

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



**2nd Quarter Release
Preliminary Fiscal Year 2011 Data
Through March 31, 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**
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

	N	%
TOTAL CASES	39,084	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	21,315	54.5
CASES SENTENCED ABOVE GUIDELINE RANGE	712	1.8
DEPARTURE ABOVE GUIDELINE RANGE	225	0.6
Upward Departure From Guideline Range ²	177	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	48	0.1
OTHERWISE ABOVE GUIDELINE RANGE	487	1.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	436	1.1
All Remaining Cases Above Guideline Range ⁵	51	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	10,363	26.5
§5K1.1 Substantial Assistance Departure	4,517	11.6
§5K3.1 Early Disposition Program Departure	4,195	10.7
Other Government Sponsored Below Range	1,651	4.2
NON-GOVERNMENT SPONSORED BELOW RANGE	6,694	17.1
DEPARTURE BELOW GUIDELINE RANGE	1,352	3.5
Downward Departure From Guideline Range ²	952	2.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	400	1.0
OTHERWISE BELOW GUIDELINE RANGE	5,342	13.7
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	5,034	12.9
All Remaining Cases Below Guideline Range ⁵	308	0.8

¹ This table reflects the 39,676 cases sentenced on or after October 1, 2010, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 10, 2011. Of these, 592 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.

Table 2

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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	39,084	21,315	54.5	177	0.5	48	0.1	436	1.1	51	0.1
D.C. CIRCUIT	169	56	33.1	1	0.6	0	0.0	2	1.2	0	0.0
District of Columbia	169	56	33.1	1	0.6	0	0.0	2	1.2	0	0.0
FIRST CIRCUIT	918	489	53.3	4	0.4	2	0.2	18	2.0	1	0.1
Maine	112	48	42.9	2	1.8	0	0.0	1	0.9	0	0.0
Massachusetts	257	95	37.0	0	0.0	2	0.8	7	2.7	0	0.0
New Hampshire	100	40	40.0	0	0.0	0	0.0	4	4.0	0	0.0
Puerto Rico	371	279	75.2	2	0.5	0	0.0	6	1.6	1	0.3
Rhode Island	78	27	34.6	0	0.0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	1,439	625	43.4	5	0.3	1	0.1	12	0.8	1	0.1
Connecticut	145	66	45.5	1	0.7	0	0.0	2	1.4	0	0.0
New York											
Eastern	559	173	30.9	0	0.0	1	0.2	9	1.6	0	0.0
Northern	242	135	55.8	2	0.8	0	0.0	0	0.0	0	0.0
Southern	36	19	52.8	0	0.0	0	0.0	0	0.0	0	0.0
Western	390	210	53.8	1	0.3	0	0.0	1	0.3	1	0.3
Vermont	67	22	32.8	1	1.5	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	1,462	634	43.4	5	0.3	2	0.1	13	0.9	2	0.1
Delaware	67	27	40.3	0	0.0	0	0.0	1	1.5	0	0.0
New Jersey	399	166	41.6	1	0.3	1	0.3	1	0.3	0	0.0
Pennsylvania											
Eastern	504	195	38.7	2	0.4	0	0.0	8	1.6	1	0.2
Middle	206	93	45.1	1	0.5	0	0.0	1	0.5	0	0.0
Western	246	123	50.0	0	0.0	0	0.0	0	0.0	1	0.4
Virgin Islands	40	30	75.0	1	2.5	1	2.5	2	5.0	0	0.0
FOURTH CIRCUIT	3,257	2,007	61.6	28	0.9	8	0.2	36	1.1	3	0.1
Maryland	423	195	46.1	7	1.7	3	0.7	4	0.9	0	0.0
North Carolina											
Eastern	397	233	58.7	7	1.8	0	0.0	5	1.3	0	0.0
Middle	276	197	71.4	3	1.1	0	0.0	7	2.5	0	0.0
Western	251	143	57.0	0	0.0	1	0.4	4	1.6	0	0.0
South Carolina	540	316	58.5	5	0.9	0	0.0	3	0.6	2	0.4
Virginia											
Eastern	892	678	76.0	6	0.7	3	0.3	6	0.7	0	0.0
Western	182	97	53.3	0	0.0	1	0.5	3	1.6	0	0.0
West Virginia											
Northern	154	78	50.6	0	0.0	0	0.0	3	1.9	0	0.0
Southern	142	70	49.3	0	0.0	0	0.0	1	0.7	1	0.7

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,517	11.6	4,195	10.7	1,651	4.2	952	2.4	400	1.0	5,034	12.9	308	0.8
D.C. CIRCUIT	45	26.6	0	0.0	23	13.6	8	4.7	12	7.1	18	10.7	4	2.4
District of Columbia	45	26.6	0	0.0	23	13.6	8	4.7	12	7.1	18	10.7	4	2.4
FIRST CIRCUIT	132	14.4	5	0.5	77	8.4	24	2.6	7	0.8	147	16.0	12	1.3
Maine	37	33.0	0	0.0	0	0.0	6	5.4	1	0.9	17	15.2	0	0.0
Massachusetts	38	14.8	0	0.0	44	17.1	8	3.1	2	0.8	58	22.6	3	1.2
New Hampshire	20	20.0	0	0.0	14	14.0	0	0.0	3	3.0	18	18.0	1	1.0
Puerto Rico	34	9.2	5	1.3	17	4.6	9	2.4	1	0.3	9	2.4	8	2.2
Rhode Island	3	3.8	0	0.0	2	2.6	1	1.3	0	0.0	45	57.7	0	0.0
SECOND CIRCUIT	281	19.5	0	0.0	56	3.9	46	3.2	43	3.0	350	24.3	19	1.3
Connecticut	20	13.8	0	0.0	3	2.1	11	7.6	3	2.1	39	26.9	0	0.0
New York														
Eastern	113	20.2	0	0.0	21	3.8	18	3.2	24	4.3	187	33.5	13	2.3
Northern	46	19.0	0	0.0	6	2.5	2	0.8	3	1.2	46	19.0	2	0.8
Southern	1	2.8	0	0.0	0	0.0	0	0.0	1	2.8	15	41.7	0	0.0
Western	93	23.8	0	0.0	19	4.9	2	0.5	3	0.8	56	14.4	4	1.0
Vermont	8	11.9	0	0.0	7	10.4	13	19.4	9	13.4	7	10.4	0	0.0
THIRD CIRCUIT	365	25.0	0	0.0	65	4.4	24	1.6	30	2.1	307	21.0	15	1.0
Delaware	11	16.4	0	0.0	6	9.0	0	0.0	0	0.0	20	29.9	2	3.0
New Jersey	120	30.1	0	0.0	16	4.0	8	2.0	4	1.0	80	20.1	2	0.5
Pennsylvania														
Eastern	155	30.8	0	0.0	16	3.2	7	1.4	4	0.8	106	21.0	10	2.0
Middle	37	18.0	0	0.0	23	11.2	5	2.4	4	1.9	42	20.4	0	0.0
Western	39	15.9	0	0.0	3	1.2	3	1.2	18	7.3	59	24.0	0	0.0
Virgin Islands	3	7.5	0	0.0	1	2.5	1	2.5	0	0.0	0	0.0	1	2.5
FOURTH CIRCUIT	467	14.3	0	0.0	107	3.3	50	1.5	28	0.9	509	15.6	14	0.4
Maryland	88	20.8	0	0.0	37	8.7	10	2.4	10	2.4	63	14.9	6	1.4
North Carolina														
Eastern	118	29.7	0	0.0	2	0.5	2	0.5	2	0.5	28	7.1	0	0.0
Middle	27	9.8	0	0.0	1	0.4	2	0.7	1	0.4	38	13.8	0	0.0
Western	50	19.9	0	0.0	6	2.4	3	1.2	3	1.2	41	16.3	0	0.0
South Carolina	83	15.4	0	0.0	18	3.3	6	1.1	4	0.7	100	18.5	3	0.6
Virginia														
Eastern	31	3.5	0	0.0	14	1.6	22	2.5	6	0.7	122	13.7	4	0.4
Western	40	22.0	0	0.0	9	4.9	2	1.1	1	0.5	29	15.9	0	0.0
West Virginia														
Northern	14	9.1	0	0.0	20	13.0	0	0.0	0	0.0	39	25.3	0	0.0
Southern	16	11.3	0	0.0	0	0.0	3	2.1	1	0.7	49	34.5	1	0.7

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	9,498	6,706	70.6	52	0.5	13	0.1	139	1.5	10	0.1
Louisiana											
Eastern	194	133	68.6	1	0.5	2	1.0	3	1.5	1	0.5
Middle	67	33	49.3	2	3.0	2	3.0	3	4.5	0	0.0
Western	154	113	73.4	2	1.3	1	0.6	10	6.5	0	0.0
Mississippi											
Northern	71	42	59.2	0	0.0	0	0.0	5	7.0	0	0.0
Southern	151	123	81.5	0	0.0	0	0.0	1	0.7	0	0.0
Texas											
Eastern	465	330	71.0	1	0.2	0	0.0	4	0.9	0	0.0
Northern	475	299	62.9	6	1.3	5	1.1	26	5.5	1	0.2
Southern	4,278	2,854	66.7	34	0.8	1	0.0	29	0.7	1	0.0
Western	3,643	2,779	76.3	6	0.2	2	0.1	58	1.6	7	0.2
SIXTH CIRCUIT	2,789	1,401	50.2	11	0.4	1	0.0	36	1.3	4	0.1
Kentucky											
Eastern	326	155	47.5	0	0.0	0	0.0	7	2.1	0	0.0
Western	204	99	48.5	0	0.0	0	0.0	1	0.5	1	0.5
Michigan											
Eastern	416	211	50.7	1	0.2	0	0.0	2	0.5	1	0.2
Western	261	182	69.7	1	0.4	0	0.0	5	1.9	2	0.8
Ohio											
Northern	277	130	46.9	1	0.4	0	0.0	3	1.1	0	0.0
Southern	379	138	36.4	2	0.5	1	0.3	5	1.3	0	0.0
Tennessee											
Eastern	486	278	57.2	2	0.4	0	0.0	5	1.0	0	0.0
Middle	142	57	40.1	2	1.4	0	0.0	1	0.7	0	0.0
Western	298	151	50.7	2	0.7	0	0.0	7	2.3	0	0.0
SEVENTH CIRCUIT	1,459	732	50.2	4	0.3	2	0.1	28	1.9	1	0.1
Illinois											
Central	181	104	57.5	1	0.6	0	0.0	1	0.6	0	0.0
Northern	449	209	46.5	0	0.0	0	0.0	5	1.1	0	0.0
Southern	146	116	79.5	1	0.7	1	0.7	2	1.4	0	0.0
Indiana											
Northern	241	136	56.4	0	0.0	1	0.4	6	2.5	0	0.0
Southern	128	66	51.6	1	0.8	0	0.0	13	10.2	1	0.8
Wisconsin											
Eastern	216	64	29.6	0	0.0	0	0.0	0	0.0	0	0.0
Western	98	37	37.8	1	1.0	0	0.0	1	1.0	0	0.0
EIGHTH CIRCUIT	2,379	1,321	55.5	19	0.8	6	0.3	37	1.6	4	0.2
Arkansas											
Eastern	155	101	65.2	0	0.0	0	0.0	6	3.9	0	0.0
Western	180	143	79.4	1	0.6	0	0.0	0	0.0	0	0.0
Iowa											
Northern	253	155	61.3	5	2.0	0	0.0	10	4.0	0	0.0
Southern	183	71	38.8	0	0.0	0	0.0	2	1.1	0	0.0
Minnesota	186	61	32.8	1	0.5	2	1.1	2	1.1	0	0.0
Missouri											
Eastern	444	221	49.8	2	0.5	1	0.2	8	1.8	2	0.5
Western	362	205	56.6	2	0.6	1	0.3	6	1.7	1	0.3
Nebraska	280	168	60.0	5	1.8	0	0.0	2	0.7	0	0.0
North Dakota	122	58	47.5	0	0.0	2	1.6	0	0.0	1	0.8
South Dakota	214	138	64.5	3	1.4	0	0.0	1	0.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	684	7.2	422	4.4	170	1.8	379	4.0	23	0.2	828	8.7	72	0.8
Louisiana														
Eastern	26	13.4	0	0.0	6	3.1	0	0.0	5	2.6	15	7.7	2	1.0
Middle	14	20.9	0	0.0	2	3.0	0	0.0	0	0.0	11	16.4	0	0.0
Western	15	9.7	0	0.0	0	0.0	0	0.0	0	0.0	10	6.5	3	1.9
Mississippi														
Northern	16	22.5	0	0.0	2	2.8	0	0.0	0	0.0	5	7.0	1	1.4
Southern	9	6.0	0	0.0	0	0.0	3	2.0	0	0.0	11	7.3	4	2.6
Texas														
Eastern	40	8.6	0	0.0	43	9.2	18	3.9	3	0.6	25	5.4	1	0.2
Northern	65	13.7	0	0.0	6	1.3	2	0.4	0	0.0	62	13.1	3	0.6
Southern	216	5.0	414	9.7	64	1.5	264	6.2	7	0.2	384	9.0	10	0.2
Western	283	7.8	8	0.2	47	1.3	92	2.5	8	0.2	305	8.4	48	1.3
SIXTH CIRCUIT	663	23.8	1	0.0	109	3.9	64	2.3	57	2.0	406	14.6	36	1.3
Kentucky														
Eastern	125	38.3	0	0.0	7	2.1	0	0.0	1	0.3	30	9.2	1	0.3
Western	55	27.0	0	0.0	19	9.3	8	3.9	1	0.5	20	9.8	0	0.0
Michigan														
Eastern	80	19.2	1	0.2	11	2.6	10	2.4	9	2.2	88	21.2	2	0.5
Western	32	12.3	0	0.0	2	0.8	3	1.1	6	2.3	26	10.0	2	0.8
Ohio														
Northern	70	25.3	0	0.0	9	3.2	6	2.2	3	1.1	48	17.3	7	2.5
Southern	103	27.2	0	0.0	24	6.3	19	5.0	23	6.1	50	13.2	14	3.7
Tennessee														
Eastern	129	26.5	0	0.0	7	1.4	6	1.2	1	0.2	53	10.9	5	1.0
Middle	22	15.5	0	0.0	19	13.4	7	4.9	3	2.1	31	21.8	0	0.0
Western	47	15.8	0	0.0	11	3.7	5	1.7	10	3.4	60	20.1	5	1.7
SEVENTH CIRCUIT	239	16.4	0	0.0	63	4.3	33	2.3	54	3.7	292	20.0	11	0.8
Illinois														
Central	32	17.7	0	0.0	5	2.8	0	0.0	2	1.1	35	19.3	1	0.6
Northern	56	12.5	0	0.0	13	2.9	9	2.0	38	8.5	115	25.6	4	0.9
Southern	10	6.8	0	0.0	3	2.1	3	2.1	2	1.4	8	5.5	0	0.0
Indiana														
Northern	60	24.9	0	0.0	11	4.6	9	3.7	3	1.2	15	6.2	0	0.0
Southern	7	5.5	0	0.0	12	9.4	2	1.6	0	0.0	26	20.3	0	0.0
Wisconsin														
Eastern	64	29.6	0	0.0	19	8.8	1	0.5	0	0.0	62	28.7	6	2.8
Western	10	10.2	0	0.0	0	0.0	9	9.2	9	9.2	31	31.6	0	0.0
EIGHTH CIRCUIT	347	14.6	18	0.8	101	4.2	55	2.3	27	1.1	428	18.0	16	0.7
Arkansas														
Eastern	14	9.0	0	0.0	5	3.2	2	1.3	3	1.9	21	13.5	3	1.9
Western	19	10.6	0	0.0	0	0.0	0	0.0	1	0.6	15	8.3	1	0.6
Iowa														
Northern	55	21.7	0	0.0	2	0.8	1	0.4	0	0.0	25	9.9	0	0.0
Southern	38	20.8	0	0.0	18	9.8	0	0.0	0	0.0	52	28.4	2	1.1
Minnesota	38	20.4	0	0.0	4	2.2	8	4.3	5	2.7	64	34.4	1	0.5
Missouri														
Eastern	60	13.5	0	0.0	26	5.9	5	1.1	6	1.4	109	24.5	4	0.9
Western	74	20.4	0	0.0	15	4.1	5	1.4	3	0.8	49	13.5	1	0.3
Nebraska	6	2.1	18	6.4	20	7.1	6	2.1	4	1.4	47	16.8	4	1.4
North Dakota	37	30.3	0	0.0	7	5.7	10	8.2	1	0.8	6	4.9	0	0.0
South Dakota	6	2.8	0	0.0	4	1.9	18	8.4	4	1.9	40	18.7	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	9,110	3,399	37.3	29	0.3	9	0.1	42	0.5	13	0.1
Alaska	61	24	39.3	0	0.0	1	1.6	0	0.0	0	0.0
Arizona	3,604	1,419	39.4	20	0.6	1	0.0	3	0.1	3	0.1
California											
Central	748	232	31.0	1	0.1	6	0.8	3	0.4	1	0.1
Eastern	455	167	36.7	0	0.0	0	0.0	1	0.2	2	0.4
Northern	365	176	48.2	0	0.0	0	0.0	5	1.4	0	0.0
Southern	2,235	594	26.6	3	0.1	0	0.0	0	0.0	6	0.3
Guam	20	11	55.0	0	0.0	1	5.0	0	0.0	0	0.0
Hawaii	110	39	35.5	0	0.0	0	0.0	2	1.8	0	0.0
Idaho	150	72	48.0	0	0.0	0	0.0	1	0.7	0	0.0
Montana	151	109	72.2	0	0.0	0	0.0	1	0.7	0	0.0
Nevada	312	198	63.5	0	0.0	0	0.0	7	2.2	0	0.0
Northern Mariana Islands	5	3	60.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	273	103	37.7	1	0.4	0	0.0	10	3.7	0	0.0
Washington											
Eastern	199	59	29.6	3	1.5	0	0.0	4	2.0	1	0.5
Western	422	193	45.7	1	0.2	0	0.0	5	1.2	0	0.0
TENTH CIRCUIT	3,218	1,835	57.0	16	0.5	1	0.0	21	0.7	6	0.2
Colorado	333	200	60.1	2	0.6	1	0.3	1	0.3	1	0.3
Kansas	350	183	52.3	5	1.4	0	0.0	13	3.7	3	0.9
New Mexico	1,385	837	60.4	5	0.4	0	0.0	2	0.1	2	0.1
Oklahoma											
Eastern	50	37	74.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	112	72	64.3	0	0.0	0	0.0	0	0.0	0	0.0
Western	263	181	68.8	0	0.0	0	0.0	2	0.8	0	0.0
Utah	541	220	40.7	3	0.6	0	0.0	1	0.2	0	0.0
Wyoming	184	105	57.1	1	0.5	0	0.0	2	1.1	0	0.0
ELEVENTH CIRCUIT	3,386	2,110	62.3	3	0.1	3	0.1	52	1.5	6	0.2
Alabama											
Middle	104	59	56.7	0	0.0	0	0.0	6	5.8	0	0.0
Northern	214	137	64.0	0	0.0	0	0.0	3	1.4	0	0.0
Southern	211	134	63.5	1	0.5	0	0.0	2	0.9	0	0.0
Florida											
Middle	756	402	53.2	0	0.0	0	0.0	20	2.6	2	0.3
Northern	202	129	63.9	0	0.0	2	1.0	3	1.5	0	0.0
Southern	1,053	663	63.0	1	0.1	1	0.1	7	0.7	4	0.4
Georgia											
Middle	183	149	81.4	0	0.0	0	0.0	3	1.6	0	0.0
Northern	321	163	50.8	1	0.3	0	0.0	4	1.2	0	0.0
Southern	342	274	80.1	0	0.0	0	0.0	4	1.2	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	615	6.8	3,368	37.0	535	5.9	185	2.0	67	0.7	777	8.5	71	0.8
Alaska	8	13.1	0	0.0	4	6.6	4	6.6	4	6.6	14	23.0	2	3.3
Arizona	74	2.1	1,744	48.4	93	2.6	48	1.3	14	0.4	170	4.7	15	0.4
California														
Central	81	10.8	165	22.1	85	11.4	22	2.9	6	0.8	128	17.1	18	2.4
Eastern	51	11.2	169	37.1	11	2.4	8	1.8	2	0.4	41	9.0	3	0.7
Northern	38	10.4	46	12.6	57	15.6	4	1.1	10	2.7	28	7.7	1	0.3
Southern	136	6.1	1,164	52.1	75	3.4	77	3.4	12	0.5	149	6.7	19	0.9
Guam	3	15.0	0	0.0	0	0.0	0	0.0	0	0.0	4	20.0	1	5.0
Hawaii	33	30.0	0	0.0	1	0.9	2	1.8	2	1.8	30	27.3	1	0.9
Idaho	34	22.7	14	9.3	4	2.7	1	0.7	0	0.0	24	16.0	0	0.0
Montana	23	15.2	0	0.0	0	0.0	1	0.7	1	0.7	14	9.3	2	1.3
Nevada	33	10.6	0	0.0	19	6.1	5	1.6	2	0.6	45	14.4	3	1.0
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	51	18.7	8	2.9	45	16.5	5	1.8	5	1.8	40	14.7	5	1.8
Washington														
Eastern	15	7.5	35	17.6	36	18.1	5	2.5	4	2.0	37	18.6	0	0.0
Western	34	8.1	23	5.5	105	24.9	3	0.7	4	0.9	53	12.6	1	0.2
TENTH CIRCUIT	234	7.3	381	11.8	290	9.0	47	1.5	19	0.6	353	11.0	15	0.5
Colorado	59	17.7	0	0.0	13	3.9	6	1.8	3	0.9	45	13.5	2	0.6
Kansas	52	14.9	0	0.0	51	14.6	3	0.9	1	0.3	39	11.1	0	0.0
New Mexico	38	2.7	215	15.5	187	13.5	18	1.3	7	0.5	66	4.8	8	0.6
Oklahoma														
Eastern	7	14.0	0	0.0	3	6.0	0	0.0	0	0.0	1	2.0	2	4.0
Northern	20	17.9	0	0.0	0	0.0	0	0.0	1	0.9	19	17.0	0	0.0
Western	19	7.2	0	0.0	2	0.8	3	1.1	1	0.4	54	20.5	1	0.4
Utah	15	2.8	162	29.9	24	4.4	12	2.2	0	0.0	102	18.9	2	0.4
Wyoming	24	13.0	4	2.2	10	5.4	5	2.7	6	3.3	27	14.7	0	0.0
ELEVENTH CIRCUIT	445	13.1	0	0.0	55	1.6	37	1.1	33	1.0	619	18.3	23	0.7
Alabama														
Middle	17	16.3	0	0.0	2	1.9	0	0.0	0	0.0	20	19.2	0	0.0
Northern	43	20.1	0	0.0	5	2.3	1	0.5	0	0.0	24	11.2	1	0.5
Southern	41	19.4	0	0.0	2	0.9	2	0.9	2	0.9	27	12.8	0	0.0
Florida														
Middle	109	14.4	0	0.0	8	1.1	12	1.6	14	1.9	180	23.8	9	1.2
Northern	29	14.4	0	0.0	0	0.0	5	2.5	0	0.0	34	16.8	0	0.0
Southern	104	9.9	0	0.0	15	1.4	9	0.9	12	1.1	227	21.6	10	0.9
Georgia														
Middle	21	11.5	0	0.0	2	1.1	0	0.0	0	0.0	8	4.4	0	0.0
Northern	45	14.0	0	0.0	15	4.7	6	1.9	5	1.6	80	24.9	2	0.6
Southern	36	10.5	0	0.0	6	1.8	2	0.6	0	0.0	19	5.6	1	0.3

¹ Of the 39,676 cases, 592 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 (7.5%), Middle Georgia (7.1%), and Eastern North Carolina (5.9%). 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 March 31, 2011).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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	39,084	21,315	54.5	177	0.5	48	0.1	436	1.1	51	0.1
Murder	25	11	44.0	2	8.0	1	4.0	2	8.0	0	0.0
Manslaughter	34	18	52.9	3	8.8	1	2.9	1	2.9	2	5.9
Kidnapping/Hostage Taking	14	7	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	196	105	53.6	5	2.6	3	1.5	9	4.6	0	0.0
Assault	317	191	60.3	7	2.2	1	0.3	9	2.8	2	0.6
Robbery	467	298	63.8	3	0.6	2	0.4	12	2.6	0	0.0
Arson	26	16	61.5	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	11,067	5,104	46.1	24	0.2	4	0.0	62	0.6	11	0.1
Drugs - Communication Facility	208	107	51.4	0	0.0	0	0.0	5	2.4	1	0.5
Drugs - Simple Possession	282	264	93.6	2	0.7	1	0.4	5	1.8	1	0.4
Firearms	3,745	2,263	60.4	46	1.2	5	0.1	91	2.4	6	0.2
Burglary/B&E	31	24	77.4	0	0.0	0	0.0	1	3.2	0	0.0
Auto Theft	37	14	37.8	1	2.7	0	0.0	2	5.4	0	0.0
Larceny	738	551	74.7	1	0.1	3	0.4	6	0.8	2	0.3
Fraud	3,379	1,807	53.5	11	0.3	12	0.4	46	1.4	6	0.2
Embezzlement	194	119	61.3	0	0.0	0	0.0	2	1.0	0	0.0
Forgery/Counterfeiting	461	310	67.2	2	0.4	0	0.0	6	1.3	2	0.4
Bribery	107	36	33.6	0	0.0	1	0.9	1	0.9	0	0.0
Tax	319	124	38.9	1	0.3	0	0.0	4	1.3	1	0.3
Money Laundering	354	111	31.4	2	0.6	0	0.0	0	0.0	0	0.0
Racketeering/Extortion	312	139	44.6	2	0.6	1	0.3	4	1.3	0	0.0
Gambling/Lottery	30	25	83.3	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	22	10	45.5	0	0.0	0	0.0	1	4.5	0	0.0
Immigration	13,837	7,973	57.6	49	0.4	11	0.1	126	0.9	14	0.1
Child Pornography	911	335	36.8	4	0.4	0	0.0	13	1.4	0	0.0
Prison Offenses	191	127	66.5	3	1.6	0	0.0	5	2.6	1	0.5
Administration of Justice Offenses	520	282	54.2	2	0.4	1	0.2	13	2.5	1	0.2
Environmental/Wildlife	74	41	55.4	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	36	16	44.4	1	2.8	0	0.0	1	2.8	0	0.0
Antitrust	6	1	16.7	0	0.0	0	0.0	1	16.7	0	0.0
Food & Drug	26	17	65.4	0	0.0	0	0.0	0	0.0	0	0.0
Other Miscellaneous Offenses	1,118	869	77.7	6	0.5	1	0.1	8	0.7	1	0.1

Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	4,517	11.6	4,195	10.7	1,651	4.2	952	2.4	400	1.0	5,034	12.9	308	0.8
Murder	6	24.0	0	0.0	3	12.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	0	0.0	0	0.0	2	5.9	1	2.9	0	0.0	6	17.6	0	0.0
Kidnapping/Hostage Taking	2	14.3	0	0.0	2	14.3	1	7.1	0	0.0	2	14.3	0	0.0
Sexual Abuse	8	4.1	0	0.0	28	14.3	4	2.0	1	0.5	31	15.8	2	1.0
Assault	3	0.9	0	0.0	54	17.0	11	3.5	3	0.9	34	10.7	2	0.6
Robbery	51	10.9	1	0.2	19	4.1	13	2.8	6	1.3	61	13.1	1	0.2
Arson	6	23.1	0	0.0	1	3.8	2	7.7	0	0.0	1	3.8	0	0.0
Drugs - Trafficking	2,764	25.0	588	5.3	503	4.5	232	2.1	129	1.2	1,581	14.3	65	0.6
Drugs - Communication Facility	35	16.8	3	1.4	13	6.3	4	1.9	4	1.9	35	16.8	1	0.5
Drugs - Simple Possession	3	1.1	0	0.0	0	0.0	1	0.4	0	0.0	3	1.1	2	0.7
Firearms	423	11.3	7	0.2	181	4.8	92	2.5	46	1.2	559	14.9	26	0.7
Burglary/B&E	1	3.2	0	0.0	2	6.5	0	0.0	0	0.0	2	6.5	1	3.2
Auto Theft	7	18.9	0	0.0	0	0.0	0	0.0	0	0.0	13	35.1	0	0.0
Larceny	35	4.7	2	0.3	26	3.5	10	1.4	5	0.7	84	11.4	13	1.8
Fraud	583	17.3	1	0.0	144	4.3	54	1.6	50	1.5	617	18.3	48	1.4
Embezzlement	7	3.6	0	0.0	10	5.2	4	2.1	2	1.0	46	23.7	4	2.1
Forgery/Counterfeiting	50	10.8	0	0.0	9	2.0	13	2.8	6	1.3	60	13.0	3	0.7
Bribery	39	36.4	0	0.0	3	2.8	4	3.7	5	4.7	17	15.9	1	0.9
Tax	32	10.0	1	0.3	22	6.9	8	2.5	11	3.4	108	33.9	7	2.2
Money Laundering	92	26.0	6	1.7	40	11.3	17	4.8	8	2.3	72	20.3	6	1.7
Racketeering/Extortion	59	18.9	0	0.0	37	11.9	6	1.9	5	1.6	53	17.0	6	1.9
Gambling/Lottery	0	0.0	0	0.0	1	3.3	2	6.7	0	0.0	1	3.3	1	3.3
Civil Rights	4	18.2	0	0.0	1	4.5	0	0.0	2	9.1	4	18.2	0	0.0
Immigration	141	1.0	3,580	25.9	310	2.2	417	3.0	71	0.5	1,060	7.7	85	0.6
Child Pornography	37	4.1	0	0.0	132	14.5	23	2.5	24	2.6	336	36.9	7	0.8
Prison Offenses	6	3.1	4	2.1	16	8.4	4	2.1	0	0.0	23	12.0	2	1.0
Administration of Justice Offenses	51	9.8	1	0.2	42	8.1	12	2.3	8	1.5	100	19.2	7	1.3
Environmental/Wildlife	11	14.9	0	0.0	3	4.1	2	2.7	1	1.4	14	18.9	2	2.7
National Defense	5	13.9	0	0.0	3	8.3	1	2.8	1	2.8	8	22.2	0	0.0
Antitrust	3	50.0	0	0.0	0	0.0	0	0.0	0	0.0	1	16.7	0	0.0
Food & Drug	4	15.4	0	0.0	1	3.8	0	0.0	0	0.0	2	7.7	2	7.7
Other Miscellaneous Offenses	49	4.4	1	0.1	43	3.8	14	1.3	12	1.1	100	8.9	14	1.3

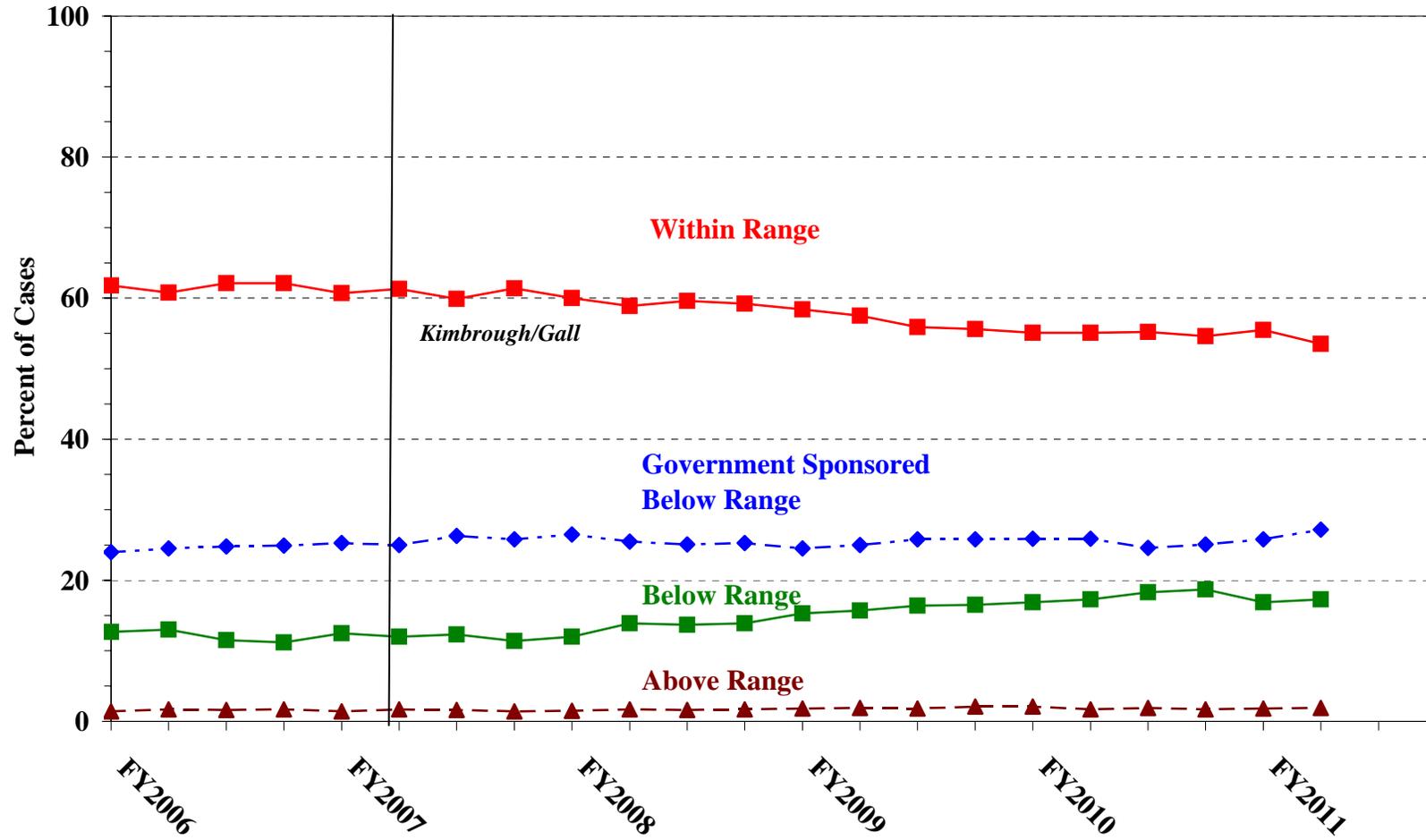
¹ Of the 39,676 cases, 592 were excluded due to missing information from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through March 31, 2011).

Figure A

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹

Fiscal Years 2006 - 2010,
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)



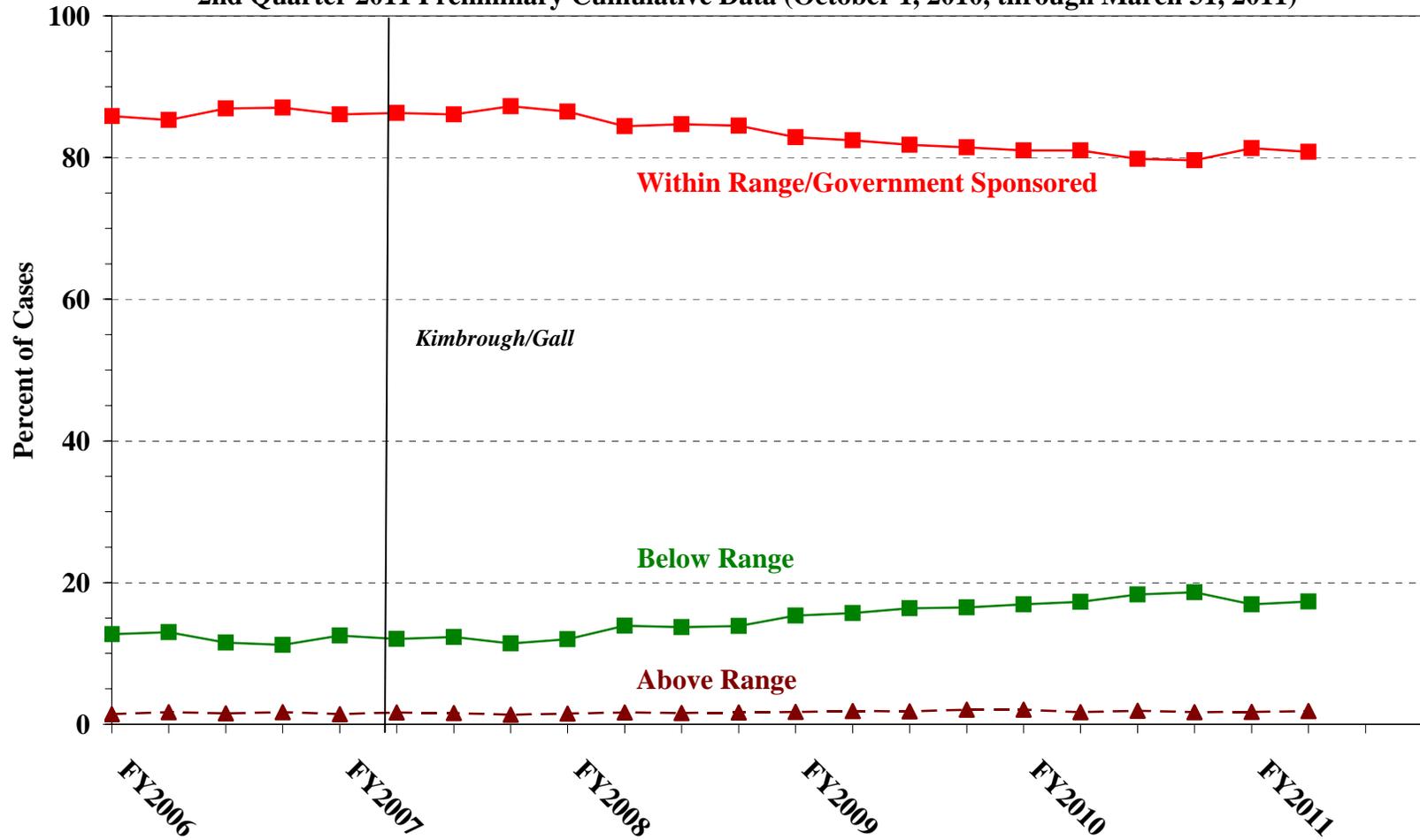
¹ Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through March 31, 2011).

Figure B

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

Fiscal Years 2006 - 2010,
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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,
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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	25.8	16.9	1.8
2ndQuarter	53.5	27.2	17.3	1.9
3rd Quarter	--	--	--	--
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	15	14	0	0	0	0	1	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	111	77	3	0	0	0	3	1	5	3	0	17	2
§2P1.2	54	37	0	0	2	1	1	1	6	1	0	5	0
§2P1.3	9	9	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	13	5	0	0	0	0	2	0	2	0	1	3	0
§2Q1.3	19	5	0	0	0	0	1	0	1	4	1	6	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	47	26	0	0	0	0	9	0	2	1	0	8	1
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	4	1	0	0	1	0	1	0	0	0	0	1	0
§2S1.1	418	124	2	0	0	0	159	1	31	9	5	83	4
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	142	67	0	0	0	0	8	5	21	11	4	24	2
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	260	111	3	0	3	1	28	0	15	8	7	79	5
§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	72	28	0	0	1	0	10	0	4	0	2	26	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	18	7	0	0	0	0	3	0	0	1	1	6	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	13	2	0	0	0	0	1	0	2	1	1	6	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	19	4	0	0	0	0	6	0	2	1	1	3	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	9	3	0	0	0	0	1	0	0	2	0	3	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	44	22	0	0	2	0	5	0	6	2	0	7	0
§2X4.1	176	88	0	0	3	1	29	0	9	1	5	38	2
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	87	86	0	0	0	0	0	0	0	0	0	1	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	36,165	18,999	174	47	423	47	4,480	3,878	1,574	929	391	4,934	289

¹ Of the 39,676 cases, 3,511 were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (592) or missing guideline applied (3,468). Descriptions of variables used in this table are provided in Appendix A.

² In 361 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 361 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,115 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 1,115 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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	17,769	2,807	15.8	3,994	22.5	1,700	9.6	975	5.5	100	0.6
Above Range	712	2	0.3	10	1.4	144	20.2	47	6.6	1	0.1
Upward Departure From Guideline Range	177	1	0.6	3	1.7	55	31.1	11	6.2	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	48	0	0.0	0	0.0	12	25.0	4	8.3	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	436	0	0.0	0	0.0	76	17.4	31	7.1	1	0.2
All Remaining Cases Above Guideline Range	51	1	2.0	7	13.7	1	2.0	1	2.0	0	0.0
Government Sponsored Below Range	10,363	2,805	27.1	3,984	38.4	1,556	15.0	928	9.0	99	1.0
§5K1.1 Substantial Assistance Departure	4,517	2,805	62.1	65	1.4	100	2.2	76	1.7	12	0.3
§5K3.1 Early Disposition Program Departure	4,195	0	0.0	3,919	93.4	680	16.2	383	9.1	10	0.2
Other Government Sponsored Below Range	1,651	0	0.0	0	0.0	776	47.0	469	28.4	77	4.7
Below Range	6,694	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	952	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	400	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	5,034	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	308	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	1,582	8.9	133	0.7	532	3.0	2,067	11.6	2,326	13.1	2,949	16.6	1,752	9.9
Above Range	0	0.0	0	0.0	93	13.1	5	0.7	3	0.4	343	48.2	111	15.6
Upward Departure From Guideline Range	0	0.0	0	0.0	33	18.6	0	0.0	0	0.0	69	39.0	15	8.5
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	14	29.2	0	0.0	0	0.0	33	68.8	10	20.8
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	46	10.6	5	1.1	3	0.7	240	55.0	46	10.6
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	2.0	40	78.4
Government Sponsored Below Range	1,582	15.3	133	1.3	439	4.2	523	5.0	385	3.7	351	3.4	314	3.0
§5K1.1 Substantial Assistance Departure	1,582	35.0	2	0.0	92	2.0	218	4.8	160	3.5	196	4.3	90	2.0
§5K3.1 Early Disposition Program Departure	0	0.0	131	3.1	28	0.7	173	4.1	182	4.3	75	1.8	150	3.6
Other Government Sponsored Below Range	0	0.0	0	0.0	319	19.3	132	8.0	43	2.6	80	4.8	74	4.5
Below Range	0	0.0	0	0.0	0	0.0	1,539	23.0	1,938	29.0	2,255	33.7	1,327	19.8
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	362	38.0	189	19.9	268	28.2	158	16.6
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	125	31.3	214	53.5	206	51.5	62	15.5
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	1,045	20.8	1,529	30.4	1,769	35.1	822	16.3
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	7	2.3	6	1.9	12	3.9	285	92.5

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, 2,646 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,337	36.0	30.0	48.6
Murder	5	121.0	40.0	28.0
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	8	33.0	34.3	48.9
Assault	2	--	--	--
Robbery	49	42.0	31.0	36.4
Arson	6	45.0	16.5	26.9
Drugs - Trafficking	2,650	48.0	41.0	44.8
Drugs - Communication Facility	31	0.0	10.0	100.0
Drugs - Simple Possession	3	37.0	23.0	38.3
Firearms	404	60.0	30.0	42.9
Burglary/B&E	1	--	--	--
Auto Theft	7	11.7	18.3	60.9
Larceny	31	15.0	15.0	59.9
Fraud	565	8.0	17.0	71.4
Embezzlement	7	18.0	17.0	40.0
Forgery/Counterfeiting	50	11.0	9.0	42.8
Bribery	39	0.0	18.0	100.0
Tax	32	0.0	12.0	99.7
Money Laundering	90	13.5	24.0	68.4
Racketeering/Extortion	58	24.0	25.0	54.9
Gambling/Lottery	0	--	--	--
Civil Rights	4	0.0	6.0	100.0
Immigration	135	13.0	12.0	44.4
Child Pornography	34	79.5	63.0	49.5
Prison Offenses	6	18.0	20.5	58.3
Administration of Justice Offenses	51	0.0	12.0	100.0
Environmental/Wildlife	9	5.0	13.0	72.2
National Defense	5	18.0	16.0	34.8
Antitrust	2	--	--	--
Food & Drug	4	0.0	10.0	100.0
Other Miscellaneous Offenses	48	5.5	24.0	78.7

¹ Of the 39,676 cases, 4,517 received a §5K1.1 substantial assistance departure. Of these, 4,397 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 57 cases were also excluded from this table. Of the remaining 4,340 cases, three were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through March 31, 2011).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,826	18.0	8.0	28.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	559	24.0	10.0	33.3
Drugs - Communication Facility	3	48.0	24.0	50.0
Drugs - Simple Possession	0	--	--	--
Firearms	7	60.0	8.0	23.1
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	4	2.6	5.4	57.3
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	3,244	18.0	7.0	28.3
Child Pornography	0	--	--	--
Prison Offenses	2	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 39,676 cases, 4,195 received a §5K3.1 early disposition program departure. Of these, 3,827 cases had complete guideline application information. Of the 3,827 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.

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,530	30.0	16.0	36.2
Murder	3	180.0	8.0	4.3
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	27	92.0	60.0	46.7
Assault	46	16.5	20.0	64.7
Robbery	19	34.0	18.0	34.8
Arson	1	--	--	--
Drugs - Trafficking	480	61.5	27.0	31.4
Drugs - Communication Facility	10	21.0	17.0	34.1
Drugs - Simple Possession	0	--	--	--
Firearms	167	51.0	21.0	31.3
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	22	0.5	11.0	94.9
Fraud	131	12.0	15.0	66.7
Embezzlement	10	9.5	11.0	73.7
Forgery/Counterfeiting	9	6.0	12.0	66.7
Bribery	2	--	--	--
Tax	22	4.5	12.0	83.3
Money Laundering	38	7.5	12.0	67.1
Racketeering/Extortion	34	25.5	21.0	39.8
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	285	12.0	6.0	33.2
Child Pornography	129	60.0	38.0	37.1
Prison Offenses	11	12.0	6.0	40.0
Administration of Justice Offenses	38	3.5	10.0	72.6
Environmental/Wildlife	3	1.0	11.0	91.7
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	33	0.7	12.0	95.8

¹ Of the 39,676 cases, 1,651 received an other government sponsored downward departure. Of these, 1,542 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 eight cases were also excluded from this table. Of the remaining 1,534 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 March 31, 2011).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	913	21.0	11.0	33.3
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	4	51.5	6.0	10.8
Assault	10	28.5	11.0	26.9
Robbery	13	32.0	14.0	28.1
Arson	2	--	--	--
Drugs - Trafficking	224	40.5	15.0	31.4
Drugs - Communication Facility	4	0.0	10.0	100.0
Drugs - Simple Possession	1	--	--	--
Firearms	89	37.0	9.0	20.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	10	0.0	11.0	100.0
Fraud	52	3.5	12.0	77.1
Embezzlement	4	0.0	8.0	99.9
Forgery/Counterfeiting	13	0.0	11.9	99.8
Bribery	4	0.0	10.0	100.0
Tax	8	4.0	14.0	81.5
Money Laundering	17	2.0	9.6	66.7
Racketeering/Extortion	5	90.0	15.0	10.2
Gambling/Lottery	2	--	--	--
Civil Rights	0	--	--	--
Immigration	398	18.0	8.8	29.3
Child Pornography	23	54.0	34.0	35.1
Prison Offenses	3	4.0	8.0	66.7
Administration of Justice Offenses	12	3.0	12.5	79.2
Environmental/Wildlife	2	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	10	0.0	11.0	100.0

¹ Of the 39,676 cases, 952 received a downward departure from the guideline range. Of these, 916 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
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	380	24.0	18.0	47.4
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	3	0.0	12.0	100.0
Robbery	6	30.0	34.5	47.2
Arson	0	--	--	--
Drugs - Trafficking	123	60.0	28.0	36.2
Drugs - Communication Facility	4	16.0	26.5	67.3
Drugs - Simple Possession	0	--	--	--
Firearms	43	48.0	21.0	31.8
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	5	0.0	15.0	100.0
Fraud	50	10.5	10.0	50.4
Embezzlement	1	--	--	--
Forgery/Counterfeiting	6	6.5	8.5	62.0
Bribery	5	0.0	10.0	99.7
Tax	11	1.0	12.0	90.0
Money Laundering	8	6.0	21.5	72.2
Racketeering/Extortion	4	21.0	12.5	37.6
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	64	18.0	15.0	47.6
Child Pornography	23	44.0	45.0	45.5
Prison Offenses	0	--	--	--
Administration of Justice Offenses	7	2.4	9.0	79.8
Environmental/Wildlife	1	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	12	0.0	8.0	100.0

¹ Of the 39,676 cases, 400 received a downward departure from the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 381 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
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	4,815	24.0	13.0	34.8
Murder	0	--	--	--
Manslaughter	6	24.0	6.5	19.9
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	28	120.0	26.0	24.7
Assault	30	12.0	11.7	47.7
Robbery	60	48.0	12.5	21.7
Arson	1	--	--	--
Drugs - Trafficking	1,538	60.0	20.0	28.6
Drugs - Communication Facility	32	18.5	12.0	50.0
Drugs - Simple Possession	3	0.0	2.0	100.0
Firearms	540	34.2	12.0	27.2
Burglary/B&E	2	--	--	--
Auto Theft	12	0.0	16.5	100.0
Larceny	82	0.0	10.0	100.0
Fraud	601	12.0	10.0	47.6
Embezzlement	46	0.0	9.0	99.5
Forgery/Counterfeiting	58	5.5	12.0	75.0
Bribery	16	16.5	14.5	37.2
Tax	107	0.0	12.0	99.9
Money Laundering	68	18.0	17.5	49.8
Racketeering/Extortion	50	27.5	18.5	42.5
Gambling/Lottery	1	--	--	--
Civil Rights	4	6.0	12.0	66.6
Immigration	962	18.0	9.0	32.3
Child Pornography	333	60.0	40.0	40.0
Prison Offenses	22	11.0	6.5	37.7
Administration of Justice Offenses	99	6.1	10.0	60.4
Environmental/Wildlife	11	0.0	10.0	100.0
National Defense	7	30.0	18.0	34.8
Antitrust	1	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	92	3.0	10.0	74.2

¹ Of the 39,676 cases, 5,034 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 4,837 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 18 cases were also excluded from this table. Of the remaining 4,819 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.

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	278	12.0	8.0	43.6
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	2	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	61	60.0	15.0	27.5
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	24	91.6	9.5	19.0
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	10	0.0	7.0	100.0
Fraud	45	5.0	8.0	51.2
Embezzlement	4	0.0	9.0	99.6
Forgery/Counterfeiting	3	18.0	8.0	40.0
Bribery	1	--	--	--
Tax	6	1.5	13.5	91.7
Money Laundering	6	3.0	6.0	75.0
Racketeering/Extortion	6	15.0	15.5	66.5
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	71	4.0	3.0	67.6
Child Pornography	7	180.0	78.0	35.1
Prison Offenses	2	--	--	--
Administration of Justice Offenses	7	12.0	4.0	13.3
Environmental/Wildlife	2	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	12	0.2	4.5	78.5

¹ Of the 39,676 cases, 308 were otherwise sentenced below the guideline range. Of these, 281 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 279 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
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	168	60.0	12.0	33.3
Murder	2	--	--	--
Manslaughter	3	100.0	6.0	7.7
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	180.0	55.0	44.0
Assault	7	72.0	24.0	30.4
Robbery	3	121.0	24.0	24.7
Arson	0	--	--	--
Drugs - Trafficking	21	72.0	15.0	30.4
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	42	82.5	18.5	28.7
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	1	--	--	--
Fraud	10	56.0	15.5	53.2
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	49	24.0	6.0	33.3
Child Pornography	4	216.0	42.0	24.3
Prison Offenses	2	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	6	53.5	13.0	67.0

¹ Of the 39,676 cases, 177 received an upward departure from the guideline range. Of these, 170 cases had complete guideline application information. Of the 170 cases, two cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through March 31, 2011).

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	45	78.0	23.0	62.2
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	3	120.0	30.0	14.3
Assault	1	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	3	150.0	25.0	20.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	4	192.0	50.0	97.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	90.0	39.0	76.5
Fraud	12	60.0	13.5	30.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	11	48.0	25.0	153.5
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 39,676 cases, 48 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 45 cases had complete guideline application information. 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 March 31, 2011).

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	413	54.0	13.0	38.5
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	9	144.0	24.0	24.3
Assault	9	60.0	14.0	36.4
Robbery	12	120.0	36.0	46.2
Arson	0	--	--	--
Drugs - Trafficking	61	96.0	20.0	27.7
Drugs - Communication Facility	5	60.0	16.0	200.0
Drugs - Simple Possession	5	36.0	18.0	300.0
Firearms	82	83.0	15.0	29.1
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	5	60.0	14.0	30.4
Fraud	44	46.5	11.5	36.5
Embezzlement	2	--	--	--
Forgery/Counterfeiting	6	78.0	33.0	61.9
Bribery	1	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	4	186.0	30.5	13.1
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	125	24.0	9.0	56.9
Child Pornography	13	188.0	38.0	26.3
Prison Offenses	2	--	--	--
Administration of Justice Offenses	13	46.0	12.0	62.2
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	43.0	7.0	50.6

¹ Of the 39,676 cases, 436 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 422 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was excluded from this table. Furthermore, eight cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	22	42.5	11.5	40.0
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	6	99.0	7.5	15.6
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	1	--	--	--
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	8	28.5	8.0	32.3
Child Pornography	0	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 39,676 cases, 51 were otherwise sentenced above the guideline range. Of these, 43 cases had complete guideline application information. Of the 43 cases, 21 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 March 31, 2011).

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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	39,354	35,439	90.1	34,234	87.0	1,205	3.1	3,915	9.9	1,207	3.1	2,708	6.9
Murder	25	25	100.0	23	92.0	2	8.0	0	0.0	0	0.0	0	0.0
Manslaughter	34	34	100.0	32	94.1	2	5.9	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	14	14	100.0	14	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	196	193	98.5	181	92.3	12	6.1	3	1.5	1	0.5	2	1.0
Assault	322	272	84.5	243	75.5	29	9.0	50	15.5	15	4.7	35	10.9
Robbery	467	457	97.9	438	93.8	19	4.1	10	2.1	3	0.6	7	1.5
Arson	26	26	100.0	26	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	11,081	10,679	96.4	10,348	93.4	331	3.0	402	3.6	167	1.5	235	2.1
Drugs - Communication Facility	209	165	78.9	156	74.6	9	4.3	44	21.1	14	6.7	30	14.4
Drugs - Simple Possession	323	191	59.1	187	57.9	4	1.2	132	40.9	6	1.9	126	39.0
Firearms	3,746	3,557	95.0	3,461	92.4	96	2.6	189	5.0	84	2.2	105	2.8
Burglary/B&E	32	29	90.6	25	78.1	4	12.5	3	9.4	3	9.4	0	0.0
Auto Theft	37	26	70.3	22	59.5	4	10.8	11	29.7	6	16.2	5	13.5
Larceny	708	310	43.8	275	38.8	35	4.9	398	56.2	106	15.0	292	41.2
Fraud	3,539	2,714	76.7	2,444	69.1	270	7.6	825	23.3	313	8.8	512	14.5
Embezzlement	191	101	52.9	82	42.9	19	9.9	90	47.1	36	18.8	54	28.3
Forgery/Counterfeiting	462	355	76.8	322	69.7	33	7.1	107	23.2	52	11.3	55	11.9
Bribery	106	72	67.9	58	54.7	14	13.2	34	32.1	18	17.0	16	15.1
Tax	319	202	63.3	159	49.8	43	13.5	117	36.7	53	16.6	64	20.1
Money Laundering	359	286	79.7	267	74.4	19	5.3	73	20.3	27	7.5	46	12.8
Racketeering/Extortion	312	286	91.7	275	88.1	11	3.5	26	8.3	16	5.1	10	3.2
Gambling/Lottery	30	9	30.0	6	20.0	3	10.0	21	70.0	18	60.0	3	10.0
Civil Rights	23	14	60.9	10	43.5	4	17.4	9	39.1	3	13.0	6	26.1
Immigration	13,995	13,465	96.2	13,320	95.2	145	1.0	530	3.8	91	0.7	439	3.1
Child Pornography	909	897	98.7	879	96.7	18	2.0	12	1.3	8	0.9	4	0.4
Prison Offenses	192	185	96.4	173	90.1	12	6.3	7	3.6	2	1.0	5	2.6
Administration of Justice Offenses	520	369	71.0	342	65.8	27	5.2	151	29.0	42	8.1	109	21.0
Environmental/Wildlife	77	24	31.2	19	24.7	5	6.5	53	68.8	7	9.1	46	59.7
National Defense	36	34	94.4	32	88.9	2	5.6	2	5.6	1	2.8	1	2.8
Antitrust	7	6	85.7	5	71.4	1	14.3	1	14.3	1	14.3	0	0.0
Food & Drug	27	10	37.0	9	33.3	1	3.7	17	63.0	1	3.7	16	59.3
Other Miscellaneous Offenses	1,030	432	41.9	401	38.9	31	3.0	598	58.1	113	11.0	485	47.1

¹ Of the 39,676 cases, 322 were excluded due to sentences in which 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
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	44.0	23.2	39,675
Murder	222.8	180.0	25
Manslaughter	53.9	43.5	34
Kidnapping/Hostage Taking	200.1	211.5	14
Sexual Abuse	125.8	109.0	196
Assault	35.6	24.0	324
Robbery	83.3	63.0	467
Arson	56.7	60.0	26
Drugs - Trafficking	74.1	59.0	11,084
Drugs - Communication Facility	32.9	34.0	209
Drugs - Simple Possession	3.2	0.2	341
Firearms	82.4	57.0	3,748
Burglary/B&E	24.8	21.5	32
Auto Theft	94.4	12.0	37
Larceny	8.2	1.5	755
Fraud	22.5	12.0	3,558
Embezzlement	11.7	6.0	194
Forgery/Counterfeiting	18.5	12.0	462
Bribery	19.5	12.0	107
Tax	16.5	12.0	321
Money Laundering	28.8	14.9	359
Racketeering/Extortion	77.2	51.0	312
Gambling/Lottery	7.4	6.0	30
Civil Rights	30.0	12.0	23
Immigration	16.9	10.0	13,996
Child Pornography	122.5	87.0	911
Prison Offenses	13.3	12.0	192
Administration of Justice Offenses	17.3	12.0	527
Environmental/Wildlife	3.2	0.0	80
National Defense	71.6	36.5	36
Antitrust	15.0	8.0	7
Food & Drug	6.6	0.0	27
Other Miscellaneous Offenses	12.8	0.0	1,241

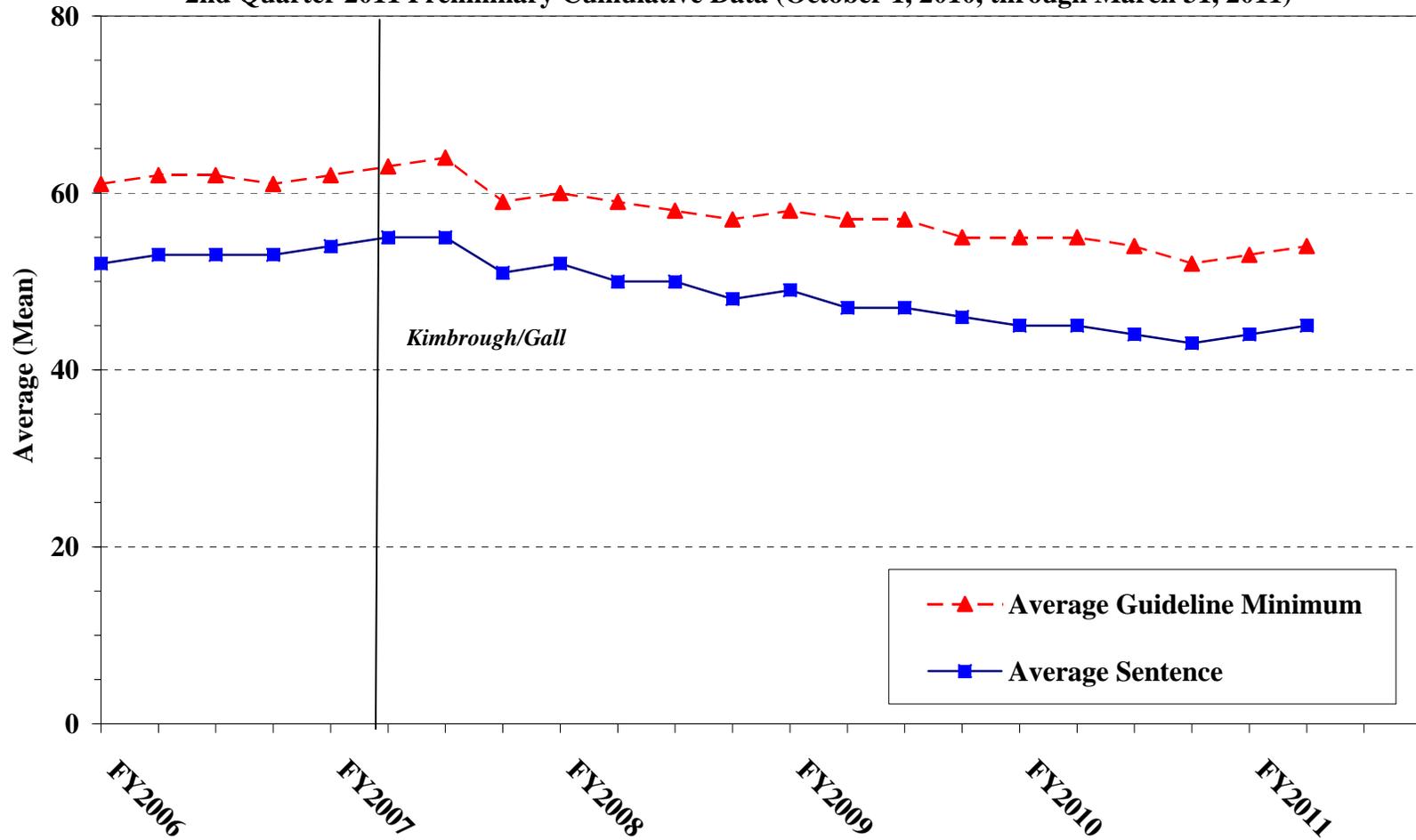
¹ Of the 39,676 cases, one was excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions 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,

2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)



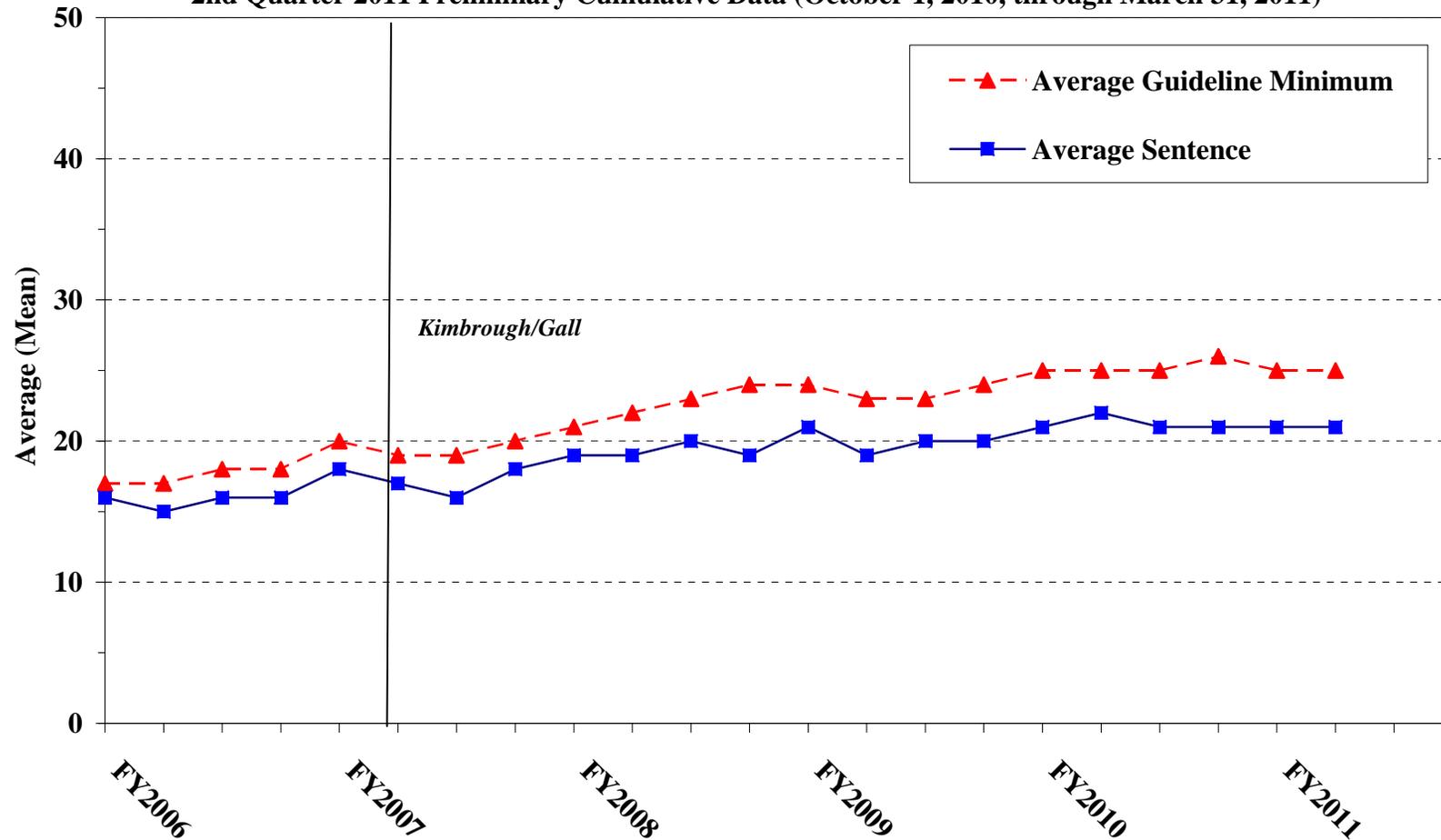
¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470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

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,

2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)



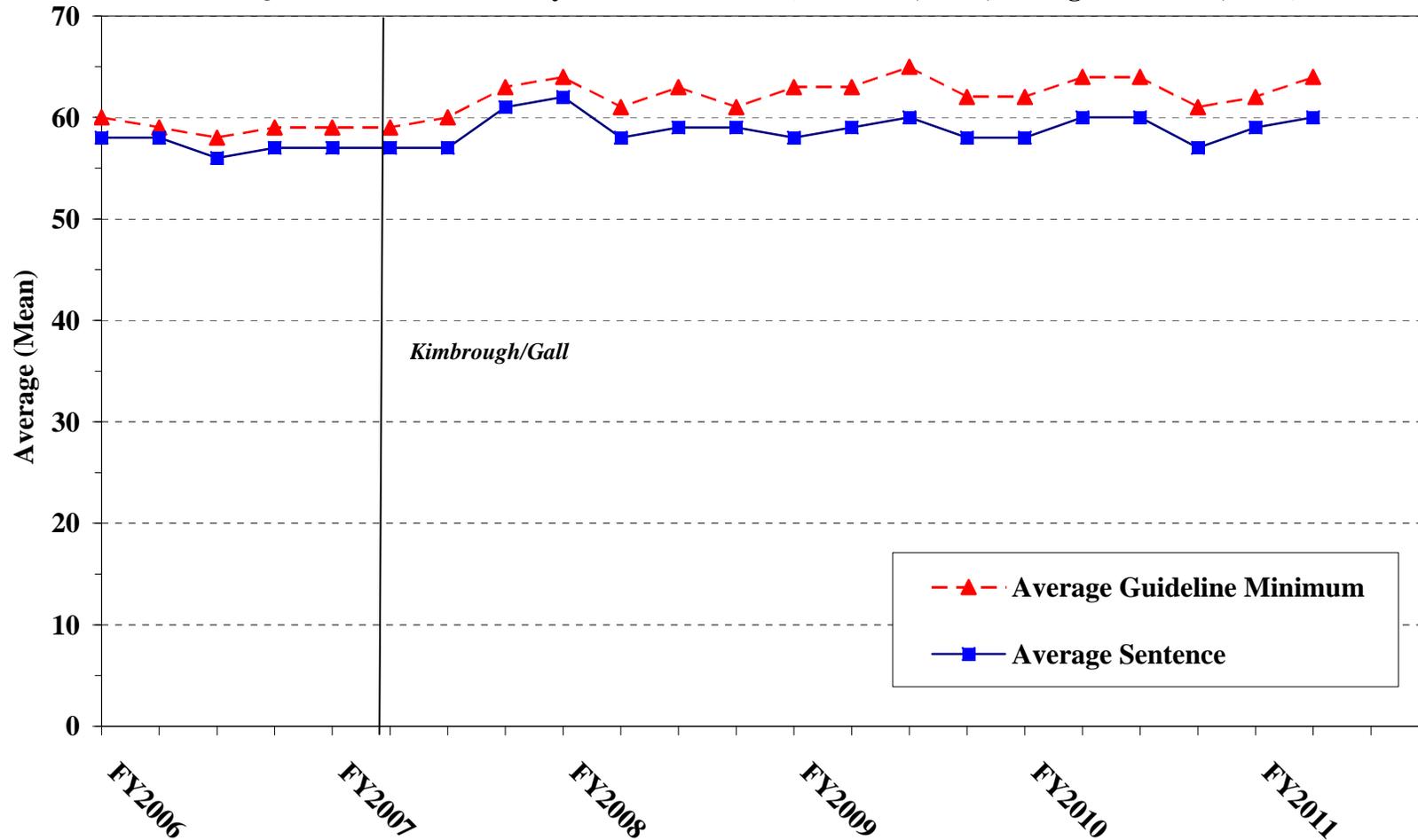
¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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,

2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

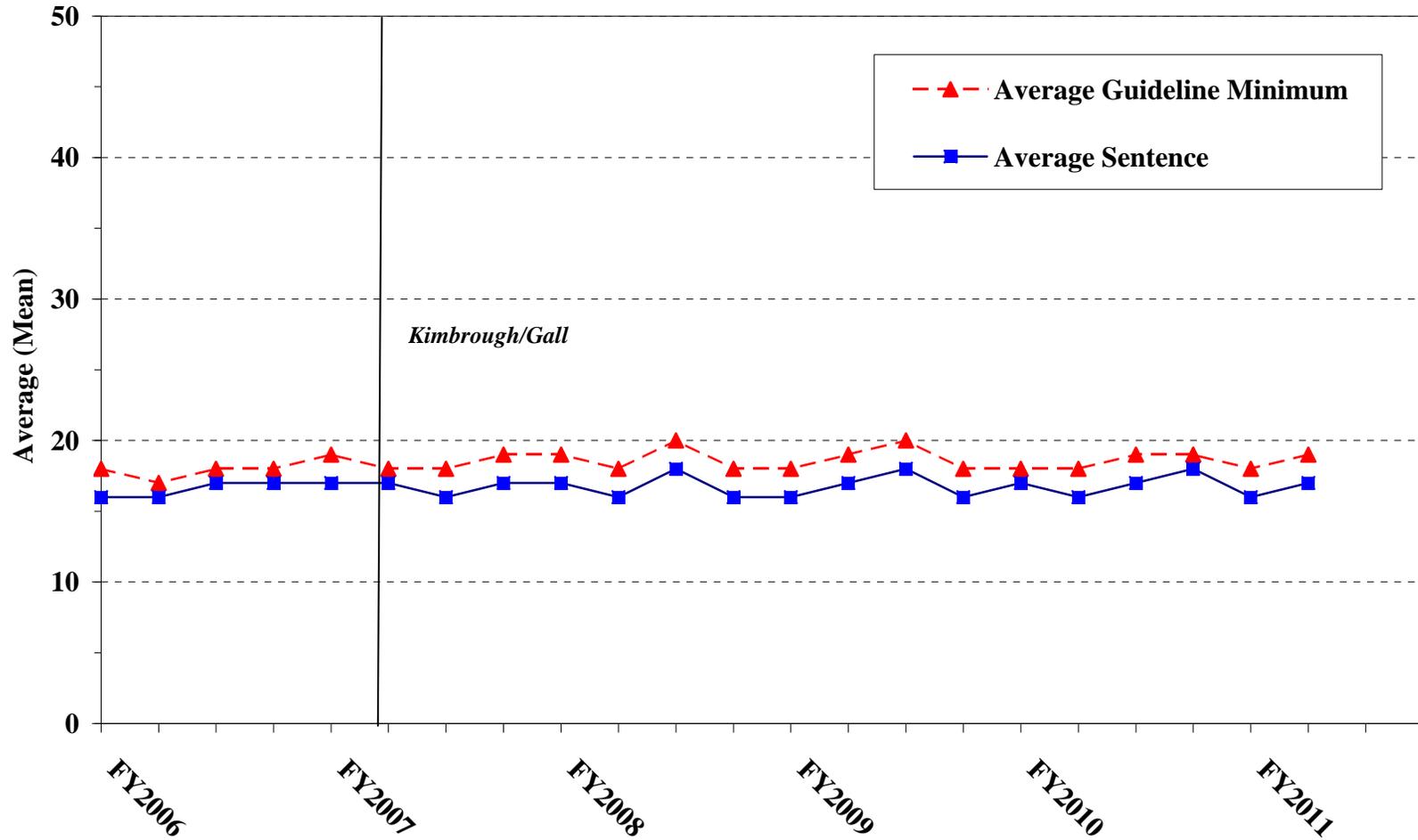


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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,
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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.

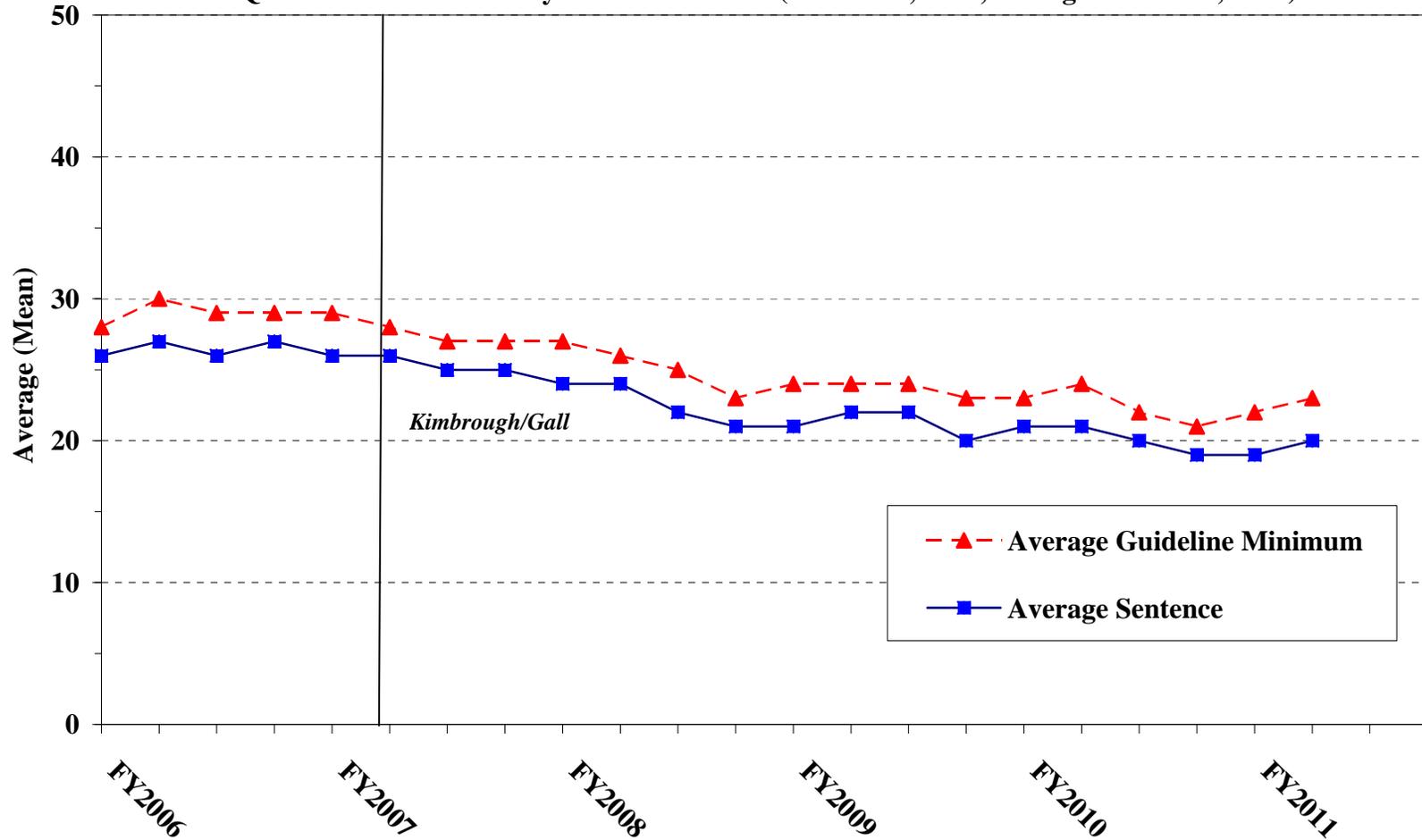
SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through March 31, 2011).

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,

2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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.

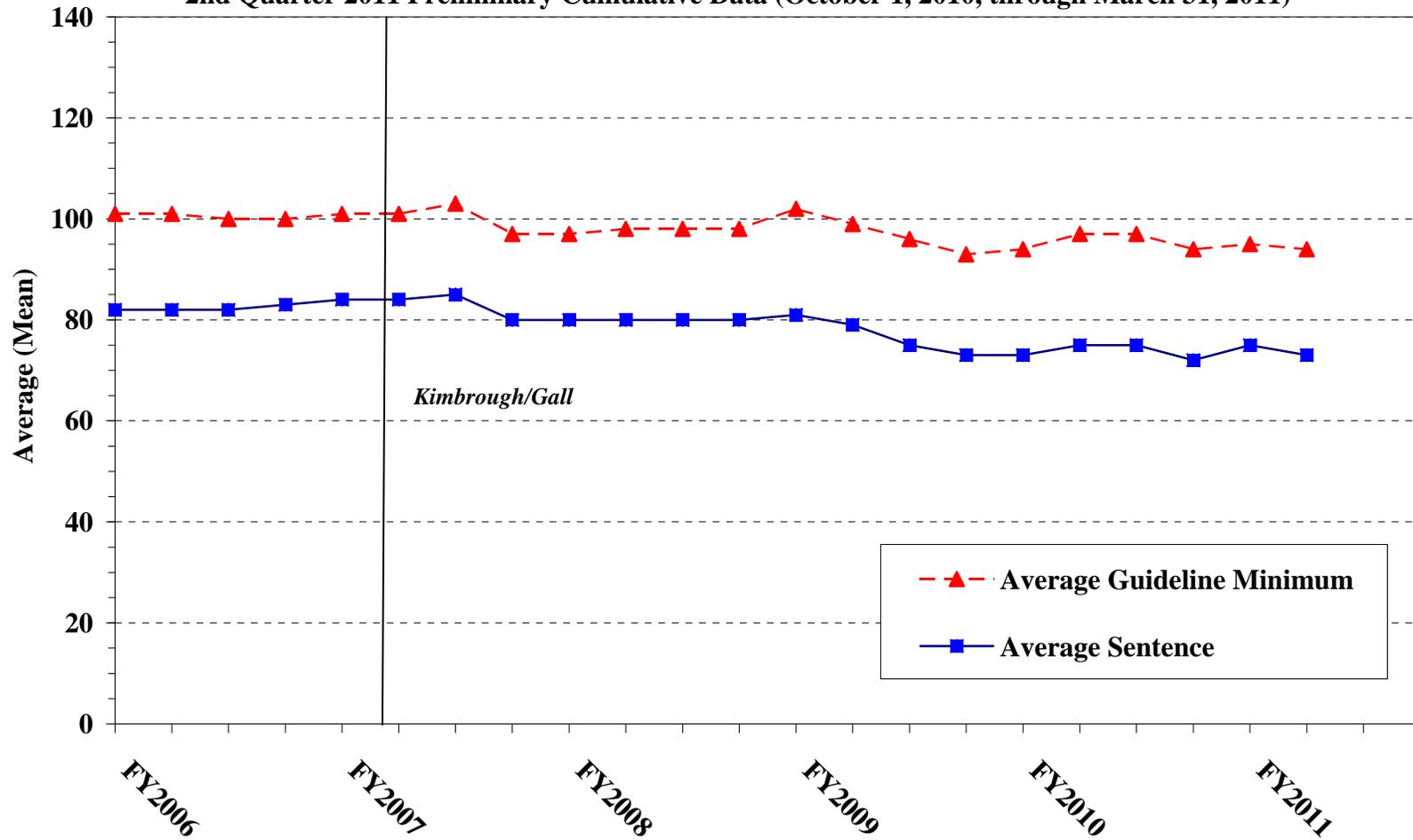
SOURCE: U.S. Sentencing Commission, 2006 - 2010 Datafiles, USSCFY06 - USSCFY10, and Preliminary Data from USSCFY11 (October 1, 2010, through March 31, 2011).

Figure H

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

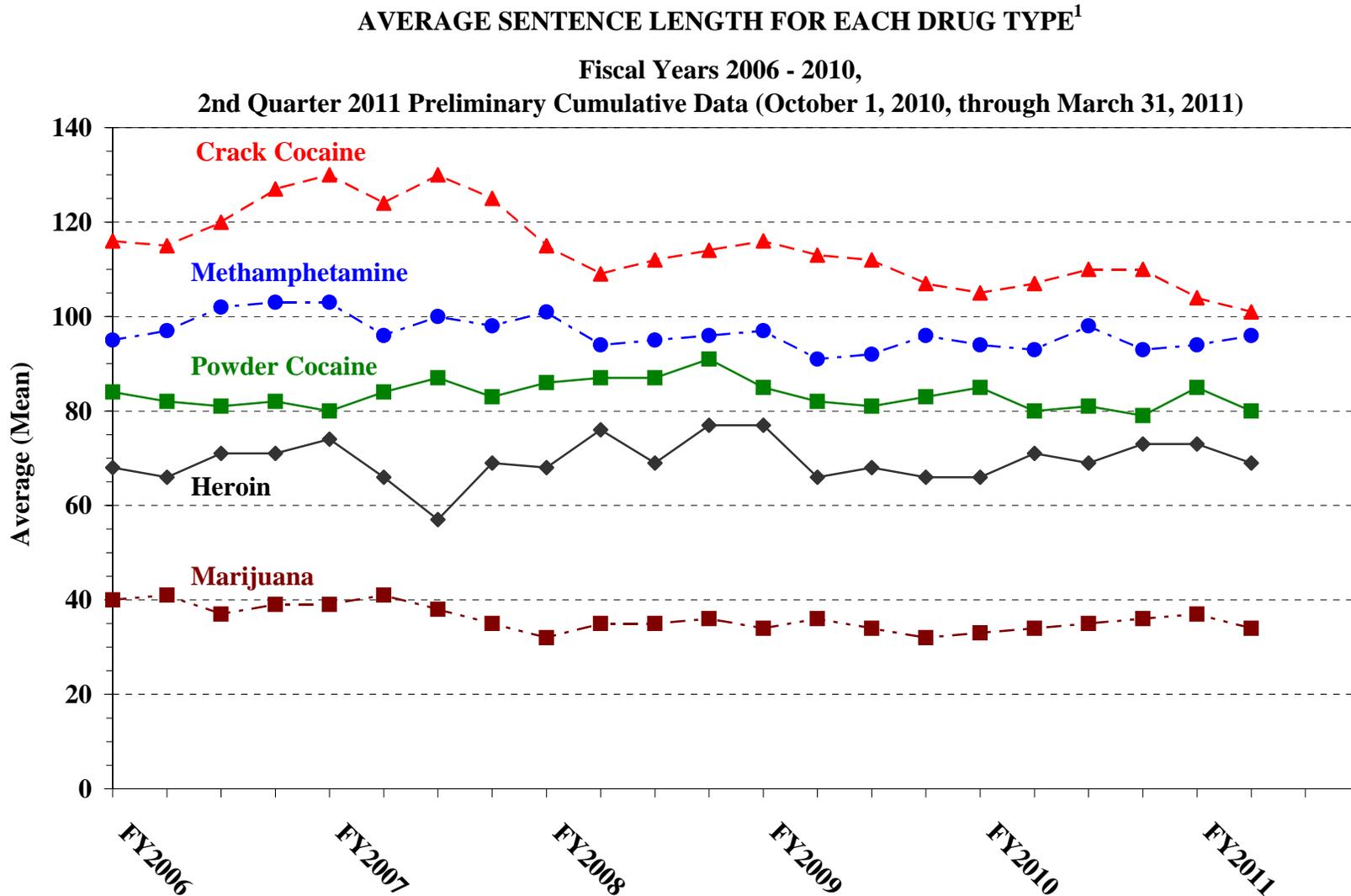
Fiscal Years 2006 - 2010,

2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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



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 March 31, 2011).

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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	17,415	8,880	51.0	3,178	18.2	1,732	9.9	1,696	9.7	1,929	11.1
Murder	6	3	50.0	1	16.7	1	16.7	0	0.0	1	16.7
Manslaughter	18	2	11.1	3	16.7	3	16.7	4	22.2	6	33.3
Kidnapping/Hostage Taking	6	3	50.0	0	0.0	0	0.0	1	16.7	2	33.3
Sexual Abuse	85	38	44.7	11	12.9	7	8.2	8	9.4	21	24.7
Assault	168	80	47.6	16	9.5	16	9.5	9	5.4	47	28.0
Robbery	289	150	51.9	40	13.8	21	7.3	38	13.1	40	13.8
Arson	9	4	44.4	0	0.0	0	0.0	3	33.3	2	22.2
Drugs - Trafficking	4,454	3,011	67.6	677	15.2	298	6.7	180	4.0	288	6.5
Drugs - Communication Facility	49	36	73.5	5	10.2	3	6.1	0	0.0	5	10.2
Drugs - Simple Possession	87	62	71.3	11	12.6	5	5.7	2	2.3	7	8.0
Firearms	1,988	1,054	53.0	274	13.8	184	9.3	183	9.2	293	14.7
Burglary/B&E	24	11	45.8	2	8.3	4	16.7	1	4.2	6	25.0
Auto Theft	12	5	41.7	5	41.7	0	0.0	1	8.3	1	8.3
Larceny	416	287	69.0	45	10.8	28	6.7	18	4.3	38	9.1
Fraud	1,464	838	57.2	202	13.8	122	8.3	120	8.2	182	12.4
Embezzlement	113	80	70.8	19	16.8	7	6.2	3	2.7	4	3.5
Forgery/Counterfeiting	298	152	51.0	35	11.7	30	10.1	26	8.7	55	18.5
Bribery	31	18	58.1	4	12.9	6	19.4	2	6.5	1	3.2
Tax	113	68	60.2	20	17.7	13	11.5	0	0.0	12	10.6
Money Laundering	103	63	61.2	19	18.4	7	6.8	2	1.9	12	11.7
Racketeering/Extortion	116	48	41.4	17	14.7	15	12.9	15	12.9	21	18.1
Gambling/Lottery	25	15	60.0	3	12.0	0	0.0	4	16.0	3	12.0
Civil Rights	6	4	66.7	0	0.0	1	16.7	0	0.0	1	16.7
Immigration	6,494	2,220	34.2	1,615	24.9	883	13.6	1,020	15.7	756	11.6
Child Pornography	271	152	56.1	45	16.6	18	6.6	27	10.0	29	10.7
Prison Offenses	122	45	36.9	27	22.1	12	9.8	12	9.8	26	21.3
Administration of Justice Offenses	249	148	59.4	25	10.0	32	12.9	8	3.2	36	14.5
Environmental/Wildlife	27	19	70.4	2	7.4	1	3.7	1	3.7	4	14.8
National Defense	14	11	78.6	2	14.3	1	7.1	0	0.0	0	0.0
Antitrust	1	0	0.0	1	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	14	10	71.4	3	21.4	1	7.1	0	0.0	0	0.0
Other Miscellaneous Offenses	343	243	70.8	49	14.3	13	3.8	8	2.3	30	8.7

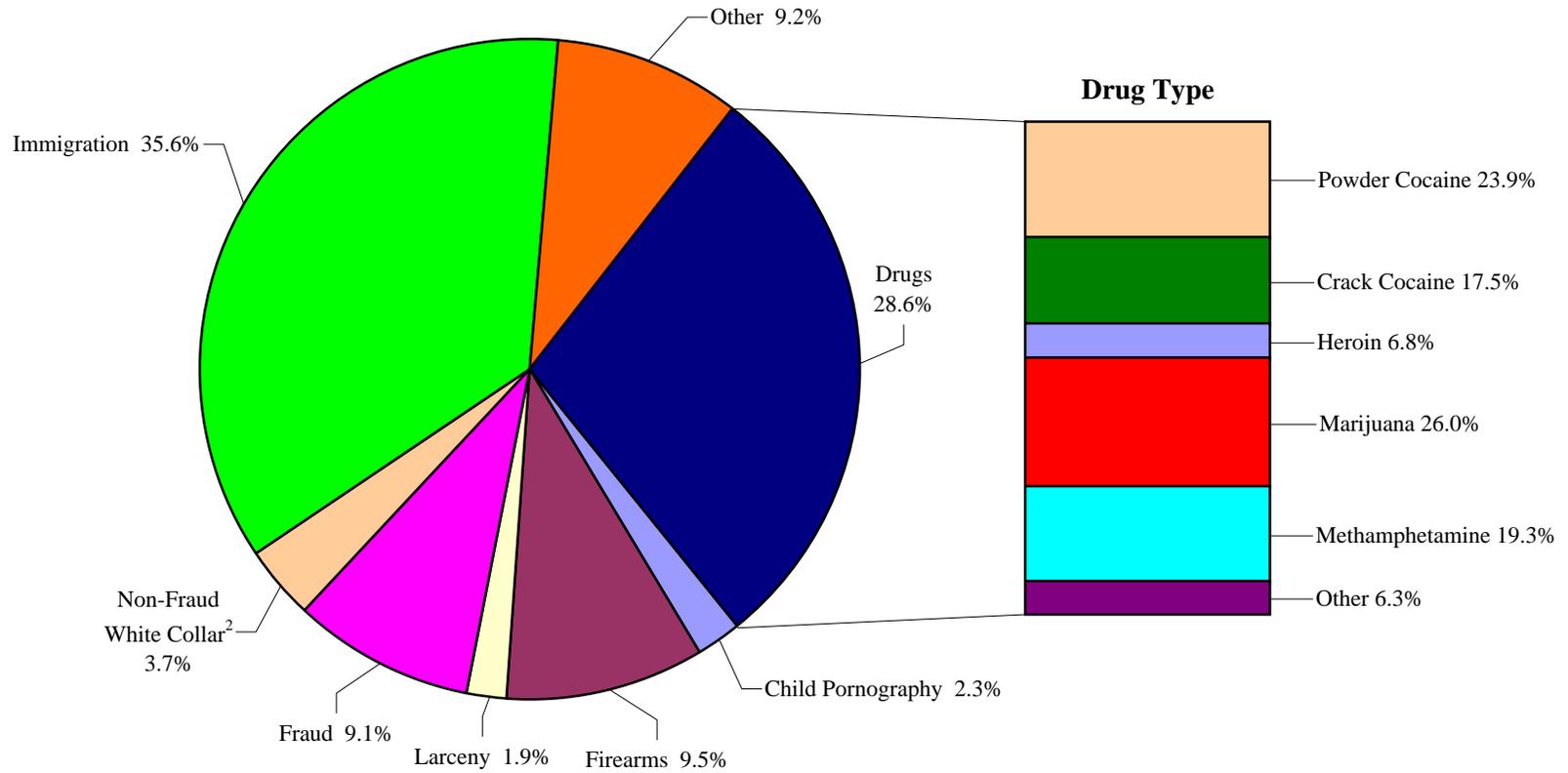
¹ Of the 39,676 cases, 21,315 were sentenced within the applicable guideline range. Of those, 18,704 cases had complete guideline application information. An additional 1,289 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2011 Datafile, USSCFY11 (October 1, 2010, through March 31, 2011).

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)



¹ Of the 39,676 guideline cases, 11,634 were drug cases. Of these, 401 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 March 31, 2011).

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

PRIMARY OFFENSE	N	%
TOTAL	39,676	100.0
Murder	25	0.1
Manslaughter	34	0.1
Kidnapping/Hostage Taking	14	0.0
Sexual Abuse	196	0.5
Assault	324	0.8
Robbery	467	1.2
Arson	26	0.1
Drugs - Trafficking	11,084	27.9
Drugs - Communication Facility	209	0.5
Drugs - Simple Possession	341	0.9
Firearms	3,748	9.4
Burglary/B&E	32	0.1
Auto Theft	37	0.1
Larceny	755	1.9
Fraud	3,558	9.0
Embezzlement	194	0.5
Forgery/Counterfeiting	462	1.2
Bribery	107	0.3
Tax	321	0.8
Money Laundering	359	0.9
Racketeering/Extortion	312	0.8
Gambling/Lottery	30	0.1
Civil Rights	23	0.1
Immigration	13,997	35.3
Child Pornography	911	2.3
Prison Offenses	192	0.5
Administration of Justice Offenses	527	1.3
Environmental/Wildlife	80	0.2
National Defense	36	0.1
Antitrust	7	0.0
Food & Drug	27	0.1
Other Miscellaneous Offenses	1,241	3.1

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

Table 22

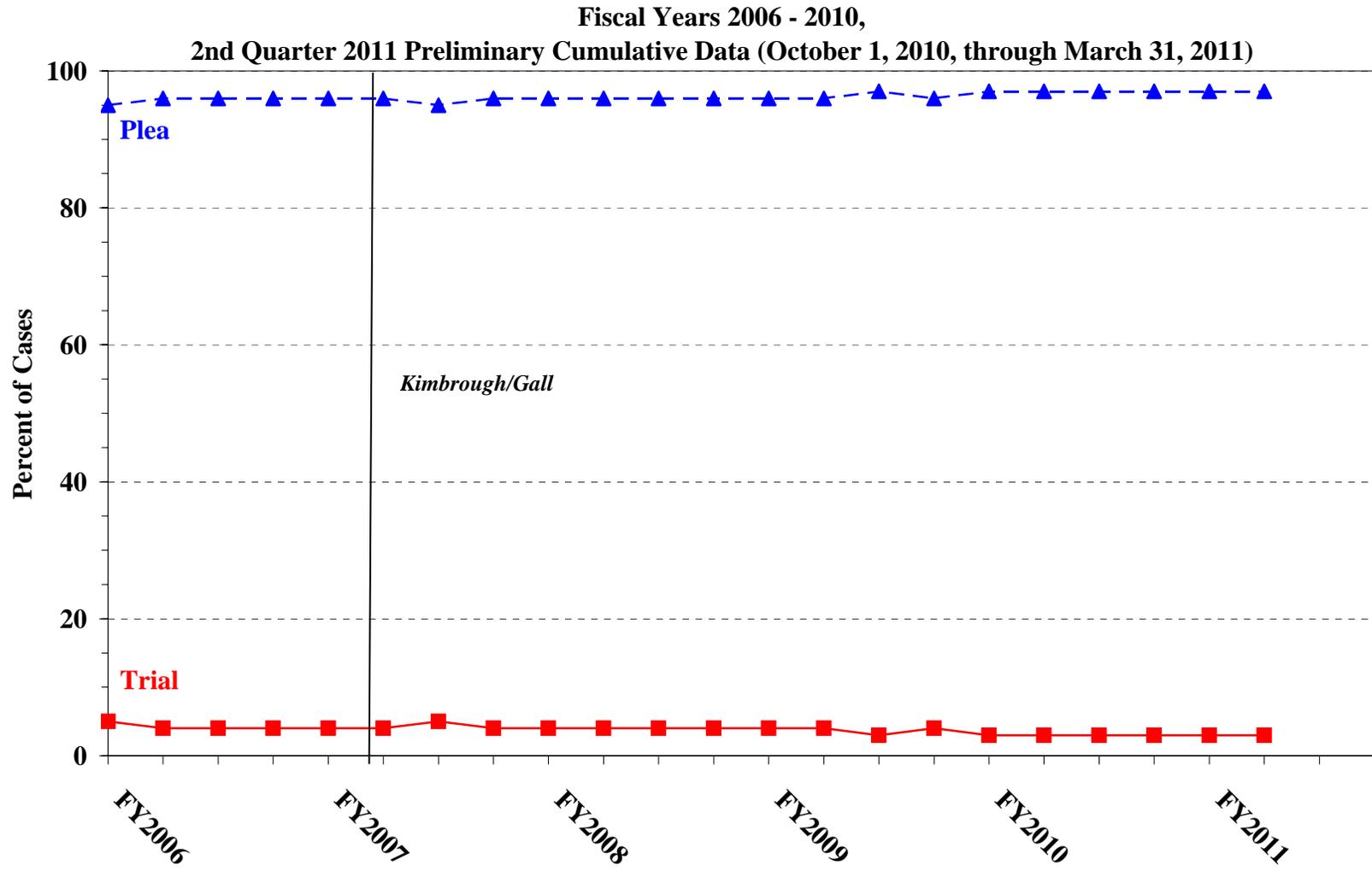
GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	39,676	38,377	96.7	1,299	3.3
Murder	25	22	88.0	3	12.0
Manslaughter	34	32	94.1	2	5.9
Kidnapping/Hostage Taking	14	12	85.7	2	14.3
Sexual Abuse	196	166	84.7	30	15.3
Assault	324	293	90.4	31	9.6
Robbery	467	446	95.5	21	4.5
Arson	26	25	96.2	1	3.8
Drugs - Trafficking	11,084	10,705	96.6	379	3.4
Drugs - Communication Facility	209	209	100.0	0	0.0
Drugs - Simple Possession	341	336	98.5	5	1.5
Firearms	3,748	3,502	93.4	246	6.6
Burglary/B&E	32	29	90.6	3	9.4
Auto Theft	37	32	86.5	5	13.5
Larceny	755	737	97.6	18	2.4
Fraud	3,558	3,358	94.4	200	5.6
Embezzlement	194	187	96.4	7	3.6
Forgery/Counterfeiting	462	452	97.8	10	2.2
Bribery	107	102	95.3	5	4.7
Tax	321	288	89.7	33	10.3
Money Laundering	359	339	94.4	20	5.6
Racketeering/Extortion	312	280	89.7	32	10.3
Gambling/Lottery	30	29	96.7	1	3.3
Civil Rights	23	18	78.3	5	21.7
Immigration	13,997	13,905	99.3	92	0.7
Child Pornography	911	877	96.3	34	3.7
Prison Offenses	192	187	97.4	5	2.6
Administration of Justice Offenses	527	496	94.1	31	5.9
Environmental/Wildlife	80	76	95.0	4	5.0
National Defense	36	31	86.1	5	13.9
Antitrust	7	7	100.0	0	0.0
Food & Drug	27	27	100.0	0	0.0
Other Miscellaneous Offenses	1,241	1,172	94.4	69	5.6

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
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	36,314	9,882	27.2	7,297	20.1	17,843	49.1	1,292	3.6
Murder	25	8	32.0	2	8.0	5	20.0	10	40.0
Manslaughter	34	5	14.7	1	2.9	2	5.9	26	76.5
Kidnapping/Hostage Taking	14	4	28.6	3	21.4	5	35.7	2	14.3
Sexual Abuse	196	73	37.2	27	13.8	20	10.2	76	38.8
Assault	302	71	23.5	55	18.2	50	16.6	126	41.7
Robbery	467	224	48.0	182	39.0	40	8.6	21	4.5
Arson	26	16	61.5	3	11.5	1	3.8	6	23.1
Drugs - Trafficking	11,019	2,943	26.7	2,928	26.6	4,809	43.6	339	3.1
Drugs - Communication Facility	207	64	30.9	79	38.2	57	27.5	7	3.4
Drugs - Simple Possession	138	82	59.4	34	24.6	18	13.0	4	2.9
Firearms	3,717	1,049	28.2	1,906	51.3	671	18.1	91	2.4
Burglary/B&E	32	8	25.0	6	18.8	0	0.0	18	56.3
Auto Theft	37	26	70.3	9	24.3	2	5.4	0	0.0
Larceny	625	306	49.0	191	30.6	87	13.9	41	6.6
Fraud	3,137	1,483	47.3	893	28.5	592	18.9	169	5.4
Embezzlement	184	129	70.1	30	16.3	13	7.1	12	6.5
Forgery/Counterfeiting	458	216	47.2	163	35.6	66	14.4	13	2.8
Bribery	104	43	41.3	29	27.9	23	22.1	9	8.7
Tax	314	190	60.5	68	21.7	36	11.5	20	6.4
Money Laundering	349	152	43.6	50	14.3	126	36.1	21	6.0
Racketeering/Extortion	309	124	40.1	93	30.1	84	27.2	8	2.6
Gambling/Lottery	30	26	86.7	2	6.7	2	6.7	0	0.0
Civil Rights	23	16	69.6	3	13.0	3	13.0	1	4.3
Immigration	12,178	1,071	8.8	182	1.5	10,822	88.9	103	0.8
Child Pornography	908	802	88.3	28	3.1	55	6.1	23	2.5
Prison Offenses	177	49	27.7	58	32.8	53	29.9	17	9.6
Administration of Justice Offenses	498	246	49.4	107	21.5	106	21.3	39	7.8
Environmental/Wildlife	61	38	62.3	7	11.5	8	13.1	8	13.1
National Defense	36	8	22.2	4	11.1	17	47.2	7	19.4
Antitrust	5	5	100.0	0	0.0	0	0.0	0	0.0
Food & Drug	25	12	48.0	1	4.0	5	20.0	7	28.0
Other Miscellaneous Offenses	679	393	57.9	153	22.5	65	9.6	68	10.0

¹ Of the 39,676 cases, 3,362 were excluded due to missing race. 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 March 31, 2011).

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	38,880	33,884	87.2	4,996	12.8
Murder	25	20	80.0	5	20.0
Manslaughter	34	23	67.6	11	32.4
Kidnapping/Hostage Taking	14	12	85.7	2	14.3
Sexual Abuse	196	184	93.9	12	6.1
Assault	319	287	90.0	32	10.0
Robbery	467	428	91.6	39	8.4
Arson	26	23	88.5	3	11.5
Drugs - Trafficking	11,080	9,667	87.2	1,413	12.8
Drugs - Communication Facility	209	148	70.8	61	29.2
Drugs - Simple Possession	300	223	74.3	77	25.7
Firearms	3,745	3,622	96.7	123	3.3
Burglary/B&E	32	31	96.9	1	3.1
Auto Theft	37	34	91.9	3	8.1
Larceny	707	420	59.4	287	40.6
Fraud	3,547	2,439	68.8	1,108	31.2
Embezzlement	194	105	54.1	89	45.9
Forgery/Counterfeiting	461	353	76.6	108	23.4
Bribery	107	84	78.5	23	21.5
Tax	321	243	75.7	78	24.3
Money Laundering	359	276	76.9	83	23.1
Racketeering/Extortion	312	275	88.1	37	11.9
Gambling/Lottery	30	30	100.0	0	0.0
Civil Rights	23	23	100.0	0	0.0
Immigration	13,433	12,477	92.9	956	7.1
Child Pornography	911	903	99.1	8	0.9
Prison Offenses	192	169	88.0	23	12.0
Administration of Justice Offenses	518	389	75.1	129	24.9
Environmental/Wildlife	77	73	94.8	4	5.2
National Defense	36	33	91.7	3	8.3
Antitrust	7	7	100.0	0	0.0
Food & Drug	27	21	77.8	6	22.2
Other Miscellaneous Offenses	1,134	862	76.0	272	24.0

¹ Of the 39,676 cases, 796 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
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	8,152	100.0	6,361	100.0	16,358	100.0	1,028	100.0
Under 21	167	2.0	158	2.5	637	3.9	54	5.3
21 - 25	824	10.1	997	15.7	2,543	15.5	160	15.6
26 - 30	1,168	14.3	1,423	22.4	3,434	21.0	181	17.6
31 - 35	1,192	14.6	1,372	21.6	3,396	20.8	175	17.0
36 - 40	1,115	13.7	1,012	15.9	2,691	16.5	121	11.8
41 - 50	1,910	23.4	948	14.9	2,769	16.9	185	18.0
Over 50	1,776	21.8	451	7.1	888	5.4	152	14.8
Females	1,726	100.0	934	100.0	1,483	100.0	263	100.0
Under 21	60	3.5	5	0.5	81	5.5	14	5.3
21 - 25	210	12.2	128	13.7	269	18.1	42	16.0
26 - 30	274	15.9	179	19.2	254	17.1	31	11.8
31 - 35	263	15.2	151	16.2	278	18.7	36	13.7
36 - 40	245	14.2	138	14.8	207	14.0	33	12.5
41 - 50	365	21.1	212	22.7	262	17.7	63	24.0
Over 50	309	17.9	121	13.0	132	8.9	44	16.7

¹ Of the 39,676 cases, 3,371 were excluded due to one or more of the following reasons: missing race (3,362), missing gender (796), or missing age (161). 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 March 31, 2011).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	38,630	20,481	53.0	18,149	47.0
Murder	25	22	88.0	3	12.0
Manslaughter	34	33	97.1	1	2.9
Kidnapping/Hostage Taking	14	7	50.0	7	50.0
Sexual Abuse	196	186	94.9	10	5.1
Assault	305	275	90.2	30	9.8
Robbery	467	449	96.1	18	3.9
Arson	26	25	96.2	1	3.8
Drugs - Trafficking	11,044	7,810	70.7	3,234	29.3
Drugs - Communication Facility	207	178	86.0	29	14.0
Drugs - Simple Possession	228	153	67.1	75	32.9
Firearms	3,733	3,390	90.8	343	9.2
Burglary/B&E	32	32	100.0	0	0.0
Auto Theft	37	37	100.0	0	0.0
Larceny	637	591	92.8	46	7.2
Fraud	3,488	2,660	76.3	828	23.7
Embezzlement	188	186	98.9	2	1.1
Forgery/Counterfeiting	458	408	89.1	50	10.9
Bribery	105	94	89.5	11	10.5
Tax	316	287	90.8	29	9.2
Money Laundering	355	258	72.7	97	27.3
Racketeering/Extortion	311	272	87.5	39	12.5
Gambling/Lottery	30	29	96.7	1	3.3
Civil Rights	23	21	91.3	2	8.7
Immigration	13,899	825	5.9	13,074	94.1
Child Pornography	911	882	96.8	29	3.2
Prison Offenses	183	168	91.8	15	8.2
Administration of Justice Offenses	503	431	85.7	72	14.3
Environmental/Wildlife	63	55	87.3	8	12.7
National Defense	36	21	58.3	15	41.7
Antitrust	5	4	80.0	1	20.0
Food & Drug	25	19	76.0	6	24.0
Other Miscellaneous Offenses	746	673	90.2	73	9.8

¹ Of the 39,676 cases, 1,046 were excluded due to missing citizenship information. Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 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	39,676	183,979	39,676	39,099	29,102	10,350	39,571	36,531	3,144
D.C. CIRCUIT	171	834	171	169	156	13	169	169	2
District of Columbia	171	834	171	169	156	13	169	169	2
FIRST CIRCUIT	924	4,348	924	921	681	241	923	899	25
Maine	112	513	112	112	65	47	112	112	0
Massachusetts	260	1,164	260	258	131	129	260	255	5
New Hampshire	100	484	100	100	85	15	100	99	1
Puerto Rico	373	1,815	373	372	343	28	372	355	18
Rhode Island	79	372	79	79	57	22	79	78	1
SECOND CIRCUIT	1,443	6,901	1,443	1,439	1,209	228	1,439	1,371	72
Connecticut	145	722	145	145	142	3	145	145	0
New York									
Eastern	560	2,711	560	559	472	87	560	560	0
Northern	244	1,087	244	242	143	100	244	214	30
Southern	36	161	36	36	21	12	32	36	0
Western	390	1,887	390	390	367	22	390	350	40
Vermont	68	333	68	67	64	4	68	66	2
THIRD CIRCUIT	1,470	6,978	1,470	1,460	1,131	335	1,467	1,450	20
Delaware	68	333	68	67	62	6	68	68	0
New Jersey	399	1,967	399	398	375	24	398	397	2
Pennsylvania									
Eastern	510	2,372	510	504	342	167	510	506	4
Middle	206	1,002	206	206	181	25	206	203	3
Western	247	1,119	247	245	146	98	245	236	11
Virgin Islands	40	185	40	40	25	15	40	40	0
FOURTH CIRCUIT	3,337	15,153	3,337	3,258	2,338	984	3,321	2,899	438
Maryland	441	2,092	441	423	377	58	437	414	27
North Carolina									
Eastern	422	1,943	422	397	317	105	421	386	36
Middle	277	1,371	277	277	264	13	277	276	1
Western	251	1,159	251	251	156	92	250	251	0
South Carolina	540	2,478	540	538	322	216	538	540	0
Virginia									
Eastern	925	3,765	925	894	469	452	918	559	366
Western	184	890	184	181	159	25	184	182	2
West Virginia									
Northern	155	762	155	155	148	7	154	150	5
Southern	142	693	142	142	126	16	142	141	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	9,804	43,298	9,804	9,504	5,303	4,389	9,794	8,893	911
Louisiana									
Eastern	194	906	194	194	131	60	194	193	1
Middle	67	317	67	67	49	18	67	67	0
Western	155	750	155	154	134	21	155	152	3
Mississippi									
Northern	72	351	72	72	65	7	72	70	2
Southern	154	747	154	151	137	17	154	151	3
Texas									
Eastern	466	2,282	466	466	424	41	466	460	6
Northern	476	2,239	476	473	340	136	476	474	2
Southern	4,281	19,792	4,281	4,278	2,738	1,537	4,275	4,220	61
Western	3,939	15,914	3,939	3,649	1,285	2,552	3,935	3,106	833
SIXTH CIRCUIT	2,805	13,304	2,805	2,791	2,210	566	2,793	2,705	100
Kentucky									
Eastern	326	1,580	326	326	284	31	324	320	6
Western	207	955	207	204	167	39	206	171	36
Michigan									
Eastern	418	2,020	418	418	353	64	417	414	4
Western	262	1,152	262	261	138	124	261	230	32
Ohio									
Northern	281	1,303	281	277	188	88	279	278	3
Southern	379	1,851	379	377	341	38	379	375	4
Tennessee									
Eastern	486	2,328	486	486	389	95	483	484	2
Middle	143	680	143	141	113	21	141	142	1
Western	303	1,435	303	301	237	66	303	291	12
SEVENTH CIRCUIT	1,473	7,039	1,473	1,448	1,186	287	1,471	1,461	12
Illinois									
Central	181	823	181	181	99	82	181	181	0
Northern	456	2,160	456	436	361	95	455	452	4
Southern	146	663	146	146	81	65	146	144	2
Indiana									
Northern	245	1,197	245	241	224	21	245	242	3
Southern	129	631	129	129	115	14	129	129	0
Wisconsin									
Eastern	218	1,083	218	217	215	3	218	215	3
Western	98	482	98	98	91	7	97	98	0
EIGHTH CIRCUIT	2,386	11,416	2,386	2,382	1,890	492	2,383	2,375	11
Arkansas									
Eastern	155	723	155	155	105	50	153	155	0
Western	180	891	180	180	171	7	180	180	0
Iowa									
Northern	253	1,146	253	253	135	118	253	252	1
Southern	183	865	183	183	133	50	183	183	0
Minnesota	188	918	188	187	169	19	188	186	2
Missouri									
Eastern	444	2,201	444	444	425	19	444	444	0
Western	363	1,691	363	362	242	121	363	361	2
Nebraska	282	1,348	282	281	227	55	281	277	5
North Dakota	123	581	123	122	90	32	123	123	0
South Dakota	215	1,052	215	215	193	21	215	214	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	9,203	43,862	9,203	9,111	8,414	760	9,158	7,976	1,226
Alaska	61	278	61	61	40	21	60	56	5
Arizona	3,666	17,519	3,666	3,597	3,406	255	3,643	3,207	459
California									
Central	751	3,681	751	746	695	56	750	739	11
Eastern	457	2,227	457	454	403	39	456	457	0
Northern	372	1,750	372	364	325	43	356	333	39
Southern	2,236	10,465	2,236	2,235	2,127	105	2,234	1,633	603
Guam	21	99	21	20	18	3	21	19	2
Hawaii	110	497	110	110	60	50	110	107	3
Idaho	150	734	150	150	135	15	150	149	1
Montana	151	718	151	151	116	35	150	150	1
Nevada	312	1,503	312	312	257	55	312	310	2
Northern Mariana Islands	5	25	5	5	5	0	5	5	0
Oregon	286	1,387	286	281	259	27	286	275	11
Washington									
Eastern	199	956	199	199	165	34	199	194	5
Western	426	2,023	426	426	403	22	426	342	84
TENTH CIRCUIT	3,225	15,104	3,225	3,216	2,346	869	3,224	3,093	132
Colorado	337	1,655	337	333	326	9	337	322	15
Kansas	350	1,708	350	350	312	38	350	346	4
New Mexico	1,388	6,411	1,388	1,383	868	517	1,388	1,384	4
Oklahoma									
Eastern	50	221	50	50	21	29	50	50	0
Northern	112	509	112	112	62	48	111	112	0
Western	263	1,105	263	263	126	136	263	190	73
Utah	541	2,637	541	541	501	38	541	513	28
Wyoming	184	858	184	184	130	54	184	176	8
ELEVENTH CIRCUIT	3,435	15,742	3,435	3,400	2,238	1,186	3,429	3,240	195
Alabama									
Middle	104	493	104	104	77	27	104	104	0
Northern	215	1,000	215	214	152	59	213	206	9
Southern	211	1,005	211	211	161	50	211	211	0
Florida									
Middle	758	3,447	758	757	419	336	756	757	1
Northern	205	965	205	205	147	58	205	203	2
Southern	1,073	5,010	1,073	1,050	755	316	1,073	1,059	14
Georgia									
Middle	197	884	197	196	116	80	197	178	19
Northern	329	1,518	329	321	222	106	327	319	10
Southern	343	1,420	343	342	189	154	343	203	140

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 eight 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
2nd Quarter 2011 Preliminary Cumulative Data (October 1, 2010, through March 31, 2011)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	39,676	37,074	93.4	2,040	5.1	562	1.4
D.C. CIRCUIT	171	171	100.0	0	0.0	0	0.0
District of Columbia	171	171	100.0	0	0.0	0	0.0
FIRST CIRCUIT	924	921	99.7	0	0.0	3	0.3
Maine	112	112	100.0	0	0.0	0	0.0
Massachusetts	260	258	99.2	0	0.0	2	0.8
New Hampshire	100	100	100.0	0	0.0	0	0.0
Puerto Rico	373	372	99.7	0	0.0	1	0.3
Rhode Island	79	79	100.0	0	0.0	0	0.0
SECOND CIRCUIT	1,443	1,399	97.0	40	2.8	4	0.3
Connecticut	145	145	100.0	0	0.0	0	0.0
New York							
Eastern	560	520	92.9	39	7.0	1	0.2
Northern	244	242	99.2	0	0.0	2	0.8
Southern	36	36	100.0	0	0.0	0	0.0
Western	390	390	100.0	0	0.0	0	0.0
Vermont	68	66	97.1	1	1.5	1	1.5
THIRD CIRCUIT	1,470	1,077	73.3	383	26.1	10	0.7
Delaware	68	67	98.5	0	0.0	1	1.5
New Jersey	399	40	10.0	358	89.7	1	0.3
Pennsylvania							
Eastern	510	504	98.8	0	0.0	6	1.2
Middle	206	206	100.0	0	0.0	0	0.0
Western	247	243	98.4	2	0.8	2	0.8
Virgin Islands	40	17	42.5	23	57.5	0	0.0
FOURTH CIRCUIT	3,337	3,224	96.6	37	1.1	76	2.3
Maryland	441	424	96.1	2	0.5	15	3.4
North Carolina							
Eastern	422	397	94.1	0	0.0	25	5.9
Middle	277	277	100.0	0	0.0	0	0.0
Western	251	251	100.0	0	0.0	0	0.0
South Carolina	540	538	99.6	0	0.0	2	0.4
Virginia							
Eastern	925	859	92.9	35	3.8	31	3.4
Western	184	181	98.4	0	0.0	3	1.6
West Virginia							
Northern	155	155	100.0	0	0.0	0	0.0
Southern	142	142	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	9,804	8,370	85.4	1,134	11.6	300	3.1
Louisiana							
Eastern	194	194	100.0	0	0.0	0	0.0
Middle	67	67	100.0	0	0.0	0	0.0
Western	155	128	82.6	26	16.8	1	0.6
Mississippi							
Northern	72	72	100.0	0	0.0	0	0.0
Southern	154	151	98.1	0	0.0	3	1.9
Texas							
Eastern	466	465	99.8	1	0.2	0	0.0
Northern	476	473	99.4	0	0.0	3	0.6
Southern	4,281	4,278	99.9	0	0.0	3	0.1
Western	3,939	2,542	64.5	1,107	28.1	290	7.4
SIXTH CIRCUIT	2,805	2,706	96.5	87	3.1	12	0.4
Kentucky							
Eastern	326	326	100.0	0	0.0	0	0.0
Western	207	204	98.6	0	0.0	3	1.4
Michigan							
Eastern	418	418	100.0	0	0.0	0	0.0
Western	262	261	99.6	0	0.0	1	0.4
Ohio							
Northern	281	277	98.6	0	0.0	4	1.4
Southern	379	344	90.8	33	8.7	2	0.5
Tennessee							
Eastern	486	486	100.0	0	0.0	0	0.0
Middle	143	106	74.1	35	24.5	2	1.4
Western	303	284	93.7	19	6.3	0	0.0
SEVENTH CIRCUIT	1,473	1,424	96.7	25	1.7	24	1.6
Illinois							
Central	181	181	100.0	0	0.0	0	0.0
Northern	456	437	95.8	0	0.0	19	4.2
Southern	146	146	100.0	0	0.0	0	0.0
Indiana							
Northern	245	239	97.6	2	0.8	4	1.6
Southern	129	129	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	218	194	89.0	23	10.6	1	0.5
Western	98	98	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	2,386	2,371	99.4	11	0.5	4	0.2
Arkansas							
Eastern	155	155	100.0	0	0.0	0	0.0
Western	180	180	100.0	0	0.0	0	0.0
Iowa							
Northern	253	253	100.0	0	0.0	0	0.0
Southern	183	183	100.0	0	0.0	0	0.0
Minnesota	188	176	93.6	11	5.9	1	0.5
Missouri							
Eastern	444	444	100.0	0	0.0	0	0.0
Western	363	362	99.7	0	0.0	1	0.3
Nebraska	282	281	99.6	0	0.0	1	0.4
North Dakota	123	122	99.2	0	0.0	1	0.8
South Dakota	215	215	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	9,203	8,832	96.0	284	3.1	87	0.9
Alaska	61	61	100.0	0	0.0	0	0.0
Arizona	3,666	3,600	98.2	1	0.0	65	1.8
California							
Central	751	746	99.3	0	0.0	5	0.7
Eastern	457	453	99.1	1	0.2	3	0.7
Northern	372	364	97.8	0	0.0	8	2.2
Southern	2,236	2,235	100.0	0	0.0	1	0.0
Guam	21	21	100.0	0	0.0	0	0.0
Hawaii	110	107	97.3	3	2.7	0	0.0
Idaho	150	150	100.0	0	0.0	0	0.0
Montana	151	151	100.0	0	0.0	0	0.0
Nevada	312	312	100.0	0	0.0	0	0.0
Northern Mariana Islands	5	5	100.0	0	0.0	0	0.0
Oregon	286	2	0.7	279	97.6	5	1.7
Washington							
Eastern	199	199	100.0	0	0.0	0	0.0
Western	426	426	100.0	0	0.0	0	0.0
TENTH CIRCUIT	3,225	3,190	98.9	26	0.8	9	0.3
Colorado	337	333	98.8	0	0.0	4	1.2
Kansas	350	349	99.7	1	0.3	0	0.0
New Mexico	1,388	1,382	99.6	1	0.1	5	0.4
Oklahoma							
Eastern	50	50	100.0	0	0.0	0	0.0
Northern	112	112	100.0	0	0.0	0	0.0
Western	263	262	99.6	1	0.4	0	0.0
Utah	541	518	95.7	23	4.3	0	0.0
Wyoming	184	184	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	3,435	3,389	98.7	13	0.4	33	1.0
Alabama							
Middle	104	104	100.0	0	0.0	0	0.0
Northern	215	214	99.5	0	0.0	1	0.5
Southern	211	211	100.0	0	0.0	0	0.0
Florida							
Middle	758	757	99.9	0	0.0	1	0.1
Northern	205	205	100.0	0	0.0	0	0.0
Southern	1,073	1,051	97.9	0	0.0	22	2.1
Georgia							
Middle	197	196	99.5	1	0.5	0	0.0
Northern	329	309	93.9	12	3.6	8	2.4
Southern	343	342	99.7	0	0.0	1	0.3

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