

**U.S. Sentencing Commission
Preliminary Quarterly Data Report**



**3rd Quarter Release
Preliminary Fiscal Year 2011 Data
Through June 30, 2011**

Introduction

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

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

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

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

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

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

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

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

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*.**

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

⁶ The 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**
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

	N	%
TOTAL CASES	60,830	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	33,004	54.3
CASES SENTENCED ABOVE GUIDELINE RANGE	1,077	1.8
DEPARTURE ABOVE GUIDELINE RANGE	342	0.6
Upward Departure From Guideline Range ²	267	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	75	0.1
OTHERWISE ABOVE GUIDELINE RANGE	735	1.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	671	1.1
All Remaining Cases Above Guideline Range ⁵	64	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	16,275	26.8
§5K1.1 Substantial Assistance Departure	6,974	11.5
§5K3.1 Early Disposition Program Departure	6,666	11.0
Other Government Sponsored Below Range	2,635	4.3
NON-GOVERNMENT SPONSORED BELOW RANGE	10,474	17.2
DEPARTURE BELOW GUIDELINE RANGE	2,098	3.4
Downward Departure From Guideline Range ²	1,437	2.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	661	1.1
OTHERWISE BELOW GUIDELINE RANGE	8,376	13.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	8,006	13.2
All Remaining Cases Below Guideline Range ⁵	370	0.6

¹ This table reflects the 61,781 cases sentenced on or after October 1, 2010, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 24, 2011. Of these, 951 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

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	60,830	33,004	54.3	267	0.4	75	0.1	671	1.1	64	0.1
D.C. CIRCUIT	254	96	37.8	1	0.4	1	0.4	2	0.8	1	0.4
District of Columbia	254	96	37.8	1	0.4	1	0.4	2	0.8	1	0.4
FIRST CIRCUIT	1,522	834	54.8	5	0.3	3	0.2	25	1.6	2	0.1
Maine	164	70	42.7	1	0.6	0	0.0	1	0.6	0	0.0
Massachusetts	425	164	38.6	2	0.5	3	0.7	8	1.9	0	0.0
New Hampshire	158	67	42.4	0	0.0	0	0.0	7	4.4	0	0.0
Puerto Rico	646	471	72.9	2	0.3	0	0.0	9	1.4	2	0.3
Rhode Island	129	62	48.1	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	2,844	1,155	40.6	8	0.3	2	0.1	18	0.6	3	0.1
Connecticut	251	106	42.2	2	0.8	0	0.0	2	0.8	0	0.0
New York											
Eastern	808	246	30.4	0	0.0	1	0.1	11	1.4	1	0.1
Northern	394	211	53.6	2	0.5	1	0.3	0	0.0	1	0.3
Southern	697	252	36.2	0	0.0	0	0.0	4	0.6	0	0.0
Western	582	303	52.1	3	0.5	0	0.0	1	0.2	1	0.2
Vermont	112	37	33.0	1	0.9	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	2,185	993	45.4	7	0.3	2	0.1	22	1.0	4	0.2
Delaware	91	38	41.8	0	0.0	0	0.0	1	1.1	0	0.0
New Jersey	585	271	46.3	1	0.2	1	0.2	3	0.5	0	0.0
Pennsylvania											
Eastern	736	295	40.1	3	0.4	0	0.0	14	1.9	2	0.3
Middle	343	154	44.9	2	0.6	0	0.0	1	0.3	0	0.0
Western	374	196	52.4	0	0.0	0	0.0	1	0.3	1	0.3
Virgin Islands	56	39	69.6	1	1.8	1	1.8	2	3.6	1	1.8
FOURTH CIRCUIT	5,019	3,091	61.6	35	0.7	12	0.2	57	1.1	3	0.1
Maryland	623	272	43.7	7	1.1	4	0.6	7	1.1	0	0.0
North Carolina											
Eastern	604	345	57.1	8	1.3	2	0.3	8	1.3	0	0.0
Middle	403	289	71.7	6	1.5	0	0.0	8	2.0	0	0.0
Western	414	230	55.6	1	0.2	1	0.2	6	1.4	0	0.0
South Carolina	776	455	58.6	5	0.6	0	0.0	5	0.6	2	0.3
Virginia											
Eastern	1,467	1,120	76.3	7	0.5	4	0.3	14	1.0	0	0.0
Western	286	148	51.7	1	0.3	1	0.3	4	1.4	0	0.0
West Virginia											
Northern	228	121	53.1	0	0.0	0	0.0	4	1.8	0	0.0
Southern	218	111	50.9	0	0.0	0	0.0	1	0.5	1	0.5

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	6,974	11.5	6,666	11.0	2,635	4.3	1,437	2.4	661	1.1	8,006	13.2	370	0.6
D.C. CIRCUIT	56	22.0	0	0.0	43	16.9	11	4.3	14	5.5	26	10.2	3	1.2
District of Columbia	56	22.0	0	0.0	43	16.9	11	4.3	14	5.5	26	10.2	3	1.2
FIRST CIRCUIT	200	13.1	10	0.7	132	8.7	37	2.4	13	0.9	245	16.1	16	1.1
Maine	58	35.4	0	0.0	2	1.2	6	3.7	2	1.2	23	14.0	1	0.6
Massachusetts	53	12.5	2	0.5	71	16.7	11	2.6	3	0.7	102	24.0	6	1.4
New Hampshire	27	17.1	0	0.0	23	14.6	2	1.3	4	2.5	28	17.7	0	0.0
Puerto Rico	57	8.8	8	1.2	32	5.0	17	2.6	4	0.6	35	5.4	9	1.4
Rhode Island	5	3.9	0	0.0	4	3.1	1	0.8	0	0.0	57	44.2	0	0.0
SECOND CIRCUIT	542	19.1	0	0.0	87	3.1	84	3.0	103	3.6	814	28.6	28	1.0
Connecticut	44	17.5	0	0.0	5	2.0	17	6.8	9	3.6	65	25.9	1	0.4
New York														
Eastern	165	20.4	0	0.0	28	3.5	23	2.8	43	5.3	280	34.7	10	1.2
Northern	76	19.3	0	0.0	6	1.5	10	2.5	10	2.5	74	18.8	3	0.8
Southern	100	14.3	0	0.0	5	0.7	14	2.0	20	2.9	292	41.9	10	1.4
Western	145	24.9	0	0.0	33	5.7	3	0.5	4	0.7	85	14.6	4	0.7
Vermont	12	10.7	0	0.0	10	8.9	17	15.2	17	15.2	18	16.1	0	0.0
THIRD CIRCUIT	541	24.8	0	0.0	100	4.6	31	1.4	43	2.0	424	19.4	18	0.8
Delaware	14	15.4	0	0.0	10	11.0	0	0.0	0	0.0	26	28.6	2	2.2
New Jersey	160	27.4	0	0.0	22	3.8	8	1.4	6	1.0	111	19.0	2	0.3
Pennsylvania														
Eastern	231	31.4	0	0.0	22	3.0	9	1.2	4	0.5	145	19.7	11	1.5
Middle	66	19.2	0	0.0	39	11.4	9	2.6	9	2.6	63	18.4	0	0.0
Western	63	16.8	0	0.0	6	1.6	4	1.1	24	6.4	77	20.6	2	0.5
Virgin Islands	7	12.5	0	0.0	1	1.8	1	1.8	0	0.0	2	3.6	1	1.8
FOURTH CIRCUIT	772	15.4	0	0.0	172	3.4	75	1.5	42	0.8	738	14.7	22	0.4
Maryland	153	24.6	0	0.0	52	8.3	13	2.1	16	2.6	93	14.9	6	1.0
North Carolina														
Eastern	191	31.6	0	0.0	2	0.3	3	0.5	3	0.5	41	6.8	1	0.2
Middle	44	10.9	0	0.0	1	0.2	4	1.0	1	0.2	50	12.4	0	0.0
Western	92	22.2	0	0.0	22	5.3	5	1.2	3	0.7	53	12.8	1	0.2
South Carolina	134	17.3	0	0.0	19	2.4	10	1.3	5	0.6	137	17.7	4	0.5
Virginia														
Eastern	51	3.5	0	0.0	27	1.8	34	2.3	11	0.7	191	13.0	8	0.5
Western	61	21.3	0	0.0	18	6.3	3	1.0	1	0.3	48	16.8	1	0.3
West Virginia														
Northern	21	9.2	0	0.0	30	13.2	0	0.0	1	0.4	51	22.4	0	0.0
Southern	25	11.5	0	0.0	1	0.5	3	1.4	1	0.5	74	33.9	1	0.5

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	14,249	10,079	70.7	75	0.5	15	0.1	218	1.5	16	0.1
Louisiana											
Eastern	275	188	68.4	5	1.8	3	1.1	6	2.2	1	0.4
Middle	101	50	49.5	3	3.0	2	2.0	5	5.0	0	0.0
Western	221	159	71.9	3	1.4	1	0.5	11	5.0	1	0.5
Mississippi											
Northern	122	78	63.9	0	0.0	0	0.0	5	4.1	0	0.0
Southern	219	180	82.2	1	0.5	0	0.0	1	0.5	0	0.0
Texas											
Eastern	744	519	69.8	3	0.4	0	0.0	5	0.7	1	0.1
Northern	689	426	61.8	9	1.3	5	0.7	45	6.5	0	0.0
Southern	6,262	4,177	66.7	44	0.7	2	0.0	42	0.7	0	0.0
Western	5,616	4,302	76.6	7	0.1	2	0.0	98	1.7	13	0.2
SIXTH CIRCUIT	4,142	2,094	50.6	17	0.4	2	0.0	52	1.3	5	0.1
Kentucky											
Eastern	462	219	47.4	0	0.0	0	0.0	9	1.9	0	0.0
Western	293	148	50.5	0	0.0	0	0.0	1	0.3	1	0.3
Michigan											
Eastern	605	306	50.6	1	0.2	1	0.2	3	0.5	1	0.2
Western	373	259	69.4	3	0.8	0	0.0	7	1.9	2	0.5
Ohio											
Northern	444	202	45.5	1	0.2	0	0.0	5	1.1	0	0.0
Southern	556	191	34.4	3	0.5	1	0.2	6	1.1	1	0.2
Tennessee											
Eastern	720	427	59.3	3	0.4	0	0.0	6	0.8	0	0.0
Middle	230	97	42.2	2	0.9	0	0.0	3	1.3	0	0.0
Western	459	245	53.4	4	0.9	0	0.0	12	2.6	0	0.0
SEVENTH CIRCUIT	2,222	1,083	48.7	9	0.4	4	0.2	38	1.7	1	0.0
Illinois											
Central	274	149	54.4	2	0.7	0	0.0	2	0.7	0	0.0
Northern	670	306	45.7	0	0.0	0	0.0	6	0.9	0	0.0
Southern	214	167	78.0	2	0.9	1	0.5	2	0.9	0	0.0
Indiana											
Northern	355	203	57.2	1	0.3	2	0.6	7	2.0	1	0.3
Southern	201	105	52.2	2	1.0	0	0.0	17	8.5	0	0.0
Wisconsin											
Eastern	370	95	25.7	0	0.0	0	0.0	3	0.8	0	0.0
Western	138	58	42.0	2	1.4	1	0.7	1	0.7	0	0.0
EIGHTH CIRCUIT	3,552	1,929	54.3	27	0.8	11	0.3	57	1.6	3	0.1
Arkansas											
Eastern	233	142	60.9	2	0.9	1	0.4	8	3.4	0	0.0
Western	238	185	77.7	1	0.4	0	0.0	0	0.0	0	0.0
Iowa											
Northern	387	237	61.2	9	2.3	3	0.8	13	3.4	0	0.0
Southern	282	105	37.2	1	0.4	0	0.0	4	1.4	0	0.0
Minnesota	313	89	28.4	1	0.3	3	1.0	1	0.3	0	0.0
Missouri											
Eastern	628	316	50.3	2	0.3	1	0.2	9	1.4	2	0.3
Western	527	296	56.2	2	0.4	1	0.2	13	2.5	1	0.2
Nebraska	431	252	58.5	5	1.2	0	0.0	2	0.5	0	0.0
North Dakota	195	100	51.3	0	0.0	2	1.0	5	2.6	0	0.0
South Dakota	318	207	65.1	4	1.3	0	0.0	2	0.6	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,023	7.2	610	4.3	259	1.8	542	3.8	39	0.3	1,286	9.0	87	0.6
Louisiana														
Eastern	34	12.4	0	0.0	5	1.8	3	1.1	5	1.8	23	8.4	2	0.7
Middle	25	24.8	0	0.0	2	2.0	0	0.0	1	1.0	13	12.9	0	0.0
Western	23	10.4	0	0.0	1	0.5	1	0.5	0	0.0	20	9.0	1	0.5
Mississippi														
Northern	24	19.7	0	0.0	2	1.6	0	0.0	0	0.0	12	9.8	1	0.8
Southern	12	5.5	0	0.0	0	0.0	3	1.4	0	0.0	16	7.3	6	2.7
Texas														
Eastern	71	9.5	0	0.0	74	9.9	23	3.1	6	0.8	41	5.5	1	0.1
Northern	85	12.3	0	0.0	14	2.0	2	0.3	1	0.1	101	14.7	1	0.1
Southern	307	4.9	602	9.6	86	1.4	384	6.1	13	0.2	597	9.5	8	0.1
Western	442	7.9	8	0.1	75	1.3	126	2.2	13	0.2	463	8.2	67	1.2
SIXTH CIRCUIT	978	23.6	1	0.0	164	4.0	103	2.5	84	2.0	609	14.7	33	0.8
Kentucky														
Eastern	174	37.7	0	0.0	7	1.5	0	0.0	3	0.6	49	10.6	1	0.2
Western	73	24.9	0	0.0	28	9.6	11	3.8	3	1.0	28	9.6	0	0.0
Michigan														
Eastern	115	19.0	1	0.2	17	2.8	15	2.5	11	1.8	130	21.5	4	0.7
Western	40	10.7	0	0.0	2	0.5	8	2.1	6	1.6	44	11.8	2	0.5
Ohio														
Northern	119	26.8	0	0.0	14	3.2	13	2.9	5	1.1	79	17.8	6	1.4
Southern	163	29.3	0	0.0	36	6.5	28	5.0	36	6.5	80	14.4	11	2.0
Tennessee														
Eastern	185	25.7	0	0.0	11	1.5	9	1.3	3	0.4	70	9.7	6	0.8
Middle	33	14.3	0	0.0	34	14.8	11	4.8	3	1.3	47	20.4	0	0.0
Western	76	16.6	0	0.0	15	3.3	8	1.7	14	3.1	82	17.9	3	0.7
SEVENTH CIRCUIT	382	17.2	1	0.0	96	4.3	52	2.3	77	3.5	456	20.5	23	1.0
Illinois														
Central	44	16.1	0	0.0	9	3.3	1	0.4	3	1.1	63	23.0	1	0.4
Northern	92	13.7	0	0.0	12	1.8	15	2.2	56	8.4	175	26.1	8	1.2
Southern	12	5.6	0	0.0	8	3.7	3	1.4	3	1.4	14	6.5	2	0.9
Indiana														
Northern	86	24.2	0	0.0	16	4.5	12	3.4	4	1.1	23	6.5	0	0.0
Southern	22	10.9	0	0.0	13	6.5	4	2.0	0	0.0	38	18.9	0	0.0
Wisconsin														
Eastern	115	31.1	0	0.0	38	10.3	2	0.5	0	0.0	105	28.4	12	3.2
Western	11	8.0	1	0.7	0	0.0	15	10.9	11	8.0	38	27.5	0	0.0
EIGHTH CIRCUIT	513	14.4	33	0.9	153	4.3	78	2.2	42	1.2	689	19.4	17	0.5
Arkansas														
Eastern	24	10.3	0	0.0	10	4.3	4	1.7	4	1.7	35	15.0	3	1.3
Western	30	12.6	0	0.0	1	0.4	0	0.0	1	0.4	19	8.0	1	0.4
Iowa														
Northern	82	21.2	0	0.0	3	0.8	2	0.5	0	0.0	38	9.8	0	0.0
Southern	60	21.3	0	0.0	32	11.3	1	0.4	1	0.4	77	27.3	1	0.4
Minnesota	69	22.0	1	0.3	4	1.3	10	3.2	7	2.2	128	40.9	0	0.0
Missouri														
Eastern	82	13.1	0	0.0	39	6.2	7	1.1	13	2.1	155	24.7	2	0.3
Western	97	18.4	0	0.0	19	3.6	9	1.7	5	0.9	82	15.6	2	0.4
Nebraska	10	2.3	32	7.4	29	6.7	6	1.4	4	0.9	85	19.7	6	1.4
North Dakota	51	26.2	0	0.0	9	4.6	11	5.6	1	0.5	15	7.7	1	0.5
South Dakota	8	2.5	0	0.0	7	2.2	28	8.8	6	1.9	55	17.3	1	0.3

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	14,717	5,541	37.7	51	0.3	17	0.1	66	0.4	16	0.1
Alaska	99	45	45.5	1	1.0	2	2.0	0	0.0	0	0.0
Arizona	6,103	2,467	40.4	30	0.5	2	0.0	11	0.2	4	0.1
California											
Central	1,367	430	31.5	4	0.3	8	0.6	6	0.4	2	0.1
Eastern	755	283	37.5	3	0.4	0	0.0	4	0.5	2	0.3
Northern	588	264	44.9	0	0.0	2	0.3	6	1.0	0	0.0
Southern	3,333	887	26.6	5	0.2	1	0.0	0	0.0	7	0.2
Guam	34	17	50.0	0	0.0	1	2.9	0	0.0	0	0.0
Hawaii	158	66	41.8	0	0.0	0	0.0	2	1.3	0	0.0
Idaho	242	102	42.1	0	0.0	0	0.0	2	0.8	0	0.0
Montana	225	151	67.1	1	0.4	0	0.0	2	0.9	0	0.0
Nevada	462	288	62.3	1	0.2	0	0.0	8	1.7	0	0.0
Northern Mariana Islands	5	3	60.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	445	170	38.2	1	0.2	0	0.0	12	2.7	0	0.0
Washington											
Eastern	278	82	29.5	4	1.4	1	0.4	5	1.8	1	0.4
Western	623	286	45.9	1	0.2	0	0.0	8	1.3	0	0.0
TENTH CIRCUIT	5,103	2,943	57.7	23	0.5	3	0.1	37	0.7	3	0.1
Colorado	501	297	59.3	2	0.4	2	0.4	2	0.4	0	0.0
Kansas	529	268	50.7	8	1.5	0	0.0	23	4.3	1	0.2
New Mexico	2,374	1,513	63.7	7	0.3	1	0.0	3	0.1	1	0.0
Oklahoma											
Eastern	72	55	76.4	0	0.0	0	0.0	0	0.0	0	0.0
Northern	144	93	64.6	1	0.7	0	0.0	0	0.0	0	0.0
Western	384	258	67.2	1	0.3	0	0.0	3	0.8	0	0.0
Utah	832	309	37.1	3	0.4	0	0.0	4	0.5	1	0.1
Wyoming	267	150	56.2	1	0.4	0	0.0	2	0.7	0	0.0
ELEVENTH CIRCUIT	5,021	3,166	63.1	9	0.2	3	0.1	79	1.6	7	0.1
Alabama											
Middle	176	100	56.8	0	0.0	0	0.0	9	5.1	0	0.0
Northern	323	215	66.6	0	0.0	0	0.0	3	0.9	0	0.0
Southern	302	189	62.6	1	0.3	0	0.0	2	0.7	0	0.0
Florida											
Middle	1,126	588	52.2	3	0.3	0	0.0	26	2.3	1	0.1
Northern	287	189	65.9	1	0.3	2	0.7	4	1.4	0	0.0
Southern	1,515	979	64.6	2	0.1	1	0.1	14	0.9	5	0.3
Georgia											
Middle	267	210	78.7	0	0.0	0	0.0	3	1.1	0	0.0
Northern	487	258	53.0	1	0.2	0	0.0	7	1.4	0	0.0
Southern	538	438	81.4	1	0.2	0	0.0	11	2.0	1	0.2

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	946	6.4	5,406	36.7	886	6.0	286	1.9	122	0.8	1,294	8.8	86	0.6
Alaska	14	14.1	0	0.0	7	7.1	5	5.1	5	5.1	19	19.2	1	1.0
Arizona	111	1.8	2,880	47.2	188	3.1	89	1.5	25	0.4	281	4.6	15	0.2
California														
Central	140	10.2	293	21.4	152	11.1	34	2.5	19	1.4	248	18.1	31	2.3
Eastern	90	11.9	267	35.4	23	3.0	8	1.1	2	0.3	71	9.4	2	0.3
Northern	58	9.9	77	13.1	91	15.5	10	1.7	24	4.1	53	9.0	3	0.5
Southern	190	5.7	1,764	52.9	101	3.0	108	3.2	20	0.6	230	6.9	20	0.6
Guam	6	17.6	0	0.0	0	0.0	0	0.0	0	0.0	9	26.5	1	2.9
Hawaii	44	27.8	0	0.0	1	0.6	2	1.3	2	1.3	41	25.9	0	0.0
Idaho	69	28.5	20	8.3	8	3.3	1	0.4	1	0.4	38	15.7	1	0.4
Montana	34	15.1	0	0.0	1	0.4	1	0.4	2	0.9	32	14.2	1	0.4
Nevada	45	9.7	0	0.0	34	7.4	11	2.4	4	0.9	65	14.1	6	1.3
Northern Mariana Islands	1	20.0	0	0.0	0	0.0	0	0.0	1	20.0	0	0.0	0	0.0
Oregon	76	17.1	28	6.3	74	16.6	6	1.3	7	1.6	68	15.3	3	0.7
Washington														
Eastern	24	8.6	45	16.2	53	19.1	8	2.9	5	1.8	49	17.6	1	0.4
Western	44	7.1	32	5.1	153	24.6	3	0.5	5	0.8	90	14.4	1	0.2
TENTH CIRCUIT	364	7.1	605	11.9	458	9.0	75	1.5	34	0.7	543	10.6	15	0.3
Colorado	94	18.8	0	0.0	21	4.2	9	1.8	5	1.0	69	13.8	0	0.0
Kansas	81	15.3	0	0.0	82	15.5	6	1.1	1	0.2	59	11.2	0	0.0
New Mexico	68	2.9	322	13.6	292	12.3	33	1.4	15	0.6	110	4.6	9	0.4
Oklahoma														
Eastern	9	12.5	0	0.0	3	4.2	0	0.0	0	0.0	5	6.9	0	0.0
Northern	25	17.4	0	0.0	0	0.0	0	0.0	1	0.7	24	16.7	0	0.0
Western	30	7.8	0	0.0	2	0.5	4	1.0	3	0.8	82	21.4	1	0.3
Utah	25	3.0	277	33.3	38	4.6	16	1.9	0	0.0	154	18.5	5	0.6
Wyoming	32	12.0	6	2.2	20	7.5	7	2.6	9	3.4	40	15.0	0	0.0
ELEVENTH CIRCUIT	657	13.1	0	0.0	85	1.7	63	1.3	48	1.0	882	17.6	22	0.4
Alabama														
Middle	38	21.6	0	0.0	2	1.1	3	1.7	0	0.0	24	13.6	0	0.0
Northern	63	19.5	0	0.0	5	1.5	2	0.6	1	0.3	34	10.5	0	0.0
Southern	54	17.9	0	0.0	4	1.3	3	1.0	3	1.0	46	15.2	0	0.0
Florida														
Middle	181	16.1	0	0.0	11	1.0	24	2.1	18	1.6	269	23.9	5	0.4
Northern	37	12.9	0	0.0	0	0.0	6	2.1	0	0.0	47	16.4	1	0.3
Southern	138	9.1	0	0.0	26	1.7	12	0.8	16	1.1	308	20.3	14	0.9
Georgia														
Middle	37	13.9	0	0.0	2	0.7	1	0.4	1	0.4	13	4.9	0	0.0
Northern	61	12.5	0	0.0	28	5.7	8	1.6	8	1.6	115	23.6	1	0.2
Southern	48	8.9	0	0.0	7	1.3	4	0.7	1	0.2	26	4.8	1	0.2

¹ Of the 61,781 cases, 951 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Western Texas (7.9%), Middle Georgia (6.3%), and Eastern North Carolina (6.1%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

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	60,830	33,004	54.3	267	0.4	75	0.1	671	1.1	64	0.1
Murder	41	23	56.1	2	4.9	1	2.4	3	7.3	0	0.0
Manslaughter	47	22	46.8	5	10.6	1	2.1	3	6.4	1	2.1
Kidnapping/Hostage Taking	49	28	57.1	0	0.0	0	0.0	1	2.0	0	0.0
Sexual Abuse	285	156	54.7	6	2.1	3	1.1	15	5.3	0	0.0
Assault	472	272	57.6	8	1.7	1	0.2	14	3.0	5	1.1
Robbery	695	425	61.2	5	0.7	3	0.4	20	2.9	0	0.0
Arson	38	20	52.6	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	17,547	8,079	46.0	41	0.2	8	0.0	94	0.5	15	0.1
Drugs - Communication Facility	349	181	51.9	0	0.0	0	0.0	5	1.4	1	0.3
Drugs - Simple Possession	475	443	93.3	4	0.8	3	0.6	6	1.3	1	0.2
Firearms	5,726	3,415	59.6	69	1.2	9	0.2	137	2.4	8	0.1
Burglary/B&E	44	31	70.5	0	0.0	0	0.0	1	2.3	0	0.0
Auto Theft	62	27	43.5	1	1.6	0	0.0	2	3.2	0	0.0
Larceny	1,113	818	73.5	3	0.3	4	0.4	11	1.0	2	0.2
Fraud	5,351	2,815	52.6	21	0.4	15	0.3	77	1.4	7	0.1
Embezzlement	282	181	64.2	0	0.0	0	0.0	2	0.7	0	0.0
Forgery/Counterfeiting	692	449	64.9	3	0.4	1	0.1	8	1.2	1	0.1
Bribery	169	54	32.0	0	0.0	1	0.6	1	0.6	0	0.0
Tax	278	96	34.5	1	0.4	1	0.4	3	1.1	0	0.0
Money Laundering	599	199	33.2	4	0.7	0	0.0	2	0.3	1	0.2
Racketeering/Extortion	497	232	46.7	4	0.8	1	0.2	8	1.6	1	0.2
Gambling/Lottery	59	35	59.3	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	38	20	52.6	0	0.0	0	0.0	1	2.6	0	0.0
Immigration	21,415	12,300	57.4	67	0.3	18	0.1	198	0.9	16	0.1
Child Pornography	1,380	493	35.7	8	0.6	1	0.1	19	1.4	0	0.0
Prison Offenses	303	217	71.6	4	1.3	0	0.0	9	3.0	0	0.0
Administration of Justice Offenses	813	461	56.7	2	0.2	1	0.1	17	2.1	2	0.2
Environmental/Wildlife	127	71	55.9	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	57	31	54.4	1	1.8	0	0.0	1	1.8	0	0.0
Antitrust	10	1	10.0	0	0.0	0	0.0	1	10.0	0	0.0
Food & Drug	34	23	67.6	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	1,783	1,386	77.7	8	0.4	3	0.2	12	0.7	3	0.2

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	6,974	11.5	6,666	11.0	2,635	4.3	1,437	2.4	661	1.1	8,006	13.2	370	0.6
Murder	8	19.5	0	0.0	3	7.3	0	0.0	0	0.0	1	2.4	0	0.0
Manslaughter	0	0.0	0	0.0	3	6.4	1	2.1	1	2.1	10	21.3	0	0.0
Kidnapping/Hostage Taking	9	18.4	0	0.0	7	14.3	2	4.1	0	0.0	2	4.1	0	0.0
Sexual Abuse	12	4.2	0	0.0	41	14.4	4	1.4	2	0.7	44	15.4	2	0.7
Assault	3	0.6	1	0.2	81	17.2	19	4.0	8	1.7	57	12.1	3	0.6
Robbery	70	10.1	2	0.3	30	4.3	21	3.0	9	1.3	108	15.5	2	0.3
Arson	9	23.7	0	0.0	3	7.9	2	5.3	0	0.0	4	10.5	0	0.0
Drugs - Trafficking	4,277	24.4	962	5.5	828	4.7	356	2.0	218	1.2	2,594	14.8	75	0.4
Drugs - Communication Facility	54	15.5	7	2.0	26	7.4	6	1.7	6	1.7	60	17.2	3	0.9
Drugs - Simple Possession	5	1.1	0	0.0	2	0.4	1	0.2	0	0.0	8	1.7	2	0.4
Firearms	656	11.5	11	0.2	293	5.1	130	2.3	74	1.3	893	15.6	31	0.5
Burglary/B&E	3	6.8	0	0.0	3	6.8	2	4.5	0	0.0	3	6.8	1	2.3
Auto Theft	12	19.4	0	0.0	0	0.0	3	4.8	0	0.0	17	27.4	0	0.0
Larceny	52	4.7	2	0.2	48	4.3	18	1.6	9	0.8	132	11.9	14	1.3
Fraud	913	17.1	9	0.2	238	4.4	101	1.9	99	1.9	1,001	18.7	55	1.0
Embezzlement	9	3.2	0	0.0	12	4.3	5	1.8	4	1.4	66	23.4	3	1.1
Forgery/Counterfeiting	81	11.7	1	0.1	17	2.5	14	2.0	6	0.9	103	14.9	8	1.2
Bribery	62	36.7	0	0.0	5	3.0	6	3.6	6	3.6	33	19.5	1	0.6
Tax	37	13.3	1	0.4	19	6.8	7	2.5	12	4.3	93	33.5	8	2.9
Money Laundering	147	24.5	10	1.7	66	11.0	23	3.8	10	1.7	129	21.5	8	1.3
Racketeering/Extortion	86	17.3	0	0.0	43	8.7	15	3.0	10	2.0	89	17.9	8	1.6
Gambling/Lottery	10	16.9	0	0.0	2	3.4	2	3.4	2	3.4	5	8.5	3	5.1
Civil Rights	6	15.8	0	0.0	3	7.9	0	0.0	2	5.3	6	15.8	0	0.0
Immigration	210	1.0	5,648	26.4	487	2.3	607	2.8	106	0.5	1,653	7.7	105	0.5
Child Pornography	52	3.8	0	0.0	208	15.1	33	2.4	40	2.9	518	37.5	8	0.6
Prison Offenses	7	2.3	4	1.3	23	7.6	5	1.7	2	0.7	30	9.9	2	0.7
Administration of Justice Offenses	70	8.6	7	0.9	71	8.7	18	2.2	8	1.0	144	17.7	12	1.5
Environmental/Wildlife	15	11.8	0	0.0	6	4.7	3	2.4	5	3.9	24	18.9	3	2.4
National Defense	8	14.0	0	0.0	4	7.0	2	3.5	1	1.8	9	15.8	0	0.0
Antitrust	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0	1	10.0	0	0.0
Food & Drug	4	11.8	0	0.0	1	2.9	0	0.0	0	0.0	6	17.6	0	0.0
Other Miscellaneous Offenses	80	4.5	1	0.1	62	3.5	31	1.7	21	1.2	163	9.1	13	0.7

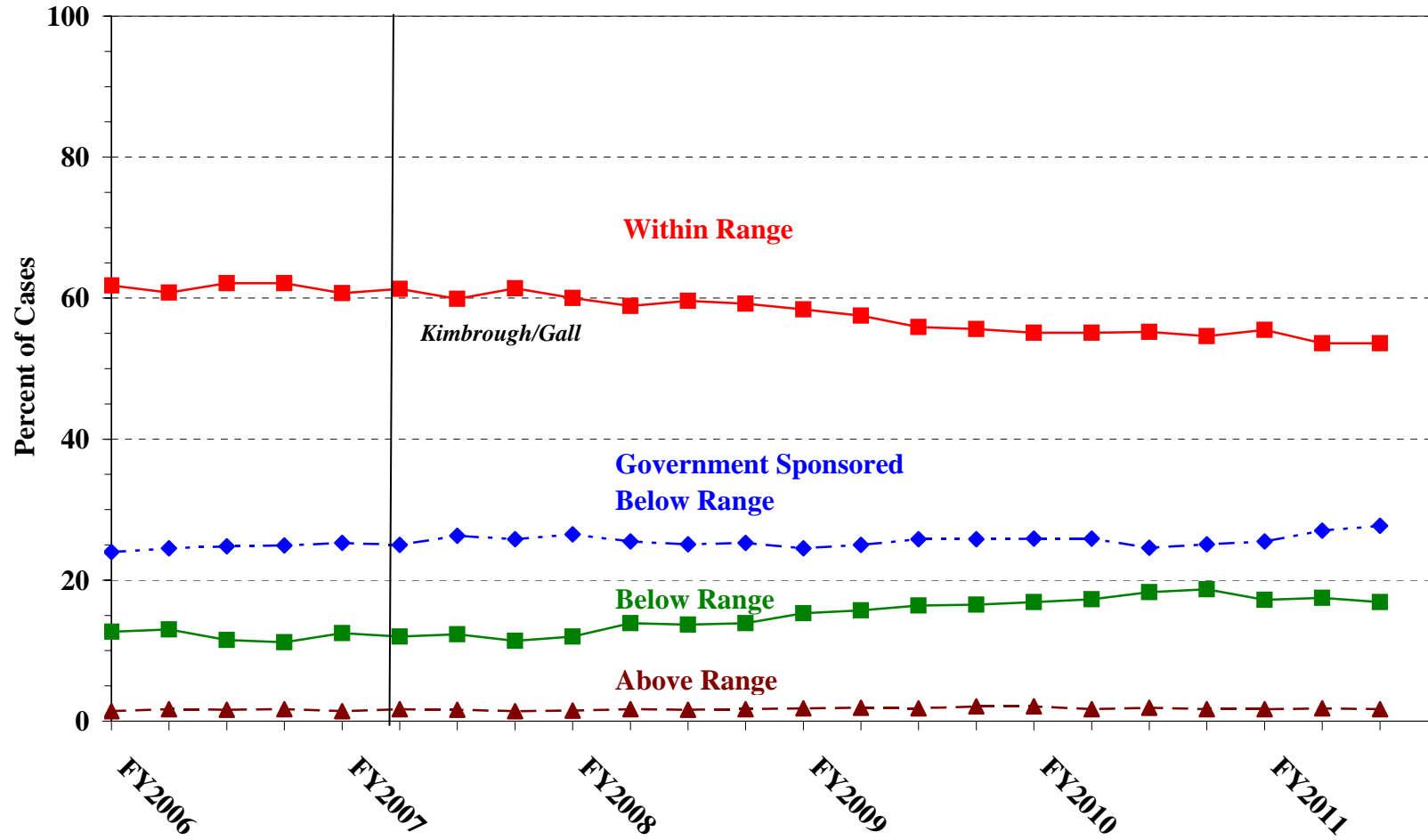
¹ Of the 61,781 cases, 951 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹

Fiscal Years 2006 - 2010,
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

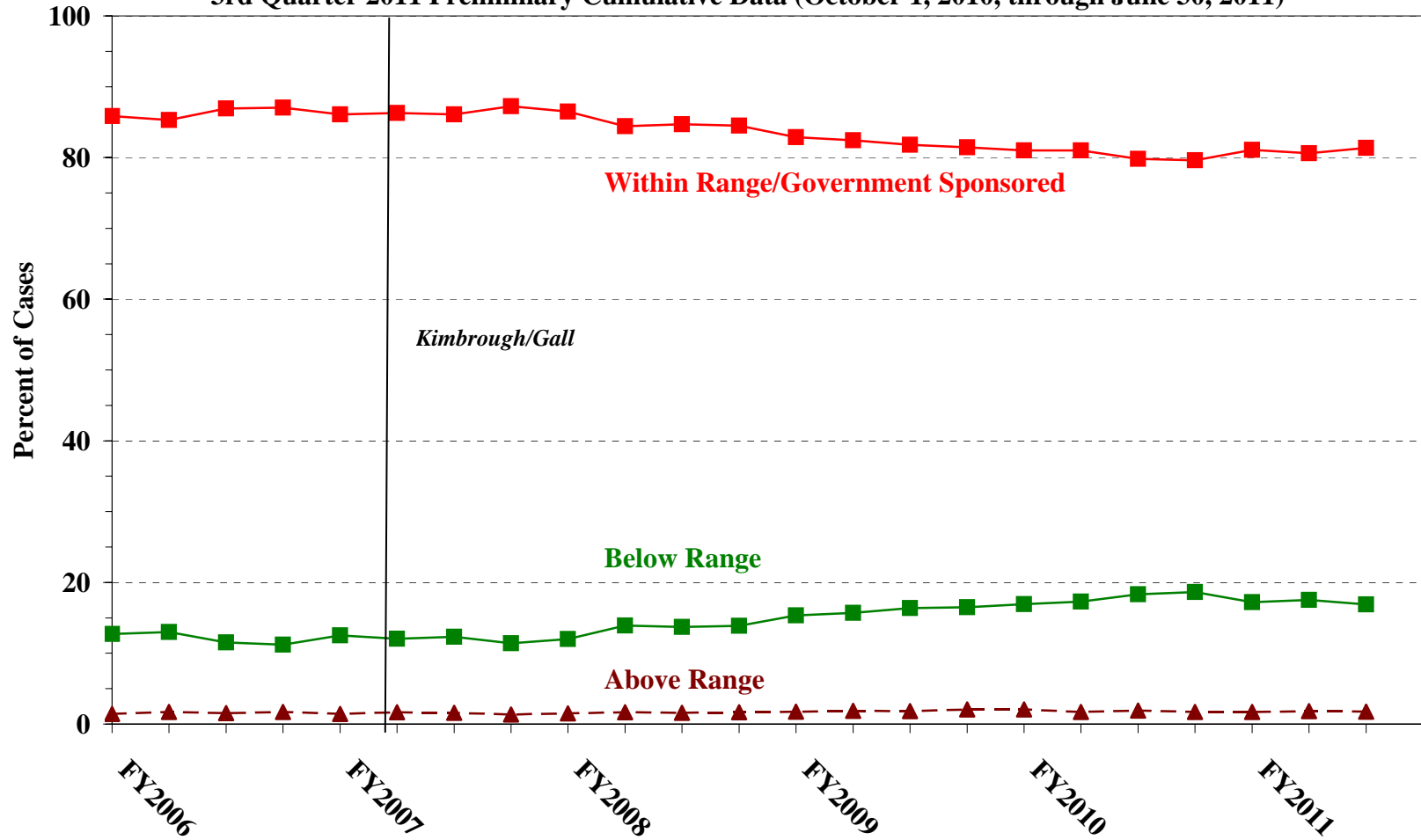


¹ Descriptions of variables used in this table are provided in Appendix A.

Figure B

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

Fiscal Years 2006 - 2010,
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)



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

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2006 - 2010,
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2006				
1st Quarter	61.8	24.0	12.7	1.4
2ndQuarter	60.8	24.5	13.0	1.7
3rd Quarter	62.1	24.8	11.5	1.6
4th Quarter	62.1	24.9	11.2	1.7
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
FY2011				
1st Quarter	55.5	25.5	17.2	1.7
2ndQuarter	53.6	27.0	17.5	1.8
3rd Quarter	53.6	27.7	16.9	1.7
4th Quarter	--	--	--	--

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

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward				Government Sponsored			Downward			
			Departure		Above Range		\$5K1.1	\$5K3.1	Other Gov't	Departure		Below Range	
		Gdline Only	with Booker	with Booker	All Others							Gdline Only	with Booker
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§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	170	124	4	0	3	0	3	1	6	4	2	21	2
§2P1.2	98	75	0	0	3	0	2	1	9	1	0	7	0
§2P1.3	10	10	0	0	0	0	0	0	0	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	25	8	0	0	1	0	2	0	2	0	4	7	1
§2Q1.3	38	15	0	0	0	0	4	0	1	5	2	10	1
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	75	40	0	0	0	0	13	0	5	3	1	12	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	5	1	0	0	1	0	2	0	0	0	0	1	0
§2S1.1	687	195	4	0	5	1	243	1	56	17	8	151	6
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	242	109	0	0	0	0	15	11	36	15	5	47	4
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	241	96	1	1	4	0	33	0	13	6	10	70	7
§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	64	21	0	0	0	0	13	0	3	2	2	21	2
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	18	6	0	0	0	0	2	0	2	0	0	8	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	6	1	0	0	0	0	0	0	2	1	1	1	0
§2T2.1	0	0	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	22	5	0	0	0	0	6	0	3	1	1	4	2
§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	21	7	1	0	0	0	4	0	0	2	1	6	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	74	36	1	0	2	0	12	0	8	2	0	12	1
§2X4.1	274	146	0	0	3	2	37	4	16	5	5	51	5
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	164	160	0	0	2	0	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	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	56,235	29,350	262	72	651	59	6,921	6,164	2,516	1,407	652	7,834	347

¹ Of the 61,781 cases, 5,546 were excluded due to one or both of the following reasons: information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (951) or missing guideline applied (5,480). Descriptions of variables used in this table are provided in Appendix A.

² In 595 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 595 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,685 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 1,685 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
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

	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	27,826	4,311	15.5	6,298	22.6	2,714	9.8	1,627	5.8	153	0.5
Above Range	1,077	4	0.4	13	1.2	208	19.3	74	6.9	1	0.1
Upward Departure From Guideline Range	267	2	0.7	4	1.5	86	32.2	21	7.9	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	75	0	0.0	0	0.0	17	22.7	9	12.0	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	671	0	0.0	0	0.0	103	15.4	42	6.3	1	0.1
All Remaining Cases Above Guideline Range	64	2	3.1	9	14.1	2	3.1	2	3.1	0	0.0
Government Sponsored Below Range	16,275	4,307	26.5	6,285	38.6	2,506	15.4	1,553	9.5	152	0.9
§5K1.1 Substantial Assistance Departure	6,974	4,307	61.8	103	1.5	147	2.1	127	1.8	15	0.2
§5K3.1 Early Disposition Program Departure	6,666	0	0.0	6,182	92.7	1,139	17.1	659	9.9	13	0.2
Other Government Sponsored Below Range	2,635	0	0.0	0	0.0	1,220	46.3	767	29.1	124	4.7
Below Range	10,474	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,437	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	661	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	8,006	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	370	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	2,448	8.8	211	0.8	860	3.1	3,250	11.7	3,632	13.1	4,555	16.4	2,824	10.1
Above Range	0	0.0	0	0.0	142	13.2	6	0.6	3	0.3	518	48.1	181	16.8
Upward Departure From Guideline Range	0	0.0	0	0.0	43	16.1	1	0.4	0	0.0	100	37.5	24	9.0
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	30	40.0	0	0.0	0	0.0	51	68.0	12	16.0
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	69	10.3	5	0.7	3	0.4	365	54.4	97	14.5
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	3.1	48	75.0
Government Sponsored Below Range	2,448	15.0	211	1.3	718	4.4	803	4.9	580	3.6	558	3.4	559	3.4
§5K1.1 Substantial Assistance Departure	2,448	35.1	4	0.1	150	2.2	348	5.0	234	3.4	331	4.7	159	2.3
§5K3.1 Early Disposition Program Departure	0	0.0	207	3.1	45	0.7	244	3.7	282	4.2	107	1.6	261	3.9
Other Government Sponsored Below Range	0	0.0	0	0.0	523	19.8	211	8.0	64	2.4	120	4.6	139	5.3
Below Range	0	0.0	0	0.0	0	0.0	2,441	23.3	3,049	29.1	3,479	33.2	2,084	19.9
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	524	36.5	299	20.8	433	30.1	222	15.4
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	208	31.5	342	51.7	347	52.5	106	16.0
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	1,708	21.3	2,404	30.0	2,690	33.6	1,398	17.5
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	0.3	4	1.1	9	2.4	358	96.8

¹ Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 4,273 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
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,708	36.0	30.0	49.6
Murder	7	80.0	47.0	33.3
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	7	120.0	118.0	48.9
Sexual Abuse	12	34.5	21.0	47.8
Assault	2	--	--	--
Robbery	68	45.0	30.5	33.9
Arson	9	48.0	18.0	30.0
Drugs - Trafficking	4,109	48.0	41.0	45.0
Drugs - Communication Facility	50	3.0	12.0	87.4
Drugs - Simple Possession	5	30.0	9.0	57.1
Firearms	620	60.0	34.0	44.1
Burglary/B&E	3	12.3	11.7	48.8
Auto Theft	12	8.9	17.5	66.6
Larceny	48	7.0	11.5	62.2
Fraud	889	7.0	17.0	72.2
Embezzlement	9	18.0	17.0	40.0
Forgery/Counterfeiting	81	9.0	10.0	51.0
Bribery	61	0.0	17.0	100.0
Tax	37	0.0	15.0	100.0
Money Laundering	145	12.0	24.0	71.4
Racketeering/Extortion	83	21.1	25.0	55.6
Gambling/Lottery	10	0.0	6.0	100.0
Civil Rights	6	0.0	8.0	100.0
Immigration	202	14.0	12.0	47.6
Child Pornography	48	90.0	63.0	44.8
Prison Offenses	7	12.0	21.0	58.6
Administration of Justice Offenses	70	0.0	12.0	100.0
Environmental/Wildlife	13	5.0	13.0	72.2
National Defense	8	11.5	31.0	67.4
Antitrust	5	1.5	18.0	85.1
Food & Drug	4	0.0	10.0	100.0
Other Miscellaneous Offenses	78	5.5	23.5	80.1

¹ Of the 61,781 cases, 6,974 received a §5K1.1 substantial assistance departure. Of these, 6,795 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 83 cases were also excluded from this table. Of the remaining 6,712 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,088	18.0	8.0	29.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	914	24.0	10.0	33.3
Drugs - Communication Facility	6	36.0	17.0	38.3
Drugs - Simple Possession	0	--	--	--
Firearms	11	25.0	8.0	25.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	8	15.0	8.0	33.9
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	7	4.0	6.0	60.0
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	5,126	18.0	7.0	28.6
Child Pornography	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	6	0.6	9.0	93.1
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 61,781 cases, 6,666 received a §5K3.1 early disposition program departure. Of these, 6,089 cases had complete guideline application information. Of the remaining 6,089 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,455	30.0	15.3	36.2
Murder	3	180.0	8.0	4.3
Manslaughter	3	24.0	9.0	27.3
Kidnapping/Hostage Taking	6	108.0	102.0	48.8
Sexual Abuse	40	75.0	53.5	47.0
Assault	68	18.0	16.0	54.6
Robbery	30	38.5	15.5	27.7
Arson	3	60.0	10.0	19.5
Drugs - Trafficking	786	60.0	24.0	31.3
Drugs - Communication Facility	23	24.0	23.0	50.0
Drugs - Simple Possession	2	--	--	--
Firearms	275	48.0	19.0	27.3
Burglary/B&E	3	8.0	3.0	19.7
Auto Theft	0	--	--	--
Larceny	40	0.0	9.4	100.0
Fraud	222	12.0	12.5	69.8
Embezzlement	12	9.5	11.0	73.7
Forgery/Counterfeiting	17	12.0	12.0	42.7
Bribery	4	13.0	28.0	66.7
Tax	19	9.0	12.0	66.6
Money Laundering	64	11.0	12.0	62.5
Racketeering/Extortion	39	30.0	24.0	42.7
Gambling/Lottery	2	--	--	--
Civil Rights	3	4.5	7.5	62.6
Immigration	450	10.0	5.8	33.3
Child Pornography	203	60.0	37.0	36.8
Prison Offenses	16	12.0	7.5	45.0
Administration of Justice Offenses	64	6.0	10.0	60.0
Environmental/Wildlife	5	3.0	12.0	70.0
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	50	0.3	12.0	97.9

¹ Of the 61,781 cases, 2,635 received an other government sponsored downward departure. Of these, 2,473 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 14 cases were also excluded from this table. Of the remaining 2,459 cases, four 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 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,386	21.0	11.0	33.3
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	4	51.5	6.0	10.8
Assault	18	24.0	11.5	34.3
Robbery	21	37.0	12.0	24.5
Arson	2	--	--	--
Drugs - Trafficking	347	35.0	13.0	31.0
Drugs - Communication Facility	6	10.5	9.5	59.8
Drugs - Simple Possession	1	--	--	--
Firearms	128	35.0	10.0	25.7
Burglary/B&E	2	--	--	--
Auto Theft	3	18.0	9.0	25.0
Larceny	18	0.0	10.0	100.0
Fraud	97	5.0	12.0	66.7
Embezzlement	5	0.0	6.0	99.9
Forgery/Counterfeiting	14	0.0	12.0	99.9
Bribery	6	0.0	27.5	100.0
Tax	7	6.0	19.0	79.2
Money Laundering	23	5.0	9.0	41.7
Racketeering/Extortion	13	80.0	18.0	13.2
Gambling/Lottery	2	--	--	--
Civil Rights	0	--	--	--
Immigration	582	20.0	9.0	30.2
Child Pornography	32	55.5	31.5	35.1
Prison Offenses	4	8.0	7.0	49.9
Administration of Justice Offenses	18	2.5	11.0	87.0
Environmental/Wildlife	3	0.0	15.0	100.0
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	25	0.0	10.0	100.0

¹ Of the 61,781 cases, 1,437 received a downward departure from the guideline range. Of these, 1,389 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional three cases were also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	638	24.0	19.5	47.4
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	8	25.0	12.0	40.4
Robbery	9	30.0	27.0	44.4
Arson	0	--	--	--
Drugs - Trafficking	212	47.0	27.0	37.0
Drugs - Communication Facility	6	16.0	38.0	74.8
Drugs - Simple Possession	0	--	--	--
Firearms	71	24.0	21.0	40.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	9	0.0	10.0	100.0
Fraud	98	8.0	12.0	57.3
Embezzlement	3	37.0	9.0	19.6
Forgery/Counterfeiting	6	6.5	8.5	62.0
Bribery	6	0.0	11.0	99.9
Tax	11	2.2	18.0	76.5
Money Laundering	10	6.0	21.5	78.4
Racketeering/Extortion	9	18.0	15.0	42.9
Gambling/Lottery	1	--	--	--
Civil Rights	2	--	--	--
Immigration	97	21.0	15.0	43.2
Child Pornography	40	46.0	42.0	44.5
Prison Offenses	2	--	--	--
Administration of Justice Offenses	8	7.2	9.3	65.4
Environmental/Wildlife	5	0.0	18.0	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	21	0.0	10.0	100.0

¹ Of the 61,781 cases, 661 received a downward departure from the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 639 cases 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. 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
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	7,658	25.0	13.0	34.8
Murder	1	--	--	--
Manslaughter	9	24.0	7.0	20.0
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	41	110.0	24.0	25.9
Assault	53	12.0	12.0	46.8
Robbery	105	44.0	14.0	20.5
Arson	4	27.0	14.0	27.8
Drugs - Trafficking	2,520	51.0	19.0	28.6
Drugs - Communication Facility	58	18.0	12.5	50.0
Drugs - Simple Possession	8	0.0	2.0	100.0
Firearms	868	36.0	12.0	27.2
Burglary/B&E	3	3.0	9.0	75.0
Auto Theft	15	0.0	15.0	100.0
Larceny	129	0.0	9.0	100.0
Fraud	971	12.0	10.0	47.6
Embezzlement	66	0.0	8.0	99.8
Forgery/Counterfeiting	96	6.0	10.0	75.0
Bribery	31	12.0	16.0	49.9
Tax	91	0.0	12.0	99.9
Money Laundering	124	18.0	15.0	48.8
Racketeering/Extortion	81	30.0	15.0	35.3
Gambling/Lottery	5	0.0	6.0	100.0
Civil Rights	6	6.0	12.0	71.4
Immigration	1,500	18.0	10.0	33.2
Child Pornography	514	60.0	38.0	38.4
Prison Offenses	28	9.5	6.0	36.4
Administration of Justice Offenses	141	6.1	10.0	60.0
Environmental/Wildlife	20	0.0	9.0	100.0
National Defense	8	30.0	19.5	41.3
Antitrust	1	--	--	--
Food & Drug	6	19.5	19.5	48.5
Other Miscellaneous Offenses	154	0.0	10.0	100.0

¹ Of the 61,781 cases, 8,006 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 7,685 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 23 cases were also excluded from this table. Of the remaining 7,662 cases, four 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 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	331	6.0	6.0	51.2
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	3	2.5	4.0	58.5
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	69	60.0	12.0	20.5
Drugs - Communication Facility	3	36.0	12.0	62.5
Drugs - Simple Possession	2	--	--	--
Firearms	27	80.0	14.0	17.1
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	10	0.0	8.0	100.0
Fraud	51	5.0	8.0	70.0
Embezzlement	3	0.0	9.0	99.3
Forgery/Counterfeiting	8	0.0	10.5	100.0
Bribery	1	--	--	--
Tax	7	3.0	6.0	83.3
Money Laundering	7	12.0	6.0	50.0
Racketeering/Extortion	8	37.0	21.5	50.9
Gambling/Lottery	3	0.0	6.0	100.0
Civil Rights	0	--	--	--
Immigration	89	0.0	3.0	100.0
Child Pornography	8	180.0	56.0	28.2
Prison Offenses	2	--	--	--
Administration of Justice Offenses	12	0.0	3.0	100.0
Environmental/Wildlife	3	0.0	6.0	100.0
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	11	0.0	6.0	100.0

¹ Of the 61,781 cases, 370 were otherwise sentenced below the guideline range. Of these, 334 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Of the remaining 332 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.

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	249	60.0	12.0	33.3
Murder	2	--	--	--
Manslaughter	5	120.0	12.0	11.1
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	162.0	33.5	38.7
Assault	8	66.0	25.5	56.1
Robbery	5	180.0	59.0	46.3
Arson	0	--	--	--
Drugs - Trafficking	37	72.0	12.0	26.8
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	4	36.0	28.5	235.0
Firearms	61	87.0	19.0	33.3
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	2	--	--	--
Fraud	19	60.0	12.0	24.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	36.0	9.0	26.8
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	3	72.0	19.0	46.3
Racketeering/Extortion	4	127.5	28.0	25.5
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	67	24.0	6.0	33.3
Child Pornography	8	228.0	43.0	24.3
Prison Offenses	3	40.0	7.0	25.0
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	53.0	13.5	85.7

¹ Of the 61,781 cases, 267 received an upward departure from the guideline range. Of these, 255 cases had complete guideline application information. Of these, six 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 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	68	69.0	23.5	53.3
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	120.0	30.0	14.3
Assault	1	--	--	--
Robbery	3	96.0	14.0	30.4
Arson	0	--	--	--
Drugs - Trafficking	6	84.0	17.0	26.7
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	8	120.0	49.0	97.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	4	84.0	31.0	50.1
Fraud	15	60.0	14.0	30.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	18	48.0	22.5	100.0
Child Pornography	1	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 61,781 cases, 75 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 69 cases had complete guideline application information. Of these, 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	626	51.0	12.0	38.1
Murder	2	--	--	--
Manslaughter	3	48.0	22.0	91.7
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	15	135.0	24.0	41.2
Assault	14	69.0	14.5	34.8
Robbery	20	120.0	40.5	45.2
Arson	0	--	--	--
Drugs - Trafficking	91	85.0	18.0	25.0
Drugs - Communication Facility	4	57.0	14.0	125.0
Drugs - Simple Possession	5	36.0	18.0	300.0
Firearms	117	90.0	20.0	29.7
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	10	39.0	12.5	36.6
Fraud	72	48.0	12.0	37.3
Embezzlement	2	--	--	--
Forgery/Counterfeiting	8	57.5	28.5	61.9
Bribery	1	--	--	--
Tax	1	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	8	117.0	23.5	15.9
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	195	24.0	7.0	50.0
Child Pornography	19	240.0	50.0	22.9
Prison Offenses	5	42.0	12.0	50.0
Administration of Justice Offenses	17	46.0	12.0	62.2
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	10	32.0	5.5	55.0

¹ Of the 61,781 cases, 671 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 647 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional three cases were also excluded from this table. Furthermore, 18 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
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	25	37.0	11.0	38.2
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	6	69.0	7.0	24.0
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	2	--	--	--
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	3	76.0	20.0	54.1
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	9	24.0	4.0	29.7
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 61,781 cases, 64 were otherwise sentenced above the guideline range. Of these, 55 cases had complete guideline application information. Of these, 30 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 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

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	61,263	55,205	90.1	53,397	87.2	1,808	3.0	6,058	9.9	1,858	3.0	4,200	6.9
Murder	41	40	97.6	38	92.7	2	4.9	1	2.4	1	2.4	0	0.0
Manslaughter	47	46	97.9	42	89.4	4	8.5	1	2.1	1	2.1	0	0.0
Kidnapping/Hostage Taking	49	49	100.0	49	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	286	282	98.6	264	92.3	18	6.3	4	1.4	1	0.3	3	1.0
Assault	486	410	84.4	368	75.7	42	8.6	76	15.6	23	4.7	53	10.9
Robbery	695	679	97.7	652	93.8	27	3.9	16	2.3	4	0.6	12	1.7
Arson	38	37	97.4	36	94.7	1	2.6	1	2.6	1	2.6	0	0.0
Drugs - Trafficking	17,574	16,923	96.3	16,389	93.3	534	3.0	651	3.7	270	1.5	381	2.2
Drugs - Communication Facility	349	279	79.9	265	75.9	14	4.0	70	20.1	27	7.7	43	12.3
Drugs - Simple Possession	529	308	58.2	304	57.5	4	0.8	221	41.8	10	1.9	211	39.9
Firearms	5,731	5,440	94.9	5,290	92.3	150	2.6	291	5.1	131	2.3	160	2.8
Burglary/B&E	45	41	91.1	37	82.2	4	8.9	4	8.9	4	8.9	0	0.0
Auto Theft	62	44	71.0	37	59.7	7	11.3	18	29.0	9	14.5	9	14.5
Larceny	1,072	451	42.1	399	37.2	52	4.9	621	57.9	170	15.9	451	42.1
Fraud	5,626	4,374	77.7	3,977	70.7	397	7.1	1,252	22.3	477	8.5	775	13.8
Embezzlement	280	139	49.6	114	40.7	25	8.9	141	50.4	41	14.6	100	35.7
Forgery/Counterfeiting	694	527	75.9	480	69.2	47	6.8	167	24.1	87	12.5	80	11.5
Bribery	167	113	67.7	96	57.5	17	10.2	54	32.3	29	17.4	25	15.0
Tax	278	169	60.8	140	50.4	29	10.4	109	39.2	48	17.3	61	21.9
Money Laundering	600	480	80.0	446	74.3	34	5.7	120	20.0	46	7.7	74	12.3
Racketeering/Extortion	498	463	93.0	440	88.4	23	4.6	35	7.0	19	3.8	16	3.2
Gambling/Lottery	59	20	33.9	15	25.4	5	8.5	39	66.1	27	45.8	12	20.3
Civil Rights	39	27	69.2	20	51.3	7	17.9	12	30.8	4	10.3	8	20.5
Immigration	21,689	20,838	96.1	20,618	95.1	220	1.0	851	3.9	158	0.7	693	3.2
Child Pornography	1,379	1,362	98.8	1,331	96.5	31	2.2	17	1.2	11	0.8	6	0.4
Prison Offenses	304	294	96.7	278	91.4	16	5.3	10	3.3	3	1.0	7	2.3
Administration of Justice Offenses	813	585	72.0	548	67.4	37	4.6	228	28.0	59	7.3	169	20.8
Environmental/Wildlife	128	43	33.6	37	28.9	6	4.7	85	66.4	12	9.4	73	57.0
National Defense	57	51	89.5	48	84.2	3	5.3	6	10.5	2	3.5	4	7.0
Antitrust	10	8	80.0	7	70.0	1	10.0	2	20.0	1	10.0	1	10.0
Food & Drug	34	14	41.2	13	38.2	1	2.9	20	58.8	1	2.9	19	55.9
Other Miscellaneous Offenses	1,604	669	41.7	619	38.6	50	3.1	935	58.3	181	11.3	754	47.0

¹ Of the 61,781 cases, 518 were excluded because the offender received neither imprisonment nor probation. Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	43.3	21.0	61,779
Murder	225.4	210.0	41
Manslaughter	50.7	37.0	47
Kidnapping/Hostage Taking	232.7	235.0	49
Sexual Abuse	123.9	108.0	286
Assault	37.0	25.0	488
Robbery	82.8	63.0	695
Arson	58.3	52.5	38
Drugs - Trafficking	71.6	57.0	17,577
Drugs - Communication Facility	32.1	30.0	349
Drugs - Simple Possession	3.2	0.1	557
Firearms	81.9	57.0	5,738
Burglary/B&E	21.7	21.0	45
Auto Theft	63.9	12.5	62
Larceny	8.0	2.0	1,139
Fraud	23.2	12.0	5,647
Embezzlement	10.4	6.0	287
Forgery/Counterfeiting	17.7	12.0	695
Bribery	18.8	12.0	169
Tax	17.1	10.0	281
Money Laundering	27.3	15.0	602
Racketeering/Extortion	79.9	51.0	498
Gambling/Lottery	6.5	6.0	59
Civil Rights	24.3	12.0	40
Immigration	16.6	10.0	21,691
Child Pornography	119.5	84.0	1,381
Prison Offenses	14.2	12.0	304
Administration of Justice Offenses	18.4	12.0	822
Environmental/Wildlife	3.7	0.0	134
National Defense	54.9	33.0	57
Antitrust	12.5	7.5	10
Food & Drug	11.9	0.0	34
Other Miscellaneous Offenses	11.9	0.0	1,957

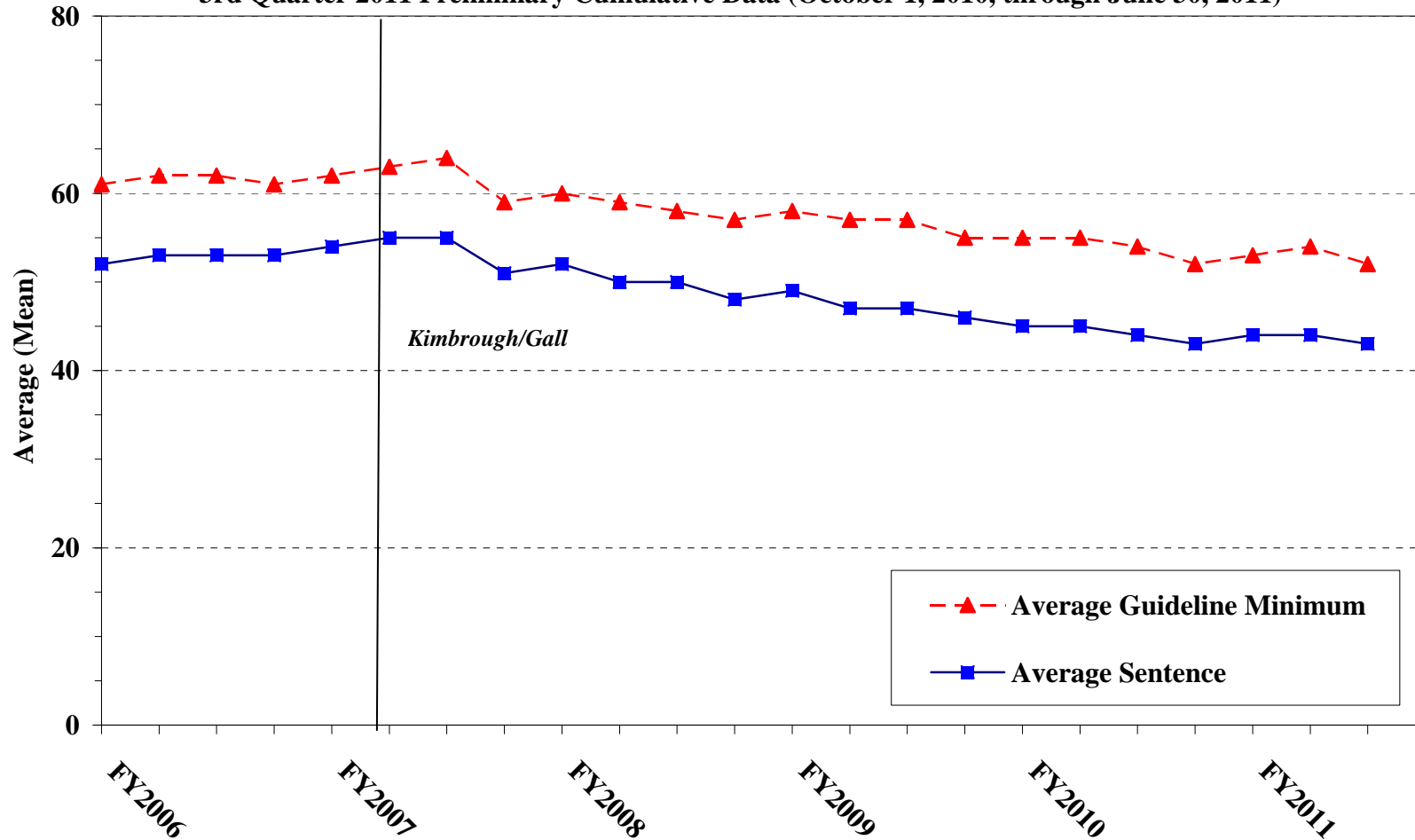
¹ Of the 61,781 cases, two were excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions 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 2006 - 2010,

3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)



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.

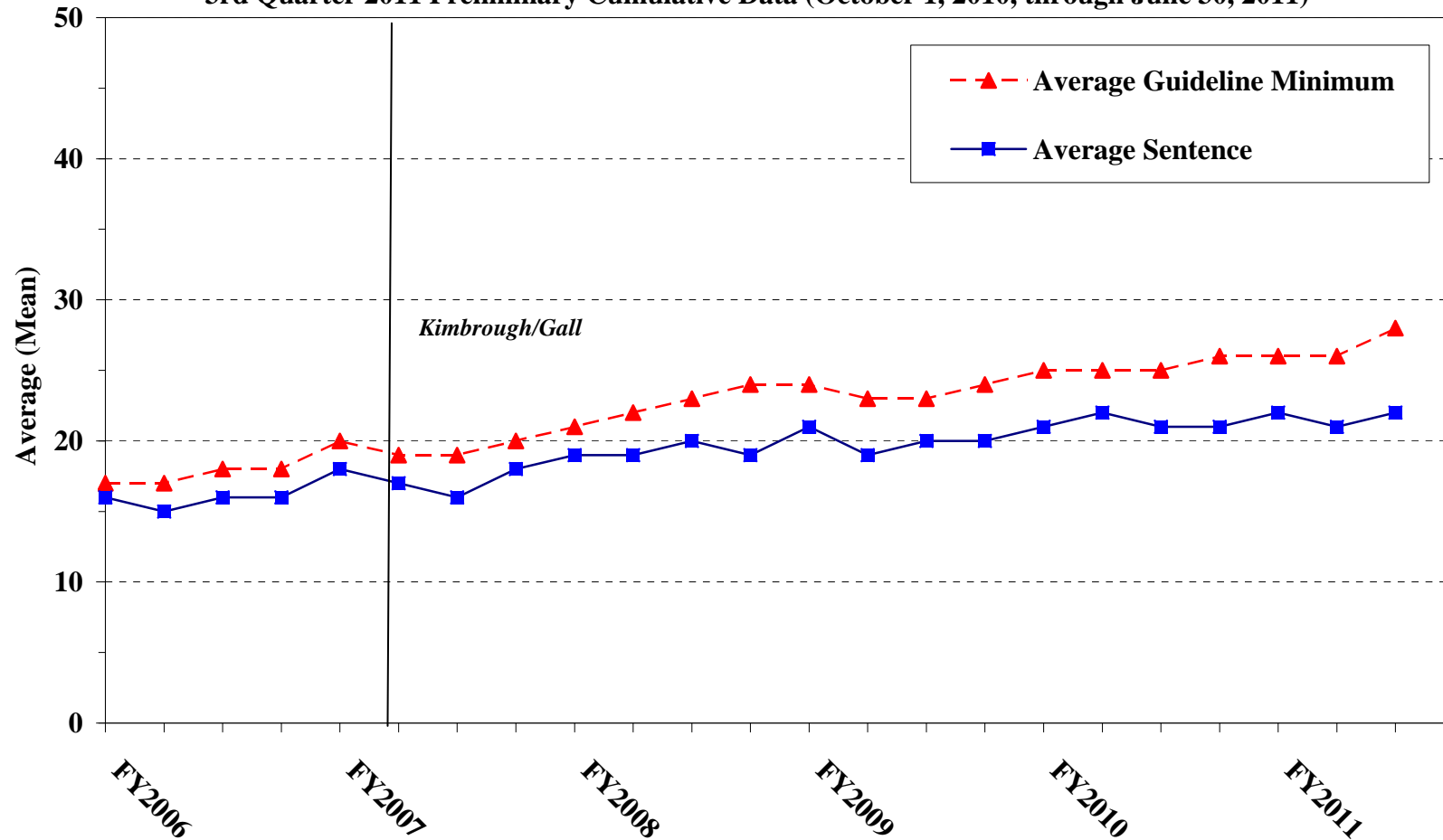
SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through June 30, 2011).

Figure D

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

Fiscal Years 2006 - 2010,

3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)



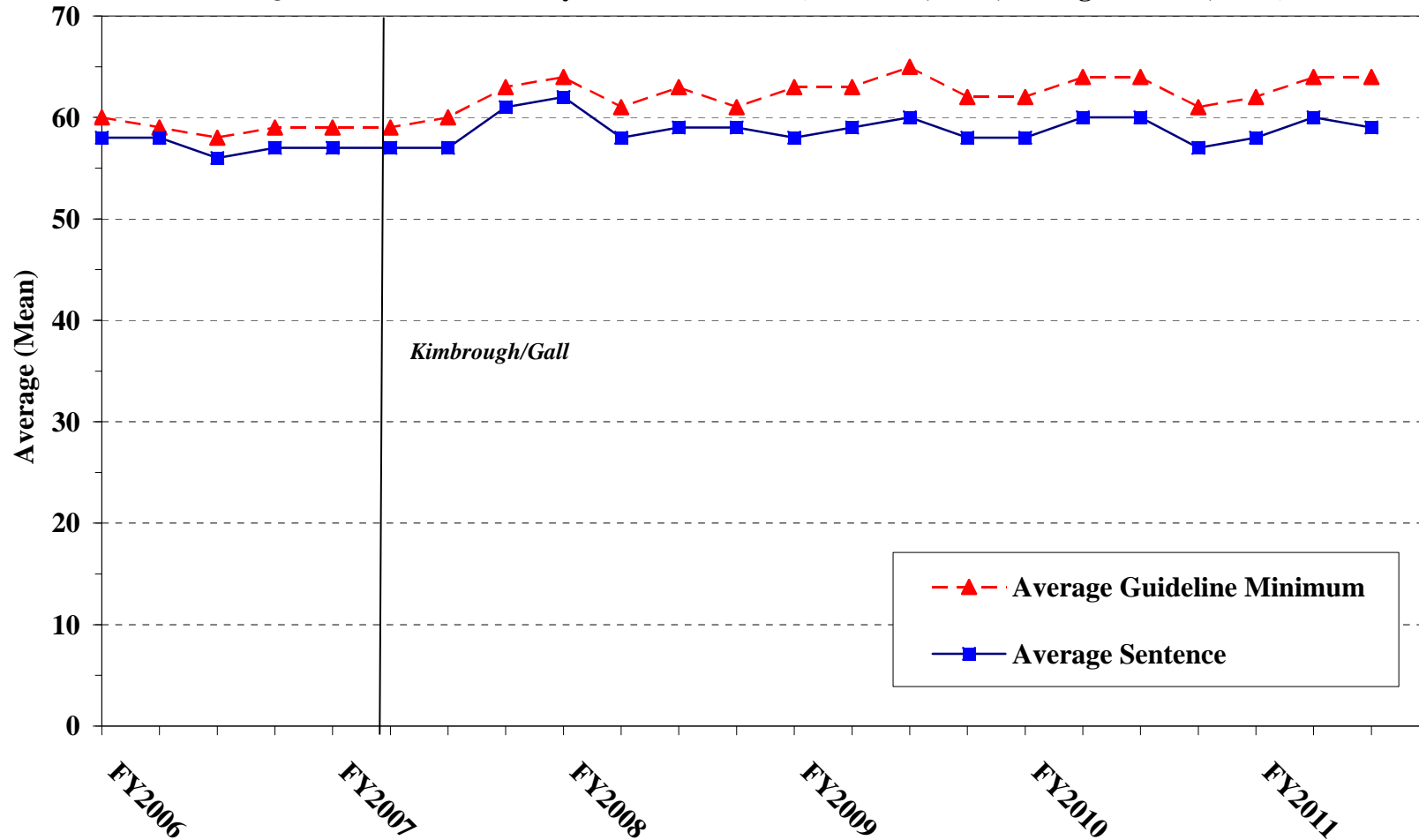
¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit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

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 2006 - 2010,

3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

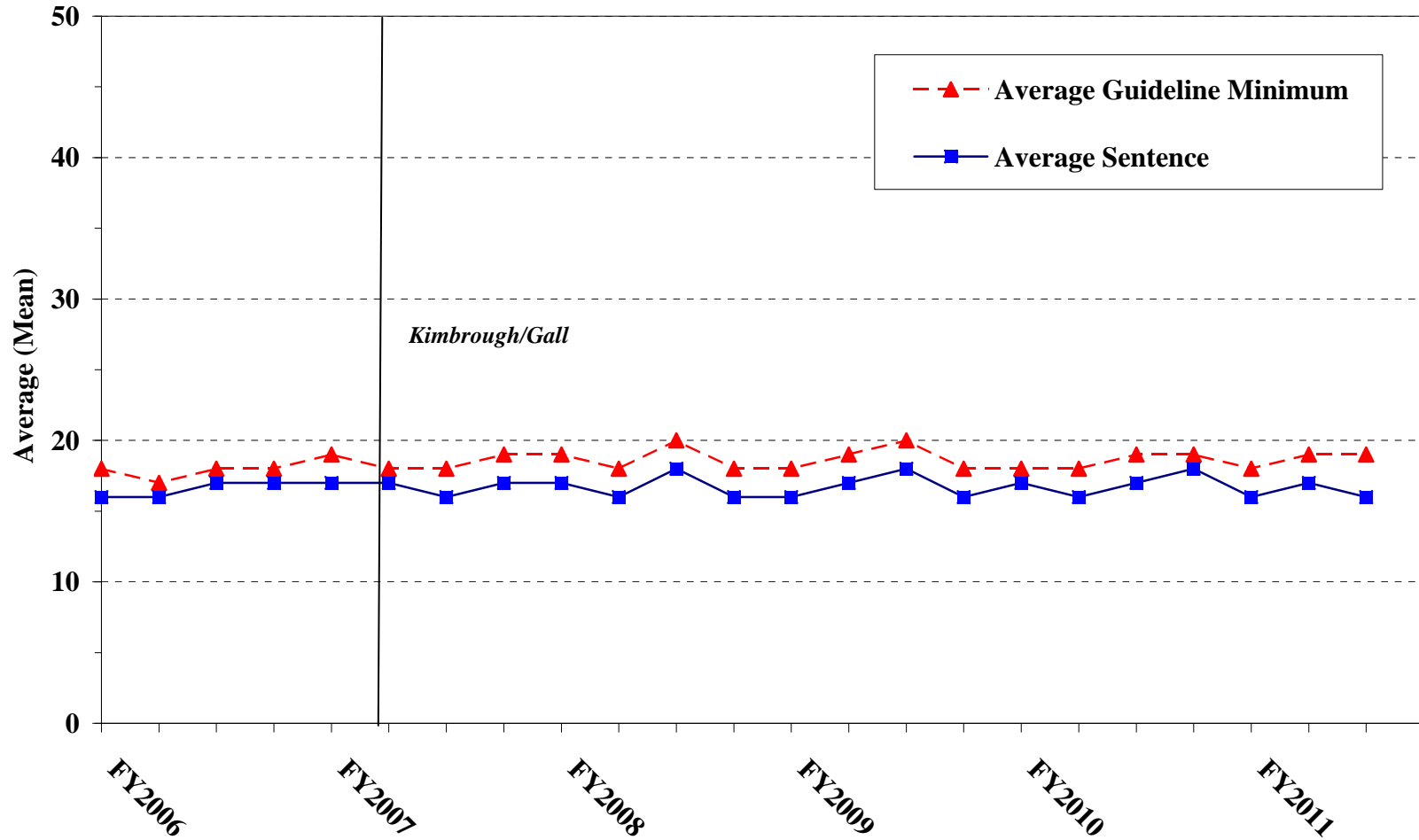


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum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

Figure F

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

**Fiscal Years 2006 - 2010,
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**



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

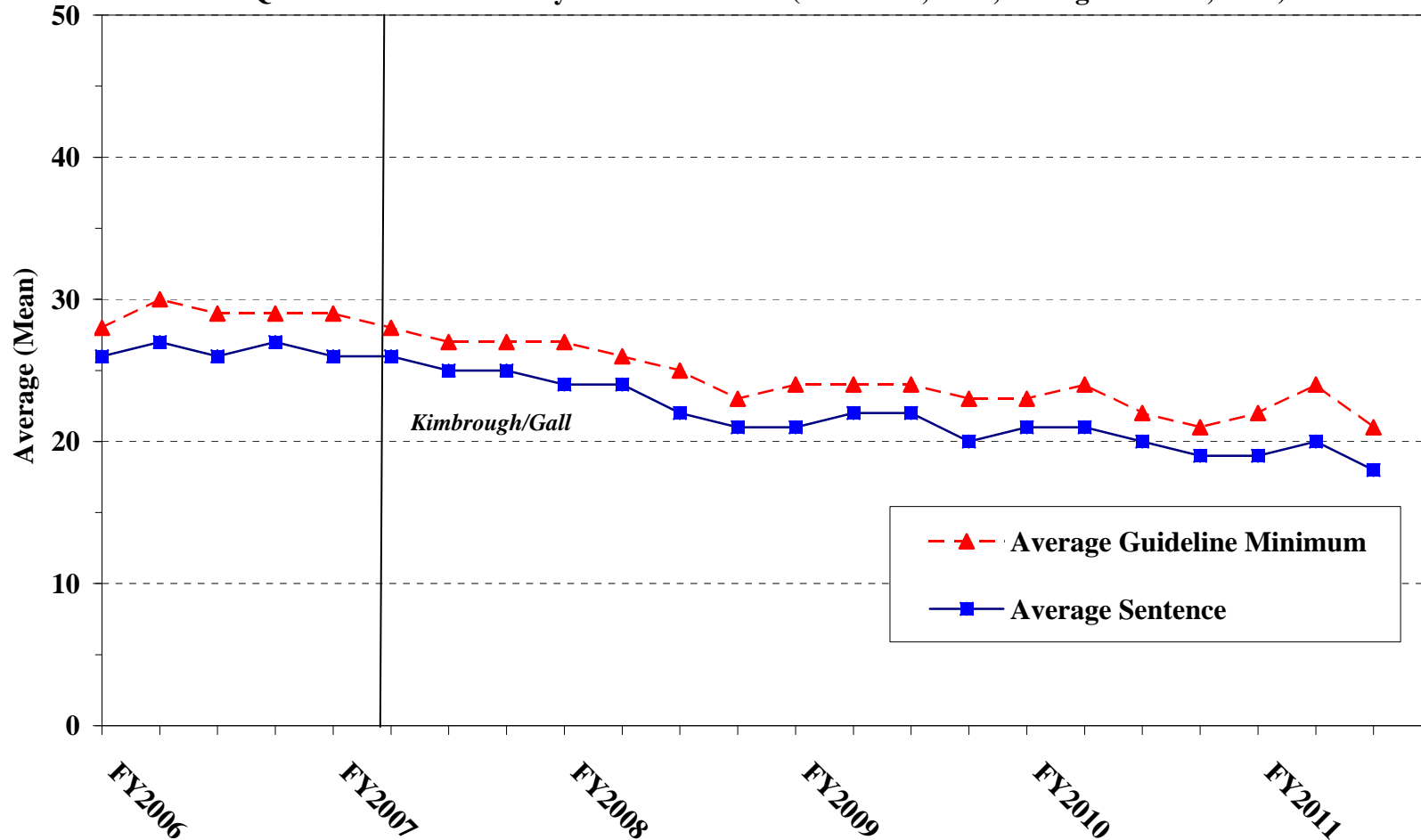
SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through June 30, 2011).

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 2006 - 2010,

3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)



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

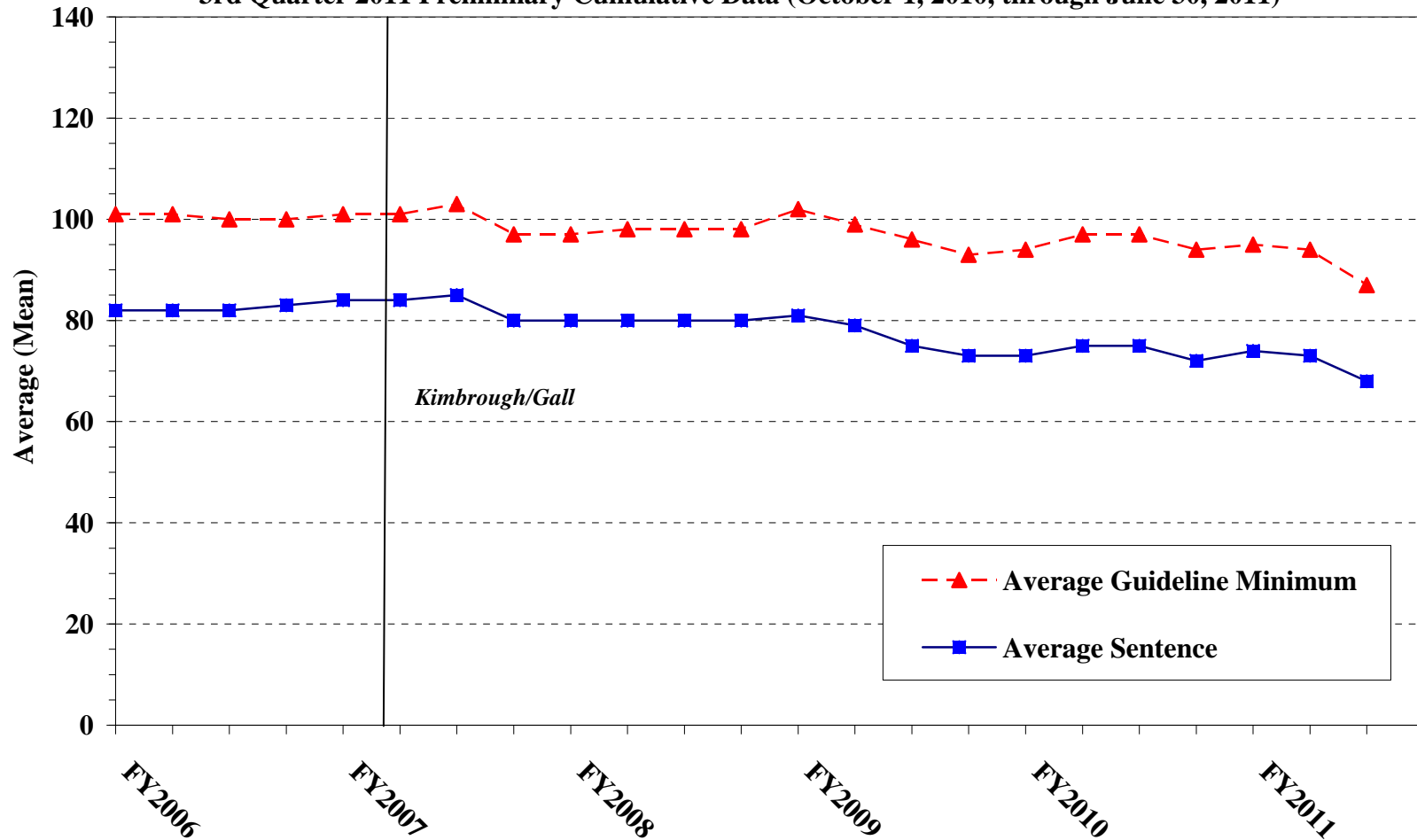
SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through June 30, 2011).

Figure H

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

Fiscal Years 2006 - 2010,

3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

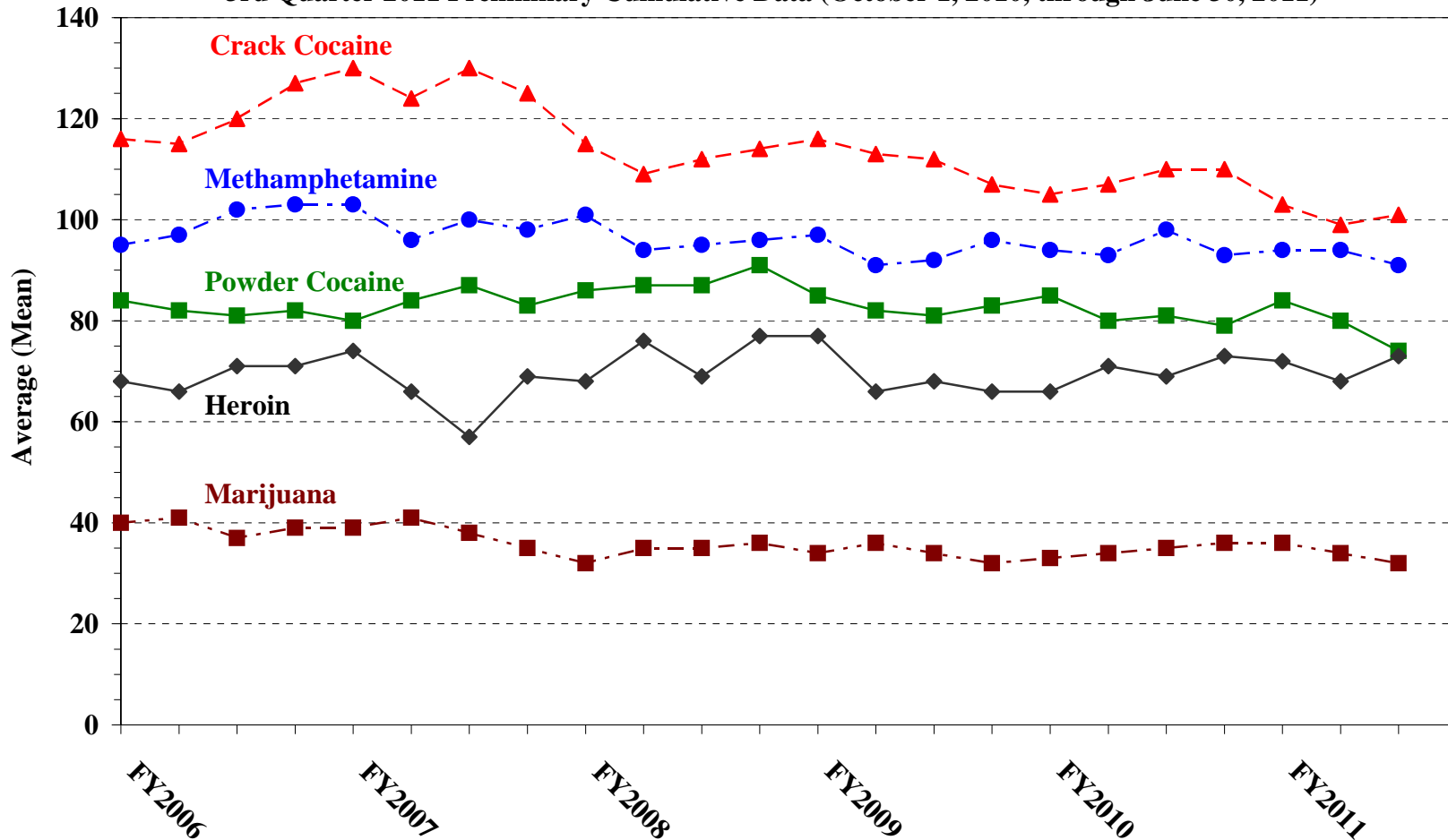


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline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

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2006 - 2010,
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)



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

SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through June 30, 2011).

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	26,960	13,561	50.3	5,192	19.3	2,721	10.1	2,554	9.5	2,932	10.9
Murder	13	5	38.5	5	38.5	2	15.4	0	0.0	1	7.7
Manslaughter	22	2	9.1	4	18.2	5	22.7	4	18.2	7	31.8
Kidnapping/Hostage Taking	16	8	50.0	0	0.0	1	6.3	3	18.8	4	25.0
Sexual Abuse	128	57	44.5	21	16.4	11	8.6	11	8.6	28	21.9
Assault	240	113	47.1	24	10.0	23	9.6	13	5.4	67	27.9
Robbery	411	216	52.6	53	12.9	35	8.5	51	12.4	56	13.6
Arson	11	6	54.5	0	0.0	0	0.0	3	27.3	2	18.2
Drugs - Trafficking	7,112	4,693	66.0	1,206	17.0	470	6.6	298	4.2	445	6.3
Drugs - Communication Facility	82	53	64.6	10	12.2	5	6.1	6	7.3	8	9.8
Drugs - Simple Possession	147	117	79.6	12	8.2	6	4.1	2	1.4	10	6.8
Firearms	2,985	1,601	53.6	413	13.8	296	9.9	266	8.9	409	13.7
Burglary/B&E	31	15	48.4	2	6.5	4	12.9	1	3.2	9	29.0
Auto Theft	25	15	60.0	7	28.0	1	4.0	1	4.0	1	4.0
Larceny	619	446	72.1	60	9.7	35	5.7	25	4.0	53	8.6
Fraud	2,282	1,269	55.6	344	15.1	200	8.8	179	7.8	290	12.7
Embezzlement	169	126	74.6	23	13.6	10	5.9	5	3.0	5	3.0
Forgery/Counterfeiting	432	222	51.4	56	13.0	41	9.5	33	7.6	80	18.5
Bribery	49	29	59.2	7	14.3	8	16.3	2	4.1	3	6.1
Tax	87	54	62.1	15	17.2	8	9.2	2	2.3	8	9.2
Money Laundering	178	114	64.0	31	17.4	12	6.7	2	1.1	19	10.7
Racketeering/Extortion	181	79	43.6	28	15.5	20	11.0	26	14.4	28	15.5
Gambling/Lottery	35	23	65.7	3	8.6	0	0.0	5	14.3	4	11.4
Civil Rights	14	7	50.0	2	14.3	3	21.4	1	7.1	1	7.1
Immigration	10,055	3,311	32.9	2,639	26.2	1,401	13.9	1,511	15.0	1,193	11.9
Child Pornography	398	227	57.0	60	15.1	27	6.8	40	10.1	44	11.1
Prison Offenses	207	74	35.7	44	21.3	25	12.1	20	9.7	44	21.3
Administration of Justice Offenses	406	232	57.1	44	10.8	49	12.1	19	4.7	62	15.3
Environmental/Wildlife	46	34	73.9	3	6.5	2	4.3	2	4.3	5	10.9
National Defense	26	18	69.2	6	23.1	1	3.8	1	3.8	0	0.0
Antitrust	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	20	16	80.0	3	15.0	1	5.0	0	0.0	0	0.0
Other Miscellaneous Offenses	532	379	71.2	66	12.4	19	3.6	22	4.1	46	8.6

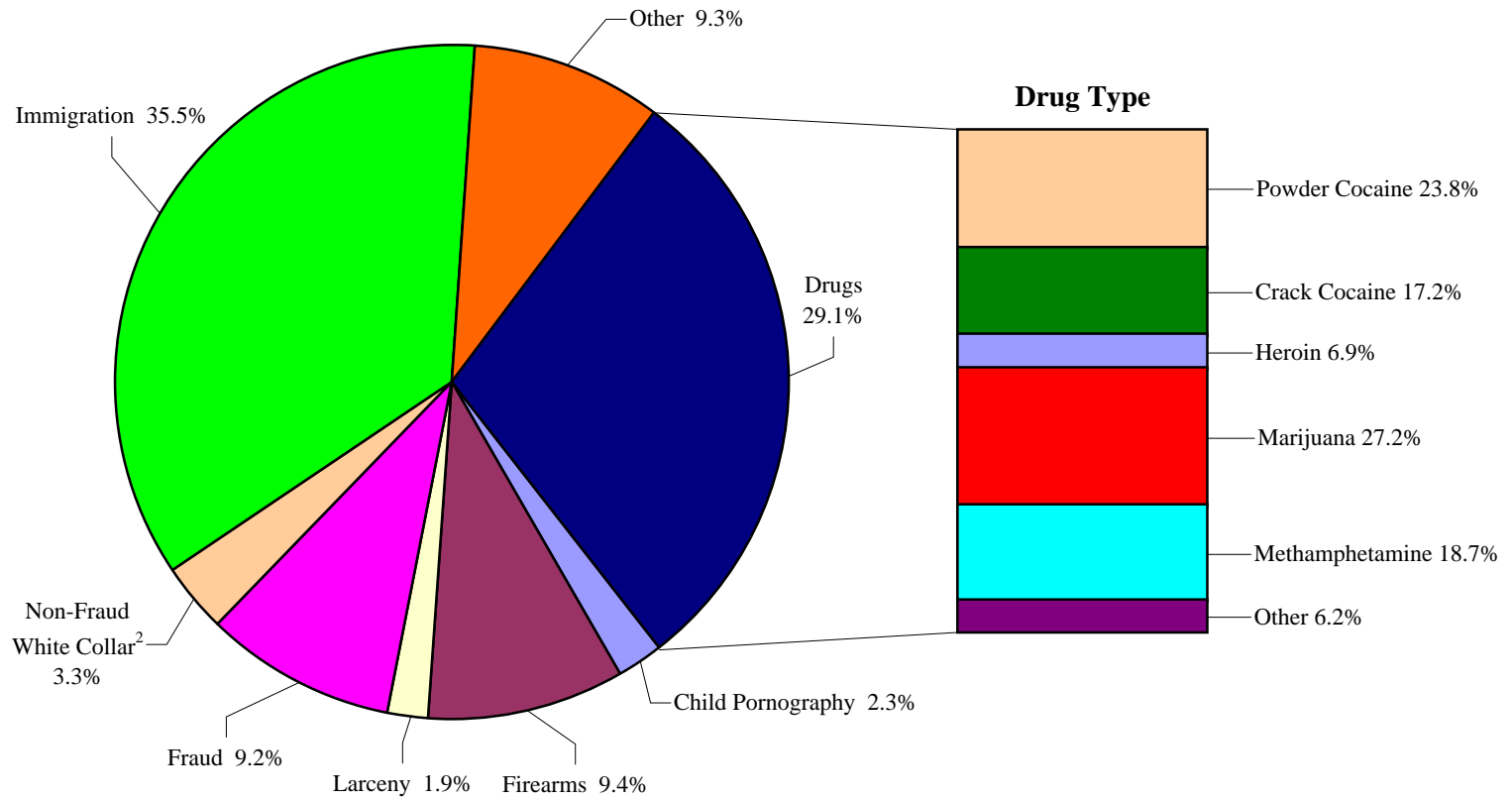
¹ Of the 61,781 cases, 33,004 were sentenced within the applicable guideline range. Of those, 28,912 cases had complete guideline application information. An additional 1,952 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)



¹ Of the 61,781 guideline cases, 18,483 were drug cases. Of these, 680 were excluded due to missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	N	%
TOTAL	61,781	100.0
Murder	41	0.1
Manslaughter	47	0.1
Kidnapping/Hostage Taking	49	0.1
Sexual Abuse	286	0.5
Assault	488	0.8
Robbery	695	1.1
Arson	38	0.1
Drugs - Trafficking	17,577	28.5
Drugs - Communication Facility	349	0.6
Drugs - Simple Possession	557	0.9
Firearms	5,738	9.3
Burglary/B&E	45	0.1
Auto Theft	62	0.1
Larceny	1,139	1.8
Fraud	5,648	9.1
Embezzlement	287	0.5
Forgery/Counterfeiting	695	1.1
Bribery	169	0.3
Tax	281	0.5
Money Laundering	602	1.0
Racketeering/Extortion	498	0.8
Gambling/Lottery	59	0.1
Civil Rights	40	0.1
Immigration	21,692	35.1
Child Pornography	1,381	2.2
Prison Offenses	304	0.5
Administration of Justice Offenses	822	1.3
Environmental/Wildlife	134	0.2
National Defense	57	0.1
Antitrust	10	0.0
Food & Drug	34	0.1
Other Miscellaneous Offenses	1,957	3.2

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

Table 22

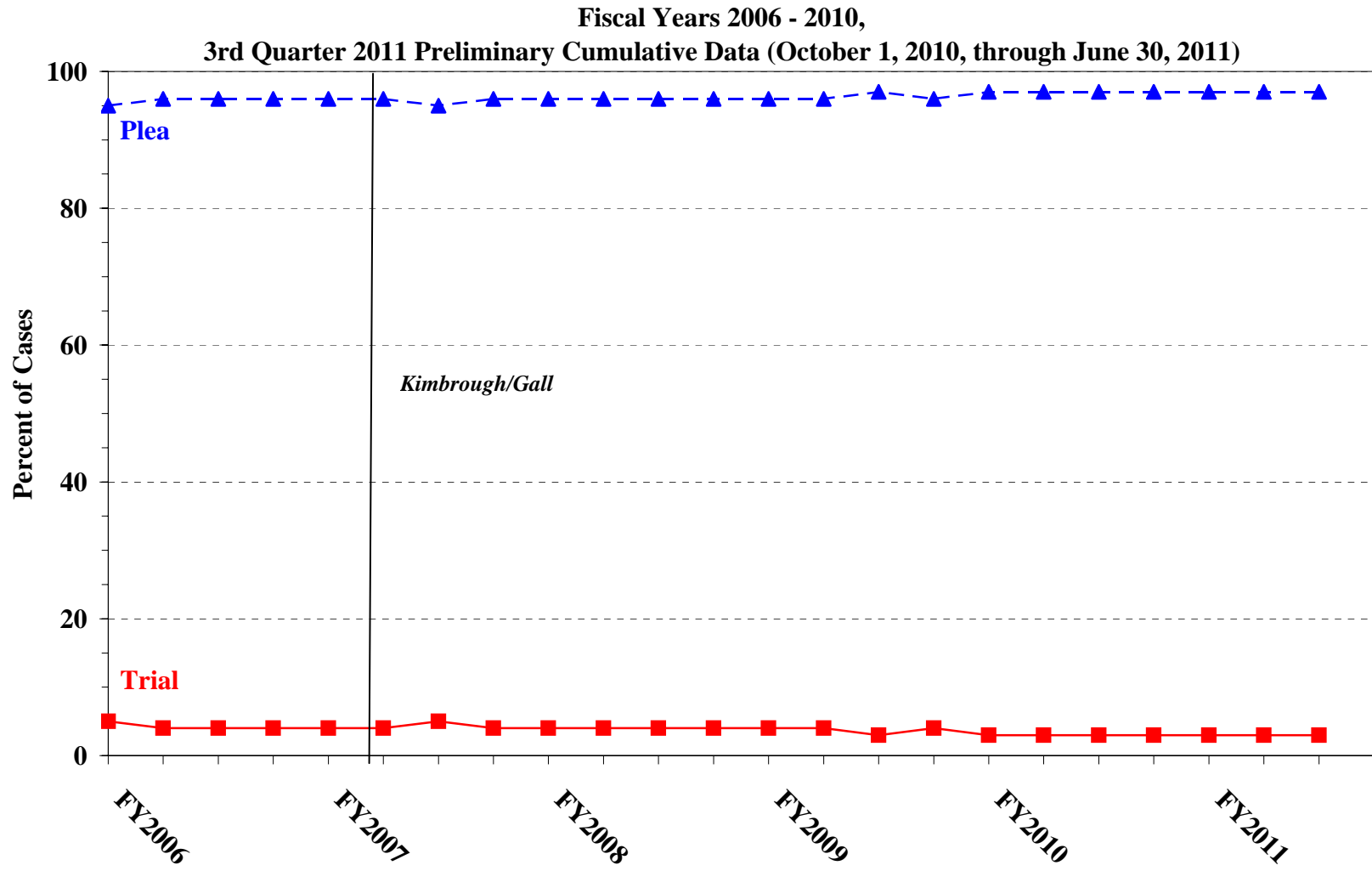
GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	61,781	59,808	96.8	1,973	3.2
Murder	41	33	80.5	8	19.5
Manslaughter	47	43	91.5	4	8.5
Kidnapping/Hostage Taking	49	37	75.5	12	24.5
Sexual Abuse	286	250	87.4	36	12.6
Assault	488	430	88.1	58	11.9
Robbery	695	666	95.8	29	4.2
Arson	38	36	94.7	2	5.3
Drugs - Trafficking	17,577	16,999	96.7	578	3.3
Drugs - Communication Facility	349	349	100.0	0	0.0
Drugs - Simple Possession	557	548	98.4	9	1.6
Firearms	5,738	5,357	93.4	381	6.6
Burglary/B&E	45	42	93.3	3	6.7
Auto Theft	62	55	88.7	7	11.3
Larceny	1,139	1,106	97.1	33	2.9
Fraud	5,648	5,321	94.2	327	5.8
Embezzlement	287	280	97.6	7	2.4
Forgery/Counterfeiting	695	682	98.1	13	1.9
Bribery	169	160	94.7	9	5.3
Tax	281	249	88.6	32	11.4
Money Laundering	602	575	95.5	27	4.5
Racketeering/Extortion	498	450	90.4	48	9.6
Gambling/Lottery	59	57	96.6	2	3.4
Civil Rights	40	34	85.0	6	15.0
Immigration	21,692	21,562	99.4	130	0.6
Child Pornography	1,381	1,331	96.4	50	3.6
Prison Offenses	304	298	98.0	6	2.0
Administration of Justice Offenses	822	776	94.4	46	5.6
Environmental/Wildlife	134	127	94.8	7	5.2
National Defense	57	52	91.2	5	8.8
Antitrust	10	10	100.0	0	0.0
Food & Drug	34	34	100.0	0	0.0
Other Miscellaneous Offenses	1,957	1,859	95.0	98	5.0

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

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	56,556	14,933	26.4	11,163	19.7	28,468	50.3	1,992	3.5
Murder	41	13	31.7	6	14.6	8	19.5	14	34.1
Manslaughter	47	8	17.0	1	2.1	2	4.3	36	76.6
Kidnapping/Hostage Taking	49	10	20.4	17	34.7	20	40.8	2	4.1
Sexual Abuse	286	109	38.1	38	13.3	29	10.1	110	38.5
Assault	450	106	23.6	87	19.3	68	15.1	189	42.0
Robbery	695	337	48.5	267	38.4	65	9.4	26	3.7
Arson	38	25	65.8	4	10.5	1	2.6	8	21.1
Drugs - Trafficking	17,481	4,511	25.8	4,499	25.7	7,948	45.5	523	3.0
Drugs - Communication Facility	344	93	27.0	119	34.6	118	34.3	14	4.1
Drugs - Simple Possession	221	119	53.8	54	24.4	37	16.7	11	5.0
Firearms	5,689	1,612	28.3	2,876	50.6	1,063	18.7	138	2.4
Burglary/B&E	45	10	22.2	7	15.6	1	2.2	27	60.0
Auto Theft	61	34	55.7	12	19.7	15	24.6	0	0.0
Larceny	938	462	49.3	293	31.2	124	13.2	59	6.3
Fraud	4,965	2,340	47.1	1,406	28.3	933	18.8	286	5.8
Embezzlement	268	181	67.5	42	15.7	20	7.5	25	9.3
Forgery/Counterfeiting	683	301	44.1	274	40.1	85	12.4	23	3.4
Bribery	165	75	45.5	41	24.8	36	21.8	13	7.9
Tax	274	171	62.4	43	15.7	43	15.7	17	6.2
Money Laundering	589	241	40.9	94	16.0	218	37.0	36	6.1
Racketeering/Extortion	491	193	39.3	141	28.7	145	29.5	12	2.4
Gambling/Lottery	59	43	72.9	4	6.8	5	8.5	7	11.9
Civil Rights	39	29	74.4	3	7.7	6	15.4	1	2.6
Immigration	18,958	1,554	8.2	290	1.5	16,964	89.5	150	0.8
Child Pornography	1,376	1,226	89.1	32	2.3	85	6.2	33	2.4
Prison Offenses	280	67	23.9	99	35.4	88	31.4	26	9.3
Administration of Justice Offenses	778	373	47.9	163	21.0	176	22.6	66	8.5
Environmental/Wildlife	103	70	68.0	9	8.7	11	10.7	13	12.6
National Defense	55	15	27.3	5	9.1	28	50.9	7	12.7
Antitrust	8	7	87.5	0	0.0	1	12.5	0	0.0
Food & Drug	33	16	48.5	1	3.0	9	27.3	7	21.2
Other Miscellaneous Offenses	1,047	582	55.6	236	22.5	116	11.1	113	10.8

¹ Of the 61,781 cases, 5,225 were excluded due to missing race. Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	60,442	52,737	87.3	7,705	12.7
Murder	41	34	82.9	7	17.1
Manslaughter	47	34	72.3	13	27.7
Kidnapping/Hostage Taking	49	44	89.8	5	10.2
Sexual Abuse	286	270	94.4	16	5.6
Assault	481	430	89.4	51	10.6
Robbery	695	636	91.5	59	8.5
Arson	38	35	92.1	3	7.9
Drugs - Trafficking	17,570	15,301	87.1	2,269	12.9
Drugs - Communication Facility	349	258	73.9	91	26.1
Drugs - Simple Possession	476	357	75.0	119	25.0
Firearms	5,732	5,549	96.8	183	3.2
Burglary/B&E	45	43	95.6	2	4.4
Auto Theft	61	57	93.4	4	6.6
Larceny	1,054	636	60.3	418	39.7
Fraud	5,621	3,901	69.4	1,720	30.6
Embezzlement	284	151	53.2	133	46.8
Forgery/Counterfeiting	692	519	75.0	173	25.0
Bribery	169	133	78.7	36	21.3
Tax	281	210	74.7	71	25.3
Money Laundering	601	462	76.9	139	23.1
Racketeering/Extortion	498	443	89.0	55	11.0
Gambling/Lottery	59	59	100.0	0	0.0
Civil Rights	40	38	95.0	2	5.0
Immigration	20,779	19,325	93.0	1,454	7.0
Child Pornography	1,381	1,363	98.7	18	1.3
Prison Offenses	304	277	91.1	27	8.9
Administration of Justice Offenses	810	602	74.3	208	25.7
Environmental/Wildlife	128	122	95.3	6	4.7
National Defense	57	53	93.0	4	7.0
Antitrust	10	10	100.0	0	0.0
Food & Drug	34	27	79.4	7	20.6
Other Miscellaneous Offenses	1,770	1,358	76.7	412	23.3

¹ Of the 61,781 cases, 1,339 were excluded due to missing gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	12,274	100.0	9,705	100.0	26,107	100.0	1,588	100.0
Under 21	263	2.1	269	2.8	1,037	4.0	85	5.4
21 - 25	1,208	9.8	1,533	15.8	4,095	15.7	226	14.2
26 - 30	1,787	14.6	2,136	22.0	5,463	20.9	263	16.6
31 - 35	1,827	14.9	2,047	21.1	5,427	20.8	280	17.6
36 - 40	1,660	13.5	1,545	15.9	4,281	16.4	213	13.4
41 - 50	2,914	23.7	1,468	15.1	4,401	16.9	291	18.3
Over 50	2,615	21.3	707	7.3	1,403	5.4	230	14.5
Females	2,639	100.0	1,443	100.0	2,325	100.0	399	100.0
Under 21	86	3.3	14	1.0	128	5.5	18	4.5
21 - 25	337	12.8	211	14.6	391	16.8	60	15.0
26 - 30	411	15.6	285	19.8	427	18.4	48	12.0
31 - 35	407	15.4	223	15.5	433	18.6	59	14.8
36 - 40	372	14.1	219	15.2	329	14.2	56	14.0
41 - 50	575	21.8	311	21.6	402	17.3	89	22.3
Over 50	451	17.1	180	12.5	215	9.2	69	17.3

¹ Of the 61,781 cases, 5,301 were excluded due to one or more of the following reasons: missing race (5,225), missing gender (1,339), or missing age (352). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through June 30, 2011).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	60,140	31,492	52.4	28,648	47.6
Murder	41	38	92.7	3	7.3
Manslaughter	47	46	97.9	1	2.1
Kidnapping/Hostage Taking	49	19	38.8	30	61.2
Sexual Abuse	286	271	94.8	15	5.2
Assault	455	411	90.3	44	9.7
Robbery	695	664	95.5	31	4.5
Arson	38	37	97.4	1	2.6
Drugs - Trafficking	17,526	12,243	69.9	5,283	30.1
Drugs - Communication Facility	344	286	83.1	58	16.9
Drugs - Simple Possession	369	244	66.1	125	33.9
Firearms	5,713	5,160	90.3	553	9.7
Burglary/B&E	45	45	100.0	0	0.0
Auto Theft	61	51	83.6	10	16.4
Larceny	955	890	93.2	65	6.8
Fraud	5,531	4,148	75.0	1,383	25.0
Embezzlement	274	268	97.8	6	2.2
Forgery/Counterfeiting	689	624	90.6	65	9.4
Bribery	166	150	90.4	16	9.6
Tax	276	249	90.2	27	9.8
Money Laundering	596	407	68.3	189	31.7
Racketeering/Extortion	494	427	86.4	67	13.6
Gambling/Lottery	59	54	91.5	5	8.5
Civil Rights	39	37	94.9	2	5.1
Immigration	21,545	1,242	5.8	20,303	94.2
Child Pornography	1,381	1,345	97.4	36	2.6
Prison Offenses	291	265	91.1	26	8.9
Administration of Justice Offenses	787	657	83.5	130	16.5
Environmental/Wildlife	108	95	88.0	13	12.0
National Defense	56	30	53.6	26	46.4
Antitrust	8	7	87.5	1	12.5
Food & Drug	33	24	72.7	9	27.3
Other Miscellaneous Offenses	1,183	1,058	89.4	125	10.6

¹ Of the 61,781 cases, 1,641 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
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)

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	61,781	286,206	61,781	60,880	44,995	16,550	61,702	56,848	4,932
D.C. CIRCUIT	258	1,258	258	255	231	25	258	256	2
District of Columbia	258	1,258	258	255	231	25	258	256	2
FIRST CIRCUIT	1,542	7,220	1,542	1,523	1,121	417	1,541	1,493	49
Maine	164	757	164	164	101	63	164	164	0
Massachusetts	429	1,896	429	426	193	236	429	419	10
New Hampshire	158	771	158	158	140	18	158	157	1
Puerto Rico	661	3,198	661	645	608	49	660	624	37
Rhode Island	130	598	130	130	79	51	130	129	1
SECOND CIRCUIT	2,855	13,502	2,855	2,846	2,227	616	2,842	2,732	123
Connecticut	251	1,243	251	251	240	11	250	251	0
New York									
Eastern	811	3,934	811	809	693	117	811	810	1
Northern	400	1,780	400	394	234	166	400	352	48
Southern	697	3,169	697	697	406	282	686	683	14
Western	582	2,818	582	582	548	32	581	525	57
Vermont	114	558	114	113	106	8	114	111	3
THIRD CIRCUIT	2,196	10,409	2,196	2,186	1,675	516	2,189	2,163	33
Delaware	91	448	91	91	84	7	91	91	0
New Jersey	587	2,866	587	585	530	57	583	581	6
Pennsylvania									
Eastern	743	3,463	743	738	505	238	743	734	9
Middle	343	1,665	343	343	297	44	343	339	4
Western	376	1,712	376	373	228	145	373	362	14
Virgin Islands	56	255	56	56	31	25	56	56	0
FOURTH CIRCUIT	5,133	23,210	5,133	5,022	3,530	1,586	5,126	4,399	734
Maryland	654	3,105	654	622	563	87	654	612	42
North Carolina									
Eastern	643	2,952	643	603	473	170	643	590	53
Middle	404	1,997	404	404	382	22	404	403	1
Western	415	1,926	415	414	268	145	415	414	1
South Carolina	778	3,575	778	774	468	308	777	778	0
Virginia									
Eastern	1,503	6,077	1,503	1,473	725	769	1,499	877	626
Western	289	1,389	289	285	243	46	287	285	4
West Virginia									
Northern	229	1,126	229	229	216	13	229	223	6
Southern	218	1,063	218	218	192	26	218	217	1

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	14,753	64,852	14,753	14,263	7,804	6,836	14,739	13,293	1,460
Louisiana									
Eastern	275	1,278	275	274	180	94	275	274	1
Middle	101	476	101	101	75	26	100	99	2
Western	224	1,084	224	221	196	28	224	219	5
Mississippi									
Northern	123	603	123	123	113	10	123	121	2
Southern	222	1,074	222	219	192	28	222	219	3
Texas									
Eastern	744	3,652	744	744	682	62	744	738	6
Northern	693	3,263	693	689	499	193	693	689	4
Southern	6,270	28,874	6,270	6,266	3,897	2,365	6,265	6,176	94
Western	6,101	24,548	6,101	5,626	1,970	4,030	6,093	4,758	1,343
SIXTH CIRCUIT	4,165	19,801	4,165	4,150	3,301	833	4,161	4,024	141
Kentucky									
Eastern	462	2,245	462	462	408	43	461	452	10
Western	296	1,365	296	293	236	60	296	244	52
Michigan									
Eastern	607	2,934	607	606	513	94	607	601	6
Western	375	1,649	375	373	188	187	375	338	37
Ohio									
Northern	447	2,097	447	444	313	130	447	446	1
Southern	559	2,734	559	557	506	53	559	553	6
Tennessee									
Eastern	720	3,469	720	720	592	128	719	718	2
Middle	231	1,100	231	228	184	31	229	228	3
Western	468	2,208	468	467	361	107	468	444	24
SEVENTH CIRCUIT	2,245	10,724	2,245	2,219	1,803	438	2,244	2,213	32
Illinois									
Central	275	1,253	275	274	155	119	275	274	1
Northern	676	3,203	676	655	526	148	676	670	6
Southern	225	1,013	225	225	129	96	225	209	16
Indiana									
Northern	358	1,747	358	355	321	37	358	355	3
Southern	202	986	202	202	180	22	202	200	2
Wisconsin									
Eastern	371	1,843	371	370	364	6	371	367	4
Western	138	679	138	138	128	10	137	138	0
EIGHTH CIRCUIT	3,560	17,020	3,560	3,555	2,800	756	3,558	3,547	13
Arkansas									
Eastern	233	1,091	233	233	159	74	233	233	0
Western	238	1,180	238	238	228	9	238	238	0
Iowa									
Northern	387	1,747	387	387	200	187	387	386	1
Southern	282	1,331	282	282	204	76	281	282	0
Minnesota	315	1,545	315	314	289	25	314	313	2
Missouri									
Eastern	628	3,118	628	628	606	22	628	628	0
Western	530	2,463	530	526	350	180	530	527	3
Nebraska	433	2,056	433	433	329	104	433	428	5
North Dakota	195	920	195	195	141	54	195	194	1
South Dakota	319	1,569	319	319	294	25	319	318	1

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	14,849	70,925	14,849	14,726	13,540	1,278	14,831	12,979	1,869
Alaska	99	454	99	99	67	31	98	91	8
Arizona	6,193	29,685	6,193	6,092	5,730	454	6,181	5,489	704
California									
Central	1,372	6,696	1,372	1,367	1,247	124	1,370	1,340	31
Eastern	757	3,694	757	755	671	74	755	756	1
Northern	590	2,810	590	590	499	89	589	542	48
Southern	3,338	15,632	3,338	3,333	3,190	145	3,338	2,433	905
Guam	35	167	35	35	29	6	35	33	2
Hawaii	158	701	158	158	78	80	158	149	9
Idaho	242	1,187	242	242	220	22	242	241	1
Montana	226	1,082	226	225	183	43	226	222	4
Nevada	463	2,222	463	462	374	89	463	460	3
Northern Mariana Islands	5	25	5	5	5	0	5	5	0
Oregon	465	2,266	465	457	432	32	465	447	18
Washington									
Eastern	278	1,330	278	278	224	53	278	272	6
Western	628	2,974	628	628	591	36	628	499	129
TENTH CIRCUIT	5,120	23,875	5,120	5,105	3,610	1,503	5,117	4,923	197
Colorado	507	2,492	507	501	495	12	507	482	25
Kansas	533	2,592	533	530	477	56	533	519	14
New Mexico	2,376	10,868	2,376	2,373	1,373	1,000	2,375	2,371	5
Oklahoma									
Eastern	72	320	72	72	32	40	72	72	0
Northern	144	658	144	144	82	61	144	144	0
Western	389	1,636	389	386	186	202	388	287	102
Utah	832	4,069	832	832	778	52	831	796	36
Wyoming	267	1,240	267	267	187	80	267	252	15
ELEVENTH CIRCUIT	5,105	23,410	5,105	5,030	3,353	1,746	5,096	4,826	279
Alabama									
Middle	176	834	176	176	130	45	176	176	0
Northern	331	1,525	331	322	238	92	329	305	26
Southern	302	1,436	302	302	231	71	301	300	2
Florida									
Middle	1,130	5,153	1,130	1,128	638	491	1,129	1,128	2
Northern	291	1,370	291	291	208	82	291	289	2
Southern	1,546	7,186	1,546	1,501	1,071	475	1,545	1,523	23
Georgia									
Middle	285	1,288	285	285	174	111	285	259	26
Northern	505	2,333	505	487	355	149	504	482	23
Southern	539	2,285	539	538	308	230	536	364	175

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

² The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 11 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
BY EACH CIRCUIT AND DISTRICT
3rd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through June 30, 2011)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	61,781	57,729	93.4	3,173	5.1	879	1.4
D.C. CIRCUIT	258	258	100.0	0	0.0	0	0.0
District of Columbia	258	258	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,542	1,522	98.7	1	0.1	19	1.2
Maine	164	164	100.0	0	0.0	0	0.0
Massachusetts	429	426	99.3	0	0.0	3	0.7
New Hampshire	158	158	100.0	0	0.0	0	0.0
Puerto Rico	661	645	97.6	0	0.0	16	2.4
Rhode Island	130	129	99.2	1	0.8	0	0.0
SECOND CIRCUIT	2,855	2,798	98.0	48	1.7	9	0.3
Connecticut	251	251	100.0	0	0.0	0	0.0
New York							
Eastern	811	762	94.0	47	5.8	2	0.2
Northern	400	394	98.5	0	0.0	6	1.5
Southern	697	697	100.0	0	0.0	0	0.0
Western	582	582	100.0	0	0.0	0	0.0
Vermont	114	112	98.2	1	0.9	1	0.9
THIRD CIRCUIT	2,196	1,616	73.6	570	26.0	10	0.5
Delaware	91	91	100.0	0	0.0	0	0.0
New Jersey	587	50	8.5	535	91.1	2	0.3
Pennsylvania							
Eastern	743	737	99.2	1	0.1	5	0.7
Middle	343	343	100.0	0	0.0	0	0.0
Western	376	371	98.7	2	0.5	3	0.8
Virgin Islands	56	24	42.9	32	57.1	0	0.0
FOURTH CIRCUIT	5,133	4,958	96.6	70	1.4	105	2.0
Maryland	654	626	95.7	2	0.3	26	4.0
North Carolina							
Eastern	643	603	93.8	0	0.0	40	6.2
Middle	404	404	100.0	0	0.0	0	0.0
Western	415	414	99.8	0	0.0	1	0.2
South Carolina	778	774	99.5	0	0.0	4	0.5
Virginia							
Eastern	1,503	1,405	93.5	68	4.5	30	2.0
Western	289	285	98.6	0	0.0	4	1.4
West Virginia							
Northern	229	229	100.0	0	0.0	0	0.0
Southern	218	218	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	14,753	12,495	84.7	1,768	12.0	490	3.3
Louisiana							
Eastern	275	274	99.6	0	0.0	1	0.4
Middle	101	101	100.0	0	0.0	0	0.0
Western	224	186	83.0	35	15.6	3	1.3
Mississippi							
Northern	123	123	100.0	0	0.0	0	0.0
Southern	222	219	98.6	0	0.0	3	1.4
Texas							
Eastern	744	744	100.0	0	0.0	0	0.0
Northern	693	689	99.4	0	0.0	4	0.6
Southern	6,270	6,266	99.9	0	0.0	4	0.1
Western	6,101	3,893	63.8	1,733	28.4	475	7.8
SIXTH CIRCUIT	4,165	4,016	96.4	135	3.2	14	0.3
Kentucky							
Eastern	462	462	100.0	0	0.0	0	0.0
Western	296	293	99.0	0	0.0	3	1.0
Michigan							
Eastern	607	606	99.8	0	0.0	1	0.2
Western	375	373	99.5	0	0.0	2	0.5
Ohio							
Northern	447	444	99.3	0	0.0	3	0.7
Southern	559	508	90.9	49	8.8	2	0.4
Tennessee							
Eastern	720	720	100.0	0	0.0	0	0.0
Middle	231	172	74.5	56	24.2	3	1.3
Western	468	438	93.6	30	6.4	0	0.0
SEVENTH CIRCUIT	2,245	2,175	96.9	44	2.0	26	1.2
Illinois							
Central	275	274	99.6	0	0.0	1	0.4
Northern	676	655	96.9	0	0.0	21	3.1
Southern	225	225	100.0	0	0.0	0	0.0
Indiana							
Northern	358	350	97.8	5	1.4	3	0.8
Southern	202	202	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	371	331	89.2	39	10.5	1	0.3
Western	138	138	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	3,560	3,544	99.6	11	0.3	5	0.1
Arkansas							
Eastern	233	233	100.0	0	0.0	0	0.0
Western	238	238	100.0	0	0.0	0	0.0
Iowa							
Northern	387	387	100.0	0	0.0	0	0.0
Southern	282	282	100.0	0	0.0	0	0.0
Minnesota	315	303	96.2	11	3.5	1	0.3
Missouri							
Eastern	628	628	100.0	0	0.0	0	0.0
Western	530	526	99.2	0	0.0	4	0.8
Nebraska	433	433	100.0	0	0.0	0	0.0
North Dakota	195	195	100.0	0	0.0	0	0.0
South Dakota	319	319	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	14,849	14,269	96.1	466	3.1	114	0.8
Alaska	99	99	100.0	0	0.0	0	0.0
Arizona	6,193	6,099	98.5	1	0.0	93	1.5
California							
Central	1,372	1,367	99.6	0	0.0	5	0.4
Eastern	757	755	99.7	1	0.1	1	0.1
Northern	590	590	100.0	0	0.0	0	0.0
Southern	3,338	3,333	99.9	0	0.0	5	0.1
Guam	35	35	100.0	0	0.0	0	0.0
Hawaii	158	150	94.9	8	5.1	0	0.0
Idaho	242	241	99.6	1	0.4	0	0.0
Montana	226	225	99.6	0	0.0	1	0.4
Nevada	463	462	99.8	0	0.0	1	0.2
Northern Mariana Islands	5	5	100.0	0	0.0	0	0.0
Oregon	465	2	0.4	455	97.8	8	1.7
Washington							
Eastern	278	278	100.0	0	0.0	0	0.0
Western	628	628	100.0	0	0.0	0	0.0
TENTH CIRCUIT	5,120	5,075	99.1	32	0.6	13	0.3
Colorado	507	501	98.8	0	0.0	6	1.2
Kansas	533	531	99.6	1	0.2	1	0.2
New Mexico	2,376	2,372	99.8	1	0.0	3	0.1
Oklahoma							
Eastern	72	72	100.0	0	0.0	0	0.0
Northern	144	144	100.0	0	0.0	0	0.0
Western	389	385	99.0	1	0.3	3	0.8
Utah	832	803	96.5	29	3.5	0	0.0
Wyoming	267	267	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	5,105	5,003	98.0	28	0.5	74	1.4
Alabama							
Middle	176	176	100.0	0	0.0	0	0.0
Northern	331	322	97.3	0	0.0	9	2.7
Southern	302	302	100.0	0	0.0	0	0.0
Florida							
Middle	1,130	1,128	99.8	0	0.0	2	0.2
Northern	291	291	100.0	0	0.0	0	0.0
Southern	1,546	1,502	97.2	0	0.0	44	2.8
Georgia							
Middle	285	284	99.6	1	0.4	0	0.0
Northern	505	460	91.1	27	5.3	18	3.6
Southern	539	538	99.8	0	0.0	1	0.2

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

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

Variables

The following section describes the variables used in this report.

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

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

Age

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

All Remaining Cases Above Guideline Range

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

All Remaining Cases Below Guideline Range

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

Sentence Length

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

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

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

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

Circuit

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

Citizenship Status

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

Degree of Decrease

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

Degree of Increase

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

District

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

Document Submission Rates

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

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

Downward Departure From Guideline Range

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

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

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

Drug Offense Guideline

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

Drug Type

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

Education

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

Gender

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

Government Sponsored

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

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

Guideline Offenders Sentenced

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

Guideline Sentencing Range

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

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

Mode of Conviction

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

Outside of the Range Attribution Categories

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

Position of Sentence

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

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

Primary Offense Category

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

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

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

Manslaughter includes both involuntary and voluntary manslaughter.

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

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

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

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

Arson also includes damage by explosives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Race

Information on *Race* of the offender is obtained from the presentence report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*).

Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

Type of Guideline Sentence Imposed

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

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

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

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

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

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

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

Upward Departure From Guideline Range

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

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

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

Year

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

Zone

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

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

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

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

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

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

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

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

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