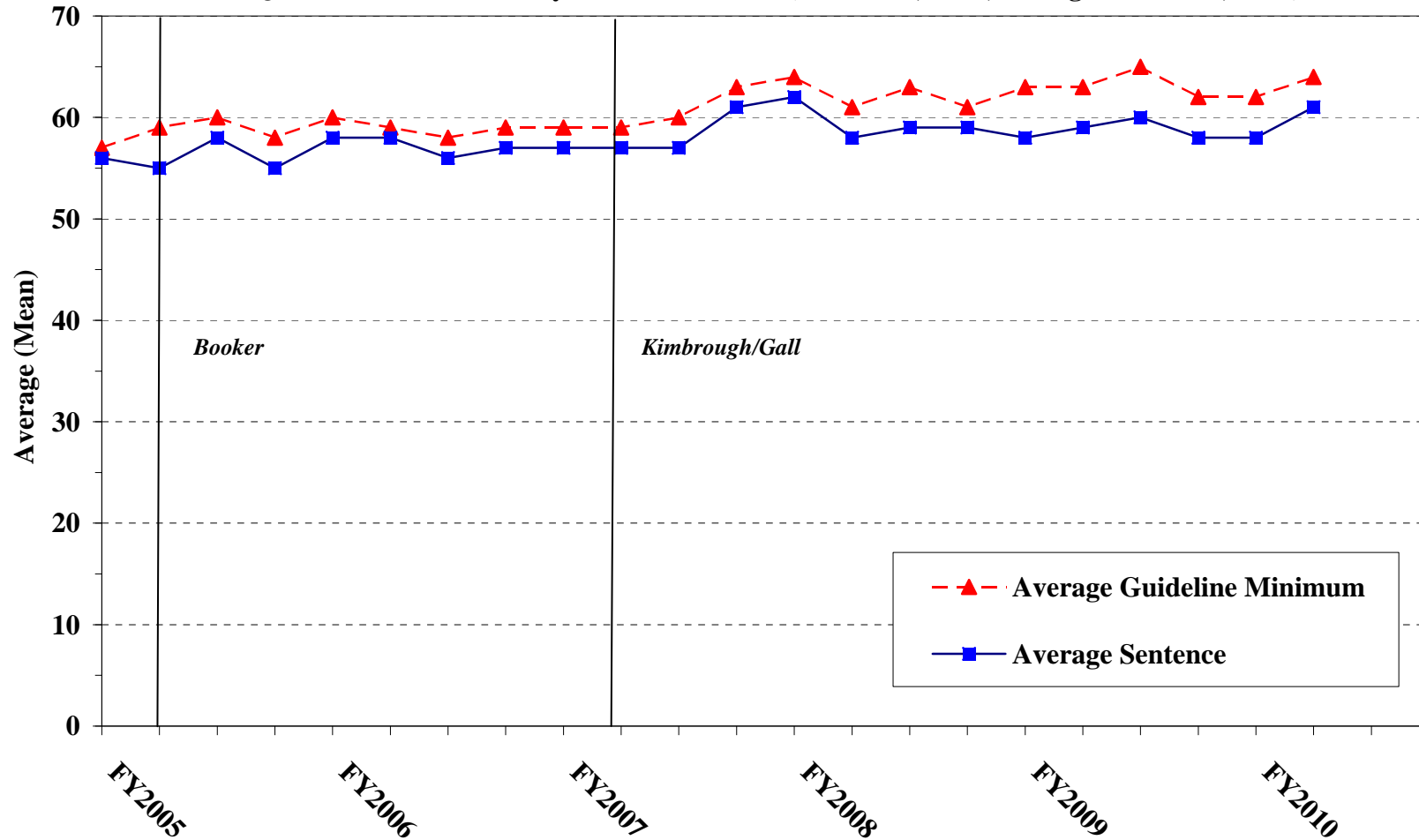
SOURCE: U.S. Sentencing Commission, 2005 - 2009 Datafiles, USSCFY05 - USSCFY09, and Preliminary Data from USSCFY10 (October 1, 2009, through March 31, 2010).

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 - 2009,

2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

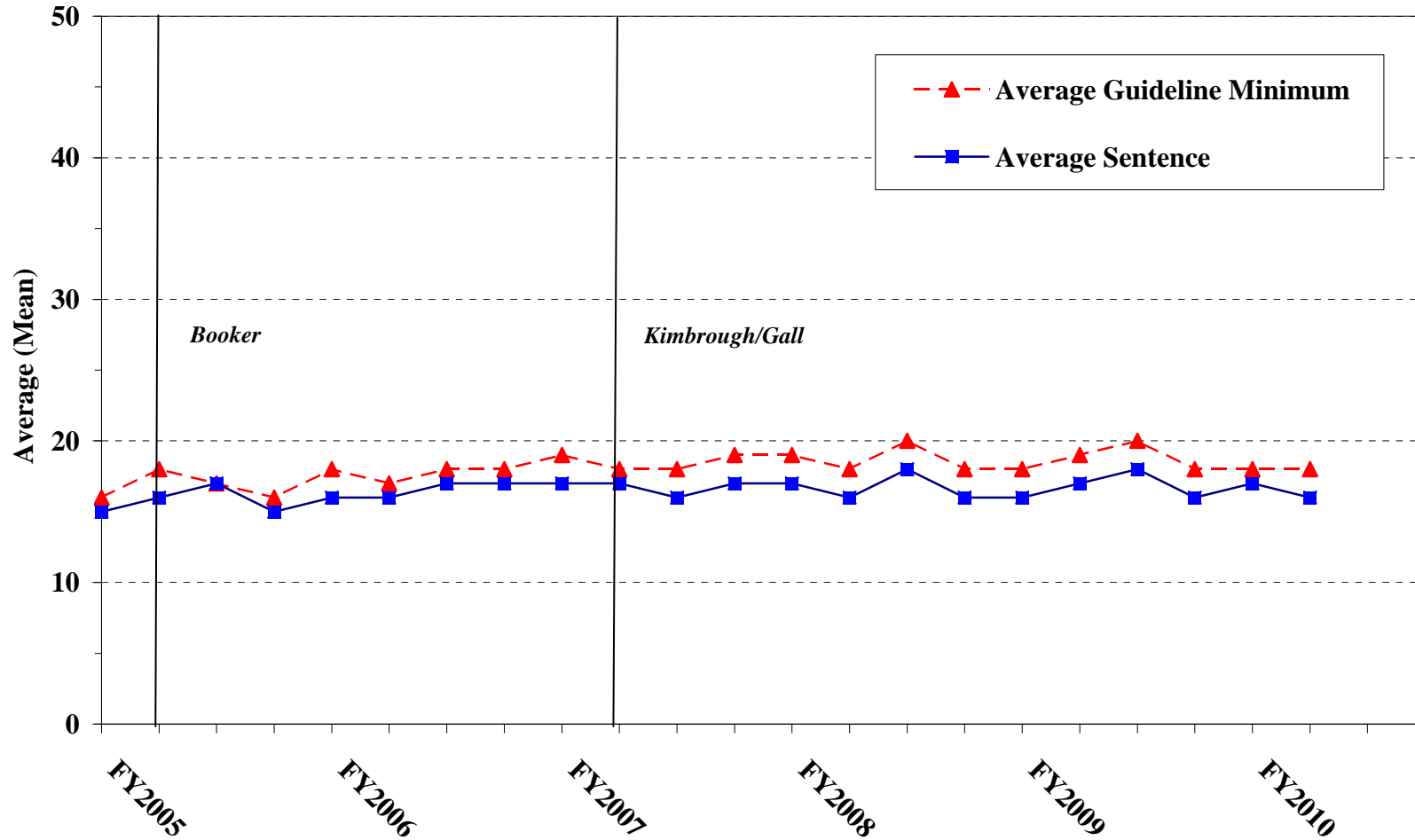


¹Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 - 2009,
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**



¹Figure 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.

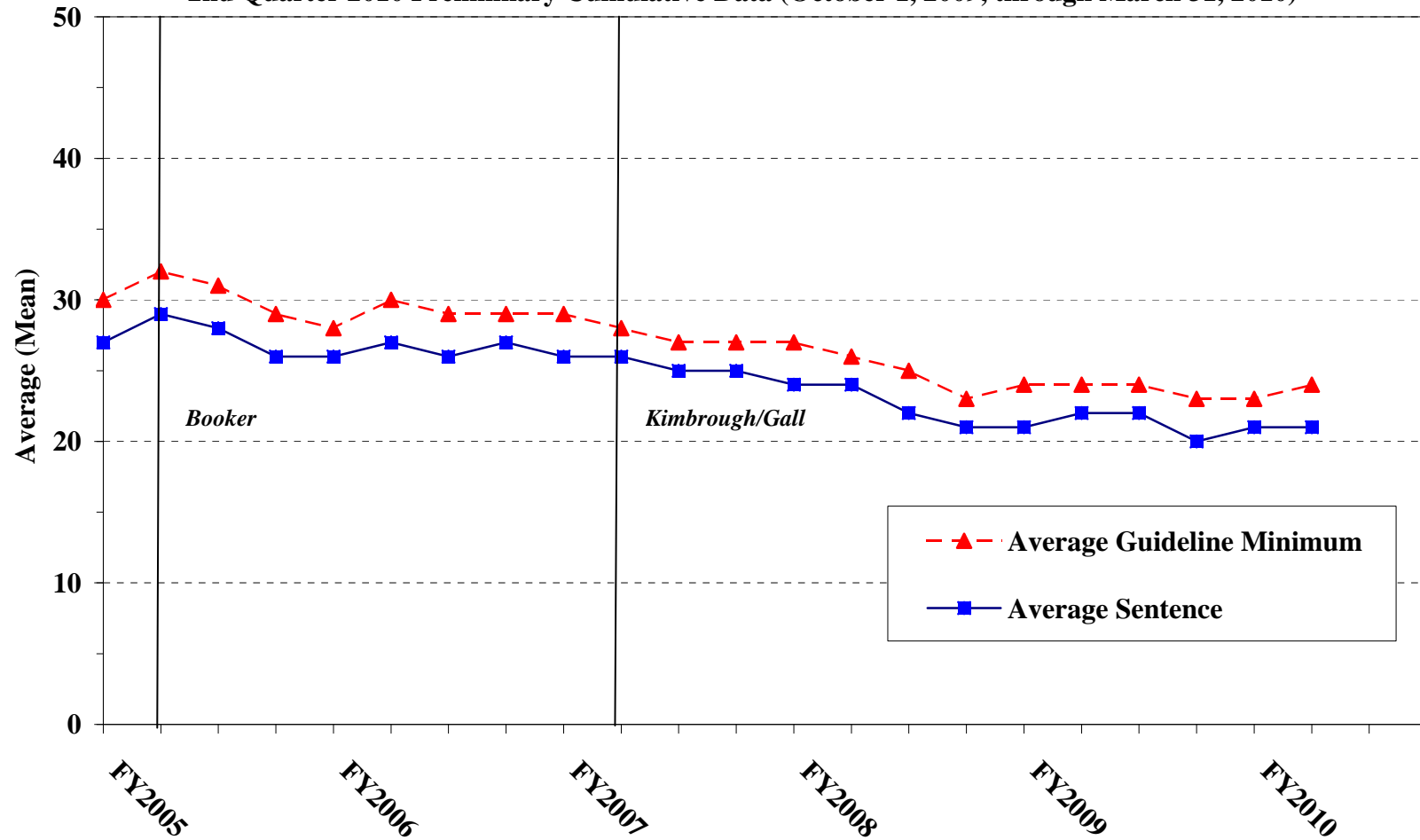
SOURCE: U.S. Sentencing Commission, 2005 - 2009 Datafiles, USSCFY05 - USSCFY09, and Preliminary Data from USSCFY10 (October 1, 2009, through March 31, 2010).

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 - 2009,

2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)



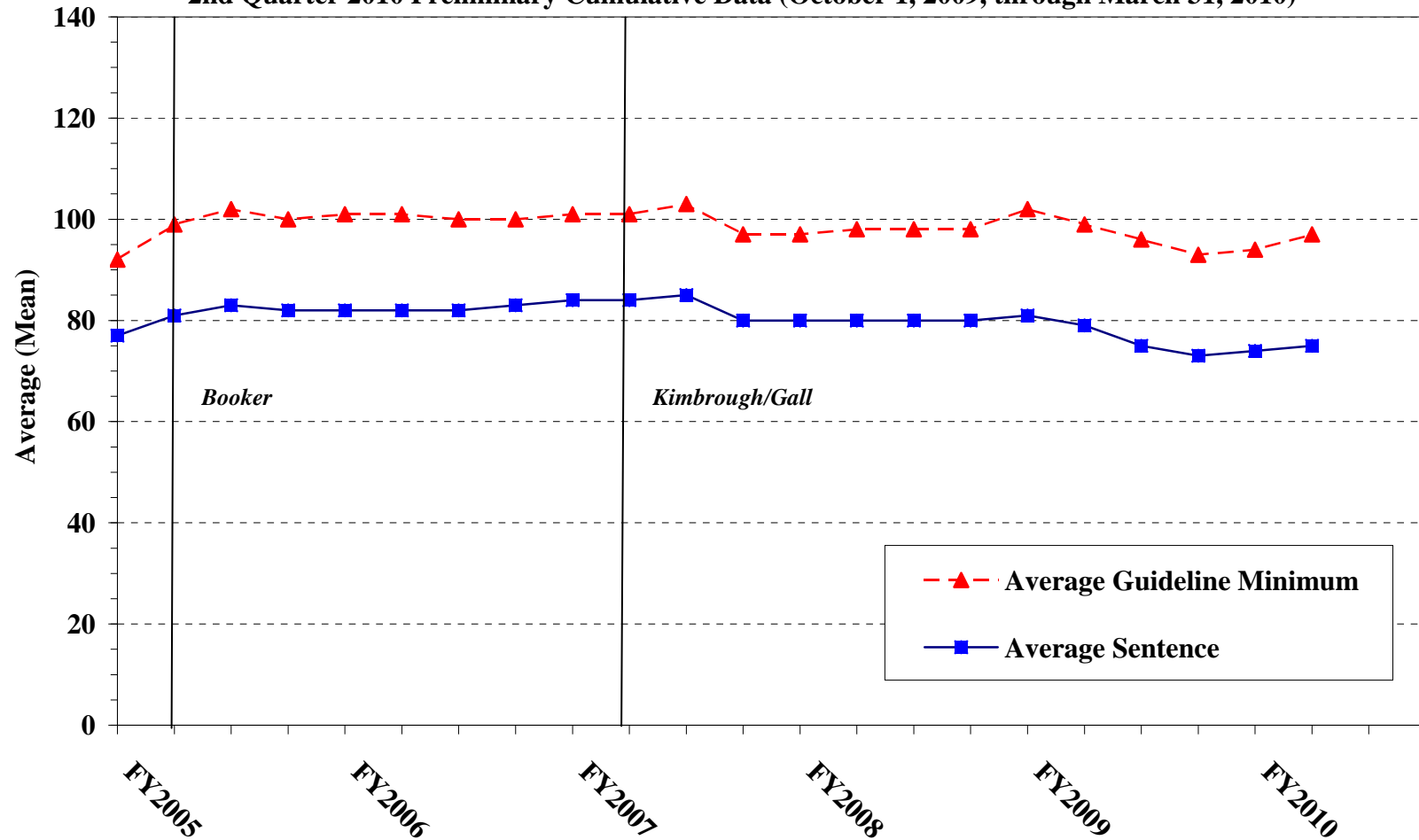
¹Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including 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 - 2009,

2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

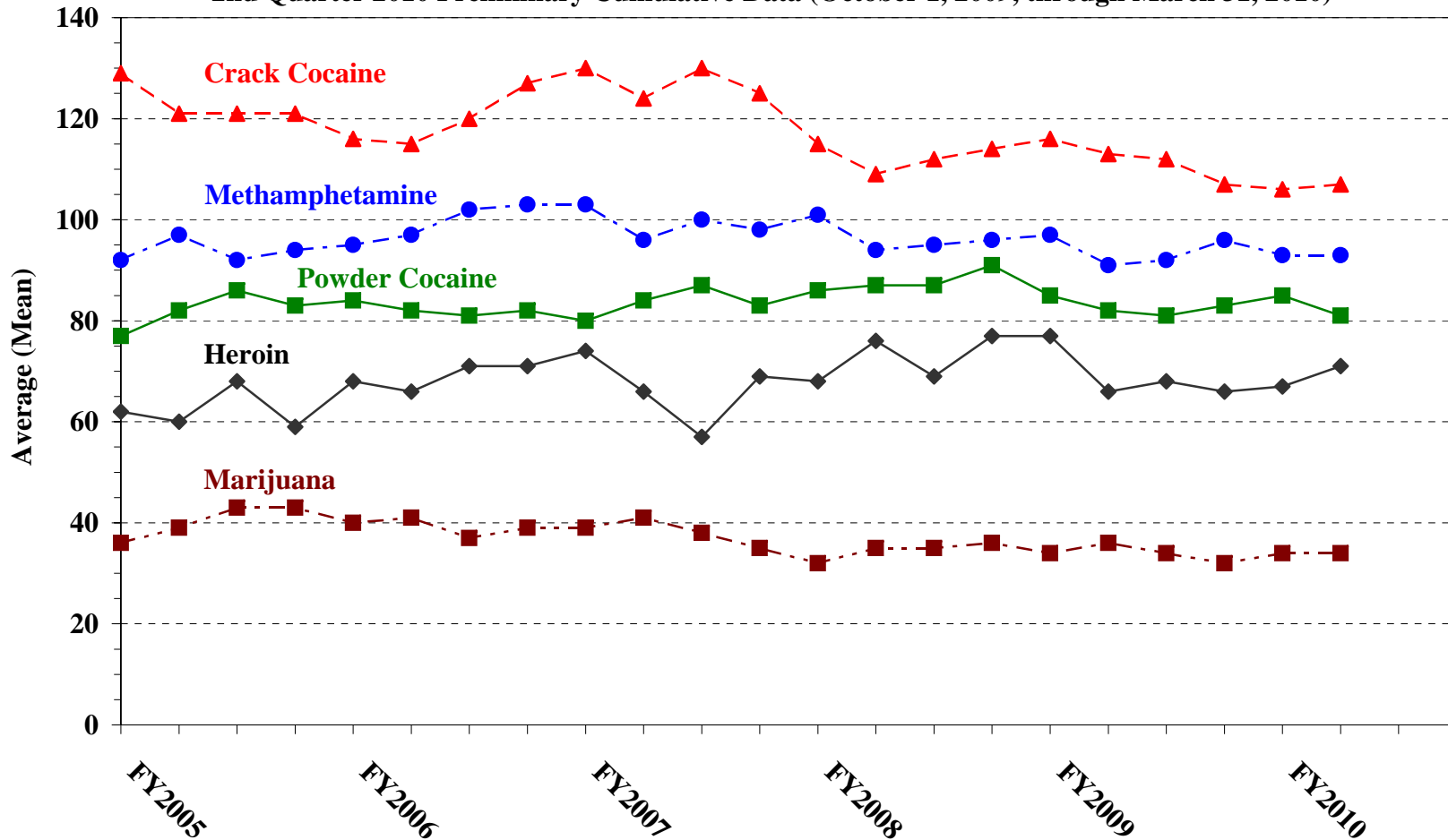


¹Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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 - 2009,
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)



¹Only 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.

SOURCE: U.S. Sentencing Commission, 2005 - 2009 Datafiles, USSCFY05 - USSCFY09, and Preliminary Data from USSCFY10 (October 1, 2009, through March 31, 2010).

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

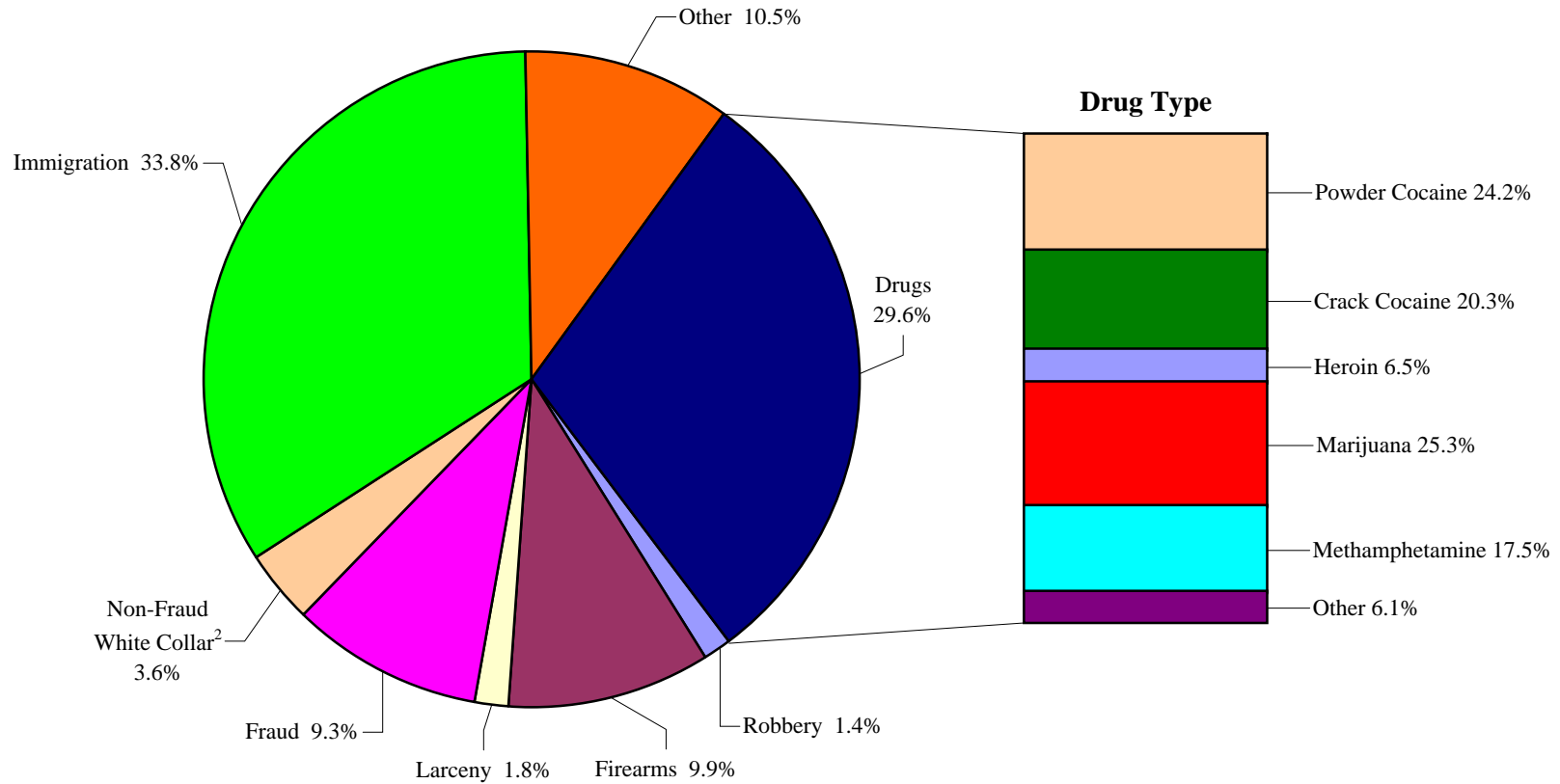
PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	17,468	8,850	50.7	3,342	19.1	1,683	9.6	1,618	9.3	1,975	11.3
Murder	11	5	45.5	2	18.2	0	0.0	4	36.4	0	0.0
Manslaughter	19	7	36.8	1	5.3	5	26.3	0	0.0	6	31.6
Kidnapping/Hostage Taking	4	3	75.0	0	0.0	0	0.0	0	0.0	1	25.0
Sexual Abuse	116	47	40.5	24	20.7	12	10.3	8	6.9	25	21.6
Assault	148	58	39.2	15	10.1	21	14.2	24	16.2	30	20.3
Robbery	292	139	47.6	56	19.2	23	7.9	27	9.2	47	16.1
Arson	12	4	33.3	2	16.7	1	8.3	1	8.3	4	33.3
Drugs - Trafficking	4,546	3,071	67.6	682	15.0	349	7.7	188	4.1	256	5.6
Drugs - Communication Facility	60	40	66.7	6	10.0	3	5.0	1	1.7	10	16.7
Drugs - Simple Possession	72	56	77.8	6	8.3	5	6.9	1	1.4	4	5.6
Firearms	2,034	1,078	53.0	289	14.2	198	9.7	166	8.2	303	14.9
Burglary/B&E	9	2	22.2	0	0.0	4	44.4	2	22.2	1	11.1
Auto Theft	29	15	51.7	6	20.7	1	3.4	1	3.4	6	20.7
Larceny	353	254	72.0	38	10.8	24	6.8	9	2.5	28	7.9
Fraud	1,589	892	56.1	240	15.1	139	8.7	125	7.9	193	12.1
Embezzlement	127	89	70.1	16	12.6	3	2.4	7	5.5	12	9.4
Forgery/Counterfeiting	268	123	45.9	36	13.4	29	10.8	29	10.8	51	19.0
Bribery	36	23	63.9	7	19.4	2	5.6	0	0.0	4	11.1
Tax	97	56	57.7	18	18.6	3	3.1	3	3.1	17	17.5
Money Laundering	130	85	65.4	19	14.6	12	9.2	3	2.3	11	8.5
Racketeering/Extortion	97	60	61.9	17	17.5	3	3.1	6	6.2	11	11.3
Gambling/Lottery	8	6	75.0	1	12.5	0	0.0	0	0.0	1	12.5
Civil Rights	11	6	54.5	1	9.1	1	9.1	1	9.1	2	18.2
Immigration	6,256	2,018	32.3	1,729	27.6	761	12.2	943	15.1	805	12.9
Pornography/Prostitution	362	223	61.6	45	12.4	23	6.4	30	8.3	41	11.3
Prison Offenses	145	69	47.6	24	16.6	23	15.9	7	4.8	22	15.2
Administration of Justice Offenses	221	139	62.9	21	9.5	13	5.9	14	6.3	34	15.4
Environmental/Wildlife	26	19	73.1	3	11.5	1	3.8	2	7.7	1	3.8
National Defense	13	11	84.6	1	7.7	0	0.0	0	0.0	1	7.7
Antitrust	2	1	50.0	0	0.0	1	50.0	0	0.0	0	0.0
Food & Drug	21	19	90.5	0	0.0	1	4.8	1	4.8	0	0.0
Other Miscellaneous Offenses	354	232	65.5	37	10.5	22	6.2	15	4.2	48	13.6

¹Of the 40,057 cases, 21,462 were sentenced within the applicable guideline range. Of those, 18,723 had complete guideline application information. An additional 1,255 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, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

Figure J

DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)



¹Of the 40,057 guideline cases, 12,140 were drug cases. Of these, 408 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.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

PRIMARY OFFENSE	N	%
TOTAL	40,057	100.0
Murder	34	0.1
Manslaughter	37	0.1
Kidnapping/Hostage Taking	18	0.0
Sexual Abuse	225	0.6
Assault	307	0.8
Robbery	554	1.4
Arson	31	0.1
Drugs - Trafficking	11,551	28.8
Drugs - Communication Facility	246	0.6
Drugs - Simple Possession	343	0.9
Firearms	3,945	9.8
Burglary/B&E	19	0.0
Auto Theft	48	0.1
Larceny	722	1.8
Fraud	3,703	9.2
Embezzlement	201	0.5
Forgery/Counterfeiting	429	1.1
Bribery	111	0.3
Tax	291	0.7
Money Laundering	398	1.0
Racketeering/Extortion	345	0.9
Gambling/Lottery	24	0.1
Civil Rights	29	0.1
Immigration	13,404	33.5
Pornography/Prostitution	1,015	2.5
Prison Offenses	210	0.5
Administration of Justice Offenses	482	1.2
Environmental/Wildlife	65	0.2
National Defense	33	0.1
Antitrust	8	0.0
Food & Drug	44	0.1
Other Miscellaneous Offenses	1,185	3.0

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

Table 22

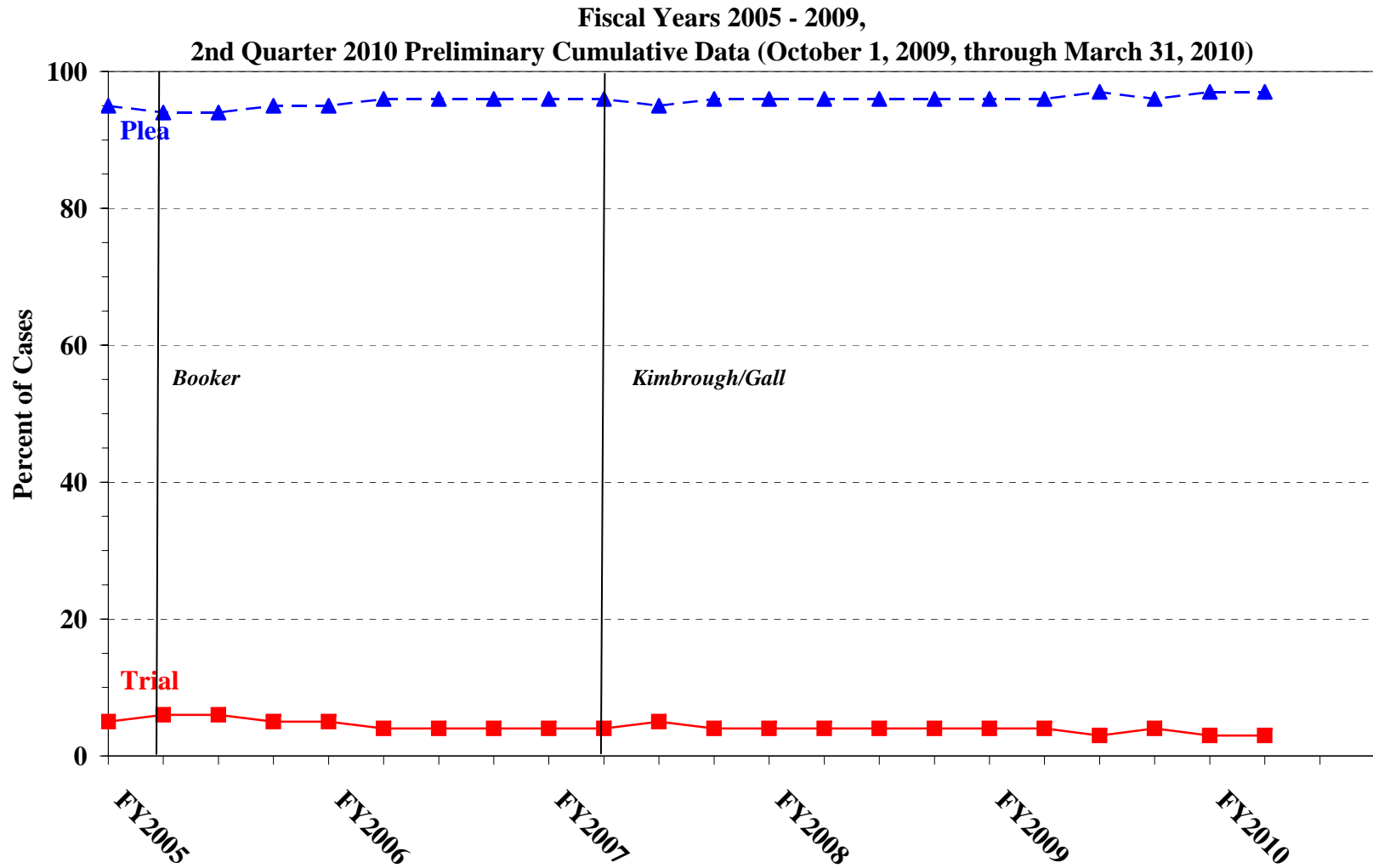
GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	40,056	38,732	96.7	1,324	3.3
Murder	34	22	64.7	12	35.3
Manslaughter	37	35	94.6	2	5.4
Kidnapping/Hostage Taking	18	17	94.4	1	5.6
Sexual Abuse	225	204	90.7	21	9.3
Assault	307	273	88.9	34	11.1
Robbery	554	533	96.2	21	3.8
Arson	31	26	83.9	5	16.1
Drugs - Trafficking	11,551	11,113	96.2	438	3.8
Drugs - Communication Facility	246	245	99.6	1	0.4
Drugs - Simple Possession	343	331	96.5	12	3.5
Firearms	3,945	3,686	93.4	259	6.6
Burglary/B&E	19	19	100.0	0	0.0
Auto Theft	48	48	100.0	0	0.0
Larceny	722	703	97.4	19	2.6
Fraud	3,703	3,524	95.2	179	4.8
Embezzlement	201	190	94.5	11	5.5
Forgery/Counterfeiting	429	429	100.0	0	0.0
Bribery	111	101	91.0	10	9.0
Tax	291	266	91.4	25	8.6
Money Laundering	398	372	93.5	26	6.5
Racketeering/Extortion	345	322	93.3	23	6.7
Gambling/Lottery	24	24	100.0	0	0.0
Civil Rights	29	27	93.1	2	6.9
Immigration	13,404	13,316	99.3	88	0.7
Pornography/Prostitution	1,015	974	96.0	41	4.0
Prison Offenses	210	207	98.6	3	1.4
Administration of Justice Offenses	482	457	94.8	25	5.2
Environmental/Wildlife	65	60	92.3	5	7.7
National Defense	33	28	84.8	5	15.2
Antitrust	8	7	87.5	1	12.5
Food & Drug	44	40	90.9	4	9.1
Other Miscellaneous Offenses	1,184	1,133	95.7	51	4.3

¹Of the 40,057 cases, one was 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



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	36,569	9,992	27.3	7,727	21.1	17,488	47.8	1,362	3.7
Murder	34	11	32.4	3	8.8	3	8.8	17	50.0
Manslaughter	37	1	2.7	2	5.4	5	13.5	29	78.4
Kidnapping/Hostage Taking	18	3	16.7	4	22.2	11	61.1	0	0.0
Sexual Abuse	224	107	47.8	20	8.9	18	8.0	79	35.3
Assault	276	72	26.1	49	17.8	41	14.9	114	41.3
Robbery	552	251	45.5	211	38.2	69	12.5	21	3.8
Arson	31	20	64.5	4	12.9	3	9.7	4	12.9
Drugs - Trafficking	11,493	3,008	26.2	3,081	26.8	5,009	43.6	395	3.4
Drugs - Communication Facility	242	50	20.7	93	38.4	89	36.8	10	4.1
Drugs - Simple Possession	118	61	51.7	24	20.3	27	22.9	6	5.1
Firearms	3,915	1,109	28.3	2,007	51.3	678	17.3	121	3.1
Burglary/B&E	19	2	10.5	3	15.8	2	10.5	12	63.2
Auto Theft	48	19	39.6	9	18.8	20	41.7	0	0.0
Larceny	593	290	48.9	192	32.4	66	11.1	45	7.6
Fraud	3,295	1,503	45.6	1,068	32.4	557	16.9	167	5.1
Embezzlement	191	115	60.2	40	20.9	16	8.4	20	10.5
Forgery/Counterfeiting	425	200	47.1	152	35.8	62	14.6	11	2.6
Bribery	110	54	49.1	29	26.4	19	17.3	8	7.3
Tax	289	201	69.6	35	12.1	25	8.7	28	9.7
Money Laundering	387	141	36.4	53	13.7	156	40.3	37	9.6
Racketeering/Extortion	338	123	36.4	89	26.3	107	31.7	19	5.6
Gambling/Lottery	23	16	69.6	1	4.3	3	13.0	3	13.0
Civil Rights	27	17	63.0	2	7.4	8	29.6	0	0.0
Immigration	11,487	1,109	9.7	181	1.6	10,120	88.1	77	0.7
Pornography/Prostitution	1,009	869	86.1	46	4.6	75	7.4	19	1.9
Prison Offenses	198	50	25.3	59	29.8	68	34.3	21	10.6
Administration of Justice Offenses	462	185	40.0	124	26.8	126	27.3	27	5.8
Environmental/Wildlife	50	35	70.0	2	4.0	5	10.0	8	16.0
National Defense	32	8	25.0	4	12.5	15	46.9	5	15.6
Antitrust	7	7	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	36	24	66.7	1	2.8	5	13.9	6	16.7
Other Miscellaneous Offenses	603	331	54.9	139	23.1	80	13.3	53	8.8

¹Of the 40,057 cases, 3,488 were excluded due to missing race. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	38,900	33,954	87.3	4,946	12.7
Murder	34	30	88.2	4	11.8
Manslaughter	37	28	75.7	9	24.3
Kidnapping/Hostage Taking	18	15	83.3	3	16.7
Sexual Abuse	225	222	98.7	3	1.3
Assault	295	264	89.5	31	10.5
Robbery	553	508	91.9	45	8.1
Arson	31	29	93.5	2	6.5
Drugs - Trafficking	11,539	10,080	87.4	1,459	12.6
Drugs - Communication Facility	246	217	88.2	29	11.8
Drugs - Simple Possession	268	216	80.6	52	19.4
Firearms	3,942	3,820	96.9	122	3.1
Burglary/B&E	19	19	100.0	0	0.0
Auto Theft	48	45	93.8	3	6.3
Larceny	653	402	61.6	251	38.4
Fraud	3,677	2,526	68.7	1,151	31.3
Embezzlement	200	86	43.0	114	57.0
Forgery/Counterfeiting	428	319	74.5	109	25.5
Bribery	111	84	75.7	27	24.3
Tax	290	241	83.1	49	16.9
Money Laundering	396	294	74.2	102	25.8
Racketeering/Extortion	345	310	89.9	35	10.1
Gambling/Lottery	23	18	78.3	5	21.7
Civil Rights	29	27	93.1	2	6.9
Immigration	12,634	11,739	92.9	895	7.1
Pornography/Prostitution	1,014	994	98.0	20	2.0
Prison Offenses	210	185	88.1	25	11.9
Administration of Justice Offenses	477	337	70.6	140	29.4
Environmental/Wildlife	62	61	98.4	1	1.6
National Defense	33	31	93.9	2	6.1
Antitrust	8	8	100.0	0	0.0
Food & Drug	38	25	65.8	13	34.2
Other Miscellaneous Offenses	1,017	774	76.1	243	23.9

¹Of the 40,057 cases, 1,157 were excluded due to missing information on gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	8,275	100.0	6,709	100.0	16,031	100.0	1,117	100.0
Under 21	213	2.6	226	3.4	607	3.8	42	3.8
21 - 25	909	11.0	1,154	17.2	2,706	16.9	176	15.8
26 - 30	1,179	14.2	1,556	23.2	3,462	21.6	222	19.9
31 - 35	1,213	14.7	1,267	18.9	3,279	20.5	173	15.5
36 - 40	1,139	13.8	1,046	15.6	2,508	15.6	151	13.5
41 - 50	1,909	23.1	1,004	15.0	2,581	16.1	232	20.8
Over 50	1,713	20.7	456	6.8	888	5.5	121	10.8
Females	1,713	100.0	1,017	100.0	1,438	100.0	242	100.0
Under 21	56	3.3	22	2.2	78	5.4	8	3.3
21 - 25	220	12.8	166	16.3	240	16.7	30	12.4
26 - 30	285	16.6	182	17.9	289	20.1	39	16.1
31 - 35	224	13.1	179	17.6	257	17.9	36	14.9
36 - 40	242	14.1	143	14.1	198	13.8	34	14.0
41 - 50	394	23.0	219	21.5	255	17.7	61	25.2
Over 50	292	17.0	106	10.4	121	8.4	34	14.0

¹Of the 40,057 cases, 3,515 were excluded due to one or more of the following reasons: missing race (3,488), missing gender (1,157), or missing age (189). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2010 Datafile, USSCFY10 (October 1, 2009, through March 31, 2010).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	38,925	20,893	53.7	18,032	46.3
Murder	34	29	85.3	5	14.7
Manslaughter	37	36	97.3	1	2.7
Kidnapping/Hostage Taking	18	11	61.1	7	38.9
Sexual Abuse	224	219	97.8	5	2.2
Assault	282	255	90.4	27	9.6
Robbery	552	539	97.6	13	2.4
Arson	31	28	90.3	3	9.7
Drugs - Trafficking	11,514	8,004	69.5	3,510	30.5
Drugs - Communication Facility	243	199	81.9	44	18.1
Drugs - Simple Possession	215	130	60.5	85	39.5
Firearms	3,929	3,594	91.5	335	8.5
Burglary/B&E	19	18	94.7	1	5.3
Auto Theft	48	37	77.1	11	22.9
Larceny	608	566	93.1	42	6.9
Fraud	3,626	2,750	75.8	876	24.2
Embezzlement	196	193	98.5	3	1.5
Forgery/Counterfeiting	425	385	90.6	40	9.4
Bribery	110	99	90.0	11	10.0
Tax	289	271	93.8	18	6.2
Money Laundering	392	254	64.8	138	35.2
Racketeering/Extortion	338	294	87.0	44	13.0
Gambling/Lottery	23	21	91.3	2	8.7
Civil Rights	28	28	100.0	0	0.0
Immigration	13,284	743	5.6	12,541	94.4
Pornography/Prostitution	1,013	970	95.8	43	4.2
Prison Offenses	205	175	85.4	30	14.6
Administration of Justice Offenses	467	366	78.4	101	21.6
Environmental/Wildlife	50	40	80.0	10	20.0
National Defense	33	14	42.4	19	57.6
Antitrust	7	7	100.0	0	0.0
Food & Drug	37	30	81.1	7	18.9
Other Miscellaneous Offenses	648	588	90.7	60	9.3

¹Of the 40,057 cases, 1,132 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
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 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	40,057	185,097	40,056	39,210	29,073	10,737	39,963	36,795	3,262
D.C. CIRCUIT	181	886	181	179	166	13	180	180	1
District of Columbia	181	886	181	179	166	13	180	180	1
FIRST CIRCUIT	893	4,153	893	886	622	258	890	862	31
Maine	94	430	94	94	54	40	94	94	0
Massachusetts	216	961	216	212	107	106	215	211	5
New Hampshire	127	621	127	127	114	13	127	126	1
Puerto Rico	379	1,794	379	376	307	70	378	354	25
Rhode Island	77	347	77	77	40	29	76	77	0
SECOND CIRCUIT	2,014	9,465	2,014	2,008	1,503	500	2,007	1,933	81
Connecticut	174	857	174	173	163	11	173	174	0
New York									
Eastern	583	2,825	583	583	495	85	583	581	2
Northern	215	952	215	212	120	93	215	190	25
Southern	603	2,707	603	602	307	291	598	597	6
Western	351	1,690	351	351	334	16	350	304	47
Vermont	88	434	88	87	84	4	88	87	1
THIRD CIRCUIT	1,431	6,789	1,431	1,428	1,105	307	1,422	1,403	28
Delaware	63	310	63	63	58	5	63	63	0
New Jersey	408	2,001	408	408	374	30	405	406	2
Pennsylvania									
Eastern	443	2,068	443	442	300	142	443	440	3
Middle	231	1,124	231	231	202	28	231	229	2
Western	245	1,100	245	245	144	91	240	226	19
Virgin Islands	41	186	41	39	27	11	40	39	2
FOURTH CIRCUIT	3,253	14,789	3,253	3,152	2,257	965	3,243	2,884	369
Maryland	404	1,901	404	376	341	61	403	377	27
North Carolina									
Eastern	424	1,934	424	402	296	124	424	388	36
Middle	272	1,337	272	272	249	23	272	272	0
Western	219	1,025	219	219	149	67	219	219	0
South Carolina	511	2,347	511	509	306	203	511	510	1
Virginia									
Eastern	953	3,951	953	906	494	440	945	653	300
Western	186	899	186	185	159	26	185	184	2
West Virginia									
Northern	158	776	158	157	148	10	158	155	3
Southern	126	619	126	126	115	11	126	126	0

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
FIFTH CIRCUIT	9,855	43,552	9,855	9,564	5,476	4,311	9,843	8,814	1,041
Louisiana									
Eastern	242	1,143	242	242	177	65	240	242	0
Middle	98	466	98	98	74	24	98	98	0
Western	157	748	157	155	123	34	157	156	1
Mississippi									
Northern	91	442	91	91	80	10	91	89	2
Southern	122	600	122	122	112	10	122	122	0
Texas									
Eastern	414	2,044	414	413	390	23	414	413	1
Northern	488	2,309	488	486	361	127	487	487	1
Southern	4,060	18,863	4,060	4,060	2,695	1,355	4,055	3,993	67
Western	4,183	16,937	4,183	3,897	1,464	2,663	4,179	3,214	969
SIXTH CIRCUIT	2,736	12,916	2,736	2,711	2,153	559	2,727	2,589	147
Kentucky									
Eastern	327	1,590	327	327	299	27	327	310	17
Western	241	1,094	241	241	187	54	240	185	56
Michigan									
Eastern	336	1,656	336	336	313	21	336	335	1
Western	284	1,271	284	283	166	116	283	255	29
Ohio									
Northern	292	1,327	292	288	164	128	292	291	1
Southern	349	1,711	349	348	324	20	348	342	7
Tennessee									
Eastern	399	1,890	399	394	308	90	395	394	5
Middle	155	694	155	144	97	45	154	144	11
Western	353	1,683	353	350	295	58	352	333	20
SEVENTH CIRCUIT	1,518	7,275	1,518	1,507	1,225	289	1,515	1,510	8
Illinois									
Central	176	803	176	175	101	74	176	175	1
Northern	435	2,045	435	432	310	123	433	435	0
Southern	129	600	129	129	88	41	129	125	4
Indiana									
Northern	217	1,066	217	212	205	11	217	215	2
Southern	197	964	197	197	176	21	197	197	0
Wisconsin									
Eastern	266	1,314	266	264	253	13	266	265	1
Western	98	483	98	98	92	6	97	98	0
EIGHTH CIRCUIT	2,414	11,589	2,414	2,404	1,967	439	2,399	2,405	9
Arkansas									
Eastern	193	910	193	192	140	52	192	193	0
Western	123	602	123	123	111	12	123	122	1
Iowa									
Northern	168	780	168	168	108	60	168	168	0
Southern	220	1,026	220	220	150	68	219	217	3
Minnesota	253	1,253	253	253	242	11	253	252	1
Missouri									
Eastern	495	2,446	495	495	477	14	485	494	1
Western	317	1,473	317	310	213	104	316	317	0
Nebraska	332	1,609	332	331	285	47	332	329	3
North Dakota	109	489	109	108	55	53	108	109	0
South Dakota	204	1,001	204	204	186	18	203	204	0

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	8,780	41,559	8,779	8,466	7,970	784	8,763	7,581	1,199
Alaska	53	245	53	53	34	19	53	52	1
Arizona	2,876	13,499	2,876	2,604	2,682	189	2,869	2,468	408
California									
Central	1,091	5,276	1,090	1,081	968	118	1,091	1,046	45
Eastern	489	2,400	489	487	447	40	489	488	1
Northern	421	1,984	421	405	354	63	417	387	34
Southern	2,215	10,353	2,215	2,211	2,102	112	2,214	1,611	604
Guam	32	153	32	31	28	4	32	30	2
Hawaii	85	389	85	85	50	35	85	84	1
Idaho	127	618	127	127	111	16	127	126	1
Montana	195	899	195	194	121	68	194	195	0
Nevada	300	1,436	300	299	241	58	299	297	3
Northern Mariana Islands	12	58	12	12	10	1	12	12	0
Oregon	298	1,454	298	291	283	15	298	284	14
Washington									
Eastern	143	686	143	143	119	24	143	138	5
Western	443	2,109	443	443	420	22	440	363	80
TENTH CIRCUIT	3,310	15,339	3,310	3,294	2,252	1,042	3,307	3,176	134
Colorado	290	1,430	290	285	283	7	290	282	8
Kansas	387	1,856	387	377	336	51	387	369	18
New Mexico	1,771	8,106	1,771	1,770	1,029	739	1,770	1,766	5
Oklahoma									
Eastern	55	252	55	55	32	23	55	55	0
Northern	77	349	77	77	42	35	76	77	0
Western	201	827	201	201	92	97	201	132	69
Utah	339	1,639	339	339	310	28	339	312	27
Wyoming	190	880	190	190	128	62	189	183	7
ELEVENTH CIRCUIT	3,672	16,785	3,672	3,611	2,377	1,270	3,667	3,458	214
Alabama									
Middle	125	603	125	125	103	22	125	125	0
Northern	219	1,028	219	218	159	57	219	213	6
Southern	162	793	162	162	145	17	162	162	0
Florida									
Middle	899	4,161	899	897	569	330	898	898	1
Northern	175	820	175	174	124	50	175	172	3
Southern	1,091	4,915	1,091	1,049	623	457	1,090	1,062	29
Georgia									
Middle	239	1,029	239	239	128	108	238	185	54
Northern	380	1,736	380	365	249	127	378	364	16
Southern	382	1,700	382	382	277	102	382	277	105

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

²The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 100 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
IN EACH CIRCUIT AND DISTRICT
2nd Quarter 2010 Preliminary Cumulative Data (October 1, 2009, through March 31, 2010)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	40,057	35,096	87.6	4,165	10.4	796	2.0
D.C. CIRCUIT	181	181	100.0	0	0.0	0	0.0
District of Columbia	181	181	100.0	0	0.0	0	0.0
FIRST CIRCUIT	893	886	99.2	0	0.0	7	0.8
Maine	94	94	100.0	0	0.0	0	0.0
Massachusetts	216	212	98.1	0	0.0	4	1.9
New Hampshire	127	127	100.0	0	0.0	0	0.0
Puerto Rico	379	376	99.2	0	0.0	3	0.8
Rhode Island	77	77	100.0	0	0.0	0	0.0
SECOND CIRCUIT	2,014	1,968	97.7	41	2.0	5	0.2
Connecticut	174	174	100.0	0	0.0	0	0.0
New York							
Eastern	583	544	93.3	39	6.7	0	0.0
Northern	215	212	98.6	0	0.0	3	1.4
Southern	603	601	99.7	1	0.2	1	0.2
Western	351	351	100.0	0	0.0	0	0.0
Vermont	88	86	97.7	1	1.1	1	1.1
THIRD CIRCUIT	1,431	1,016	71.0	412	28.8	3	0.2
Delaware	63	63	100.0	0	0.0	0	0.0
New Jersey	408	16	3.9	392	96.1	0	0.0
Pennsylvania							
Eastern	443	442	99.8	0	0.0	1	0.2
Middle	231	231	100.0	0	0.0	0	0.0
Western	245	243	99.2	2	0.8	0	0.0
Virgin Islands	41	21	51.2	18	43.9	2	4.9
FOURTH CIRCUIT	3,253	3,112	95.7	45	1.4	96	3.0
Maryland	404	380	94.1	1	0.2	23	5.7
North Carolina							
Eastern	424	402	94.8	0	0.0	22	5.2
Middle	272	272	100.0	0	0.0	0	0.0
Western	219	219	100.0	0	0.0	0	0.0
South Carolina	511	509	99.6	0	0.0	2	0.4
Virginia							
Eastern	953	862	90.5	44	4.6	47	4.9
Western	186	185	99.5	0	0.0	1	0.5
West Virginia							
Northern	158	157	99.4	0	0.0	1	0.6
Southern	126	126	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	9,855	6,361	64.5	3,205	32.5	289	2.9
Louisiana							
Eastern	242	242	100.0	0	0.0	0	0.0
Middle	98	98	100.0	0	0.0	0	0.0
Western	157	138	87.9	17	10.8	2	1.3
Mississippi							
Northern	91	91	100.0	0	0.0	0	0.0
Southern	122	122	100.0	0	0.0	0	0.0
Texas							
Eastern	414	413	99.8	0	0.0	1	0.2
Northern	488	488	100.0	0	0.0	0	0.0
Southern	4,060	4,060	100.0	0	0.0	0	0.0
Western	4,183	709	16.9	3,188	76.2	286	6.8
SIXTH CIRCUIT	2,736	2,617	95.7	95	3.5	24	0.9
Kentucky							
Eastern	327	327	100.0	0	0.0	0	0.0
Western	241	241	100.0	0	0.0	0	0.0
Michigan							
Eastern	336	336	100.0	0	0.0	0	0.0
Western	284	283	99.6	0	0.0	1	0.4
Ohio							
Northern	292	287	98.3	1	0.3	4	1.4
Southern	349	333	95.4	15	4.3	1	0.3
Tennessee							
Eastern	399	394	98.7	0	0.0	5	1.3
Middle	155	100	64.5	44	28.4	11	7.1
Western	353	316	89.5	35	9.9	2	0.6
SEVENTH CIRCUIT	1,518	1,481	97.6	26	1.7	11	0.7
Illinois							
Central	176	175	99.4	0	0.0	1	0.6
Northern	435	432	99.3	0	0.0	3	0.7
Southern	129	129	100.0	0	0.0	0	0.0
Indiana							
Northern	217	211	97.2	1	0.5	5	2.3
Southern	197	197	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	266	239	89.8	25	9.4	2	0.8
Western	98	98	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	2,414	2,394	99.2	10	0.4	10	0.4
Arkansas							
Eastern	193	192	99.5	0	0.0	1	0.5
Western	123	123	100.0	0	0.0	0	0.0
Iowa							
Northern	168	168	100.0	0	0.0	0	0.0
Southern	220	220	100.0	0	0.0	0	0.0
Minnesota	253	243	96.0	10	4.0	0	0.0
Missouri							
Eastern	495	495	100.0	0	0.0	0	0.0
Western	317	310	97.8	0	0.0	7	2.2
Nebraska	332	331	99.7	0	0.0	1	0.3
North Dakota	109	108	99.1	0	0.0	1	0.9
South Dakota	204	204	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
NINTH CIRCUIT	8,780	8,226	93.7	278	3.2	276	3.1
Alaska	53	53	100.0	0	0.0	0	0.0
Arizona	2,876	2,640	91.8	0	0.0	236	8.2
California							
Central	1,091	1,082	99.2	0	0.0	9	0.8
Eastern	489	487	99.6	0	0.0	2	0.4
Northern	421	406	96.4	0	0.0	15	3.6
Southern	2,215	2,211	99.8	0	0.0	4	0.2
Guam	32	31	96.9	0	0.0	1	3.1
Hawaii	85	84	98.8	1	1.2	0	0.0
Idaho	127	127	100.0	0	0.0	0	0.0
Montana	195	194	99.5	0	0.0	1	0.5
Nevada	300	299	99.7	0	0.0	1	0.3
Northern Mariana Islands	12	12	100.0	0	0.0	0	0.0
Oregon	298	14	4.7	277	93.0	7	2.3
Washington							
Eastern	143	143	100.0	0	0.0	0	0.0
Western	443	443	100.0	0	0.0	0	0.0
TENTH CIRCUIT	3,310	3,274	98.9	20	0.6	16	0.5
Colorado	290	285	98.3	0	0.0	5	1.7
Kansas	387	377	97.4	0	0.0	10	2.6
New Mexico	1,771	1,770	99.9	0	0.0	1	0.1
Oklahoma							
Eastern	55	55	100.0	0	0.0	0	0.0
Northern	77	77	100.0	0	0.0	0	0.0
Western	201	201	100.0	0	0.0	0	0.0
Utah	339	319	94.1	20	5.9	0	0.0
Wyoming	190	190	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	3,672	3,580	97.5	33	0.9	59	1.6
Alabama							
Middle	125	125	100.0	0	0.0	0	0.0
Northern	219	218	99.5	0	0.0	1	0.5
Southern	162	162	100.0	0	0.0	0	0.0
Florida							
Middle	899	899	100.0	0	0.0	0	0.0
Northern	175	174	99.4	0	0.0	1	0.6
Southern	1,091	1,049	96.2	0	0.0	42	3.8
Georgia							
Middle	239	234	97.9	5	2.1	0	0.0
Northern	380	337	88.7	28	7.4	15	3.9
Southern	382	382	100.0	0	0.0	0	0.0

¹Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05) 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.

²Cases are included in this category for one or more of the following reasons: one or more of the required pages of Form AO 245B (Revision 06/05) were missing; deletions or substantive changes were made in Form AO 245B (Revision 06/05) 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.

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.

Average Sentence Length

Using sentencing information obtained from the Judgment and Commitment Order, *Average 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 in the average. 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 and 06/05 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 (Both 12/03 and 06/05). 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 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 Offenses 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.

Extortion/Racketeering 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/sex, 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.

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

Administration of Justice 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/Fish And Wildlife includes waste discharge, specially protected fish, wildlife, and plants (waste discharge is presented as a separate offense category in Tables 51 and 52).

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 and 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 FY09 *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 15
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 Tables 1
Table 28 N/A