

U.S. Sentencing Commission Preliminary Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2012 Data
Through June 30, 2012**

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 1995-2011 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, www.ussc.gov.

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

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

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

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

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

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

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

	N	%
TOTAL CASES	58,908	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	31,522	53.5
CASES SENTENCED ABOVE GUIDELINE RANGE	1,112	1.9
DEPARTURE ABOVE GUIDELINE RANGE	406	0.7
Upward Departure From Guideline Range ²	317	0.5
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	89	0.2
OTHERWISE ABOVE GUIDELINE RANGE	706	1.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	683	1.2
All Remaining Cases Above Guideline Range ⁵	23	0.0
GOVERNMENT SPONSORED BELOW RANGE⁶	16,453	27.9
§5K1.1 Substantial Assistance Departure	6,799	11.5
§5K3.1 Early Disposition Program Departure	6,785	11.5
Other Government Sponsored Below Range	2,869	4.9
NON-GOVERNMENT SPONSORED BELOW RANGE	9,821	16.7
DEPARTURE BELOW GUIDELINE RANGE	1,854	3.1
Downward Departure From Guideline Range ²	1,290	2.2
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	564	1.0
OTHERWISE BELOW GUIDELINE RANGE	7,967	13.5
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	7,931	13.5
All Remaining Cases Below Guideline Range ⁵	36	0.1

¹ This table reflects the 59,661 cases sentenced on or after October 1, 2011, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by October 9, 2012. Of these, 753 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

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

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

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

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

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

SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

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	58,908	31,522	53.5	317	0.5	89	0.2	683	1.2	23	0.0
D.C. CIRCUIT	269	96	35.7	2	0.7	0	0.0	2	0.7	0	0.0
District of Columbia	269	96	35.7	2	0.7	0	0.0	2	0.7	0	0.0
FIRST CIRCUIT	1,713	1,093	63.8	12	0.7	3	0.2	20	1.2	0	0.0
Maine	137	85	62.0	1	0.7	0	0.0	0	0.0	0	0.0
Massachusetts	370	170	45.9	2	0.5	2	0.5	3	0.8	0	0.0
New Hampshire	117	49	41.9	1	0.9	0	0.0	0	0.0	0	0.0
Puerto Rico	945	724	76.6	8	0.8	1	0.1	16	1.7	0	0.0
Rhode Island	144	65	45.1	0	0.0	0	0.0	1	0.7	0	0.0
SECOND CIRCUIT	2,828	1,078	38.1	9	0.3	3	0.1	16	0.6	0	0.0
Connecticut	310	118	38.1	2	0.6	0	0.0	4	1.3	0	0.0
New York											
Eastern	719	228	31.7	1	0.1	3	0.4	5	0.7	0	0.0
Northern	455	228	50.1	3	0.7	0	0.0	1	0.2	0	0.0
Southern	673	222	33.0	0	0.0	0	0.0	4	0.6	0	0.0
Western	502	236	47.0	3	0.6	0	0.0	1	0.2	0	0.0
Vermont	169	46	27.2	0	0.0	0	0.0	1	0.6	0	0.0
THIRD CIRCUIT	2,049	907	44.3	6	0.3	1	0.0	22	1.1	0	0.0
Delaware	72	27	37.5	0	0.0	0	0.0	1	1.4	0	0.0
New Jersey	631	305	48.3	0	0.0	0	0.0	2	0.3	0	0.0
Pennsylvania											
Eastern	567	197	34.7	3	0.5	1	0.2	15	2.6	0	0.0
Middle	360	148	41.1	2	0.6	0	0.0	0	0.0	0	0.0
Western	378	206	54.5	1	0.3	0	0.0	2	0.5	0	0.0
Virgin Islands	41	24	58.5	0	0.0	0	0.0	2	4.9	0	0.0
FOURTH CIRCUIT	4,580	2,696	58.9	31	0.7	8	0.2	71	1.6	1	0.0
Maryland	729	240	32.9	2	0.3	1	0.1	15	2.1	0	0.0
North Carolina											
Eastern	515	291	56.5	12	2.3	4	0.8	9	1.7	0	0.0
Middle	294	219	74.5	2	0.7	0	0.0	6	2.0	0	0.0
Western	321	202	62.9	2	0.6	0	0.0	3	0.9	0	0.0
South Carolina	685	384	56.1	5	0.7	0	0.0	6	0.9	1	0.1
Virginia											
Eastern	1,332	976	73.3	7	0.5	2	0.2	19	1.4	0	0.0
Western	260	128	49.2	1	0.4	0	0.0	7	2.7	0	0.0
West Virginia											
Northern	230	150	65.2	0	0.0	0	0.0	4	1.7	0	0.0
Southern	214	106	49.5	0	0.0	1	0.5	2	0.9	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	6,799	11.5	6,785	11.5	2,869	4.9	1,290	2.2	564	1.0	7,931	13.5	36	0.1
D.C. CIRCUIT	68	25.3	2	0.7	38	14.1	16	5.9	5	1.9	40	14.9	0	0.0
District of Columbia	68	25.3	2	0.7	38	14.1	16	5.9	5	1.9	40	14.9	0	0.0
FIRST CIRCUIT	137	8.0	13	0.8	146	8.5	40	2.3	13	0.8	234	13.7	2	0.1
Maine	25	18.2	0	0.0	1	0.7	9	6.6	0	0.0	16	11.7	0	0.0
Massachusetts	35	9.5	0	0.0	59	15.9	9	2.4	4	1.1	85	23.0	1	0.3
New Hampshire	26	22.2	0	0.0	10	8.5	3	2.6	2	1.7	26	22.2	0	0.0
Puerto Rico	43	4.6	13	1.4	68	7.2	19	2.0	7	0.7	45	4.8	1	0.1
Rhode Island	8	5.6	0	0.0	8	5.6	0	0.0	0	0.0	62	43.1	0	0.0
SECOND CIRCUIT	591	20.9	11	0.4	109	3.9	105	3.7	80	2.8	825	29.2	1	0.0
Connecticut	57	18.4	0	0.0	9	2.9	22	7.1	10	3.2	88	28.4	0	0.0
New York														
Eastern	130	18.1	2	0.3	44	6.1	39	5.4	35	4.9	232	32.3	0	0.0
Northern	115	25.3	0	0.0	7	1.5	11	2.4	3	0.7	87	19.1	0	0.0
Southern	111	16.5	9	1.3	3	0.4	17	2.5	19	2.8	287	42.6	1	0.1
Western	140	27.9	0	0.0	29	5.8	5	1.0	0	0.0	88	17.5	0	0.0
Vermont	38	22.5	0	0.0	17	10.1	11	6.5	13	7.7	43	25.4	0	0.0
THIRD CIRCUIT	506	24.7	6	0.3	124	6.1	29	1.4	22	1.1	418	20.4	8	0.4
Delaware	6	8.3	0	0.0	8	11.1	0	0.0	0	0.0	30	41.7	0	0.0
New Jersey	179	28.4	1	0.2	18	2.9	7	1.1	6	1.0	111	17.6	2	0.3
Pennsylvania														
Eastern	163	28.7	3	0.5	38	6.7	10	1.8	5	0.9	126	22.2	6	1.1
Middle	83	23.1	0	0.0	49	13.6	4	1.1	4	1.1	70	19.4	0	0.0
Western	70	18.5	2	0.5	10	2.6	7	1.9	7	1.9	73	19.3	0	0.0
Virgin Islands	5	12.2	0	0.0	1	2.4	1	2.4	0	0.0	8	19.5	0	0.0
FOURTH CIRCUIT	715	15.6	10	0.2	194	4.2	87	1.9	32	0.7	733	16.0	2	0.0
Maryland	193	26.5	7	1.0	101	13.9	14	1.9	10	1.4	145	19.9	1	0.1
North Carolina														
Eastern	151	29.3	0	0.0	1	0.2	5	1.0	3	0.6	38	7.4	1	0.2
Middle	34	11.6	0	0.0	0	0.0	3	1.0	0	0.0	30	10.2	0	0.0
Western	63	19.6	0	0.0	15	4.7	4	1.2	2	0.6	30	9.3	0	0.0
South Carolina	117	17.1	1	0.1	24	3.5	11	1.6	0	0.0	136	19.9	0	0.0
Virginia														
Eastern	44	3.3	1	0.1	28	2.1	40	3.0	13	1.0	202	15.2	0	0.0
Western	69	26.5	0	0.0	9	3.5	9	3.5	3	1.2	34	13.1	0	0.0
West Virginia														
Northern	24	10.4	1	0.4	10	4.3	0	0.0	0	0.0	41	17.8	0	0.0
Southern	20	9.3	0	0.0	6	2.8	1	0.5	1	0.5	77	36.0	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	13,633	9,706	71.2	75	0.6	33	0.2	195	1.4	2	0.0
Louisiana											
Eastern	256	157	61.3	8	3.1	4	1.6	9	3.5	0	0.0
Middle	181	108	59.7	3	1.7	0	0.0	3	1.7	0	0.0
Western	282	163	57.8	1	0.4	6	2.1	12	4.3	0	0.0
Mississippi											
Northern	118	88	74.6	0	0.0	0	0.0	6	5.1	0	0.0
Southern	204	160	78.4	0	0.0	0	0.0	4	2.0	0	0.0
Texas											
Eastern	587	415	70.7	7	1.2	1	0.2	6	1.0	0	0.0
Northern	733	400	54.6	7	1.0	20	2.7	20	2.7	0	0.0
Southern	4,864	3,008	61.8	28	0.6	1	0.0	29	0.6	1	0.0
Western	6,408	5,207	81.3	21	0.3	1	0.0	106	1.7	1	0.0
SIXTH CIRCUIT	3,985	2,009	50.4	18	0.5	6	0.2	58	1.5	0	0.0
Kentucky											
Eastern	334	184	55.1	3	0.9	2	0.6	3	0.9	0	0.0
Western	297	187	63.0	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	636	346	54.4	1	0.2	0	0.0	7	1.1	0	0.0
Western	341	198	58.1	2	0.6	1	0.3	10	2.9	0	0.0
Ohio											
Northern	694	327	47.1	1	0.1	0	0.0	13	1.9	0	0.0
Southern	456	141	30.9	3	0.7	0	0.0	6	1.3	0	0.0
Tennessee											
Eastern	626	381	60.9	1	0.2	2	0.3	8	1.3	0	0.0
Middle	217	70	32.3	2	0.9	1	0.5	5	2.3	0	0.0
Western	384	175	45.6	5	1.3	0	0.0	6	1.6	0	0.0
SEVENTH CIRCUIT	2,216	1,093	49.3	10	0.5	6	0.3	30	1.4	3	0.1
Illinois											
Central	291	167	57.4	1	0.3	0	0.0	6	2.1	0	0.0
Northern	553	242	43.8	1	0.2	1	0.2	5	0.9	0	0.0
Southern	300	219	73.0	5	1.7	1	0.3	6	2.0	1	0.3
Indiana											
Northern	302	172	57.0	1	0.3	2	0.7	2	0.7	0	0.0
Southern	302	153	50.7	2	0.7	0	0.0	9	3.0	1	0.3
Wisconsin											
Eastern	353	81	22.9	0	0.0	1	0.3	2	0.6	1	0.3
Western	115	59	51.3	0	0.0	1	0.9	0	0.0	0	0.0
EIGHTH CIRCUIT	3,490	1,906	54.6	16	0.5	6	0.2	66	1.9	1	0.0
Arkansas											
Eastern	289	176	60.9	0	0.0	0	0.0	17	5.9	0	0.0
Western	220	159	72.3	1	0.5	0	0.0	0	0.0	0	0.0
Iowa											
Northern	287	175	61.0	5	1.7	2	0.7	6	2.1	1	0.3
Southern	299	102	34.1	0	0.0	0	0.0	1	0.3	0	0.0
Minnesota	297	105	35.4	0	0.0	0	0.0	3	1.0	0	0.0
Missouri											
Eastern	577	313	54.2	1	0.2	2	0.3	10	1.7	0	0.0
Western	545	284	52.1	1	0.2	0	0.0	16	2.9	0	0.0
Nebraska	449	254	56.6	1	0.2	0	0.0	6	1.3	0	0.0
North Dakota	196	105	53.6	1	0.5	0	0.0	4	2.0	0	0.0
South Dakota	331	233	70.4	6	1.8	2	0.6	3	0.9	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,063	7.8	588	4.3	294	2.2	434	3.2	47	0.3	1,192	8.7	4	0.0
Louisiana														
Eastern	33	12.9	0	0.0	5	2.0	5	2.0	6	2.3	29	11.3	0	0.0
Middle	29	16.0	6	3.3	2	1.1	0	0.0	0	0.0	30	16.6	0	0.0
Western	36	12.8	1	0.4	3	1.1	1	0.4	3	1.1	56	19.9	0	0.0
Mississippi														
Northern	14	11.9	0	0.0	1	0.8	0	0.0	0	0.0	9	7.6	0	0.0
Southern	20	9.8	0	0.0	3	1.5	2	1.0	0	0.0	15	7.4	0	0.0
Texas														
Eastern	46	7.8	4	0.7	70	11.9	11	1.9	1	0.2	26	4.4	0	0.0
Northern	135	18.4	7	1.0	51	7.0	5	0.7	3	0.4	85	11.6	0	0.0
Southern	361	7.4	550	11.3	76	1.6	290	6.0	16	0.3	504	10.4	0	0.0
Western	389	6.1	20	0.3	83	1.3	120	1.9	18	0.3	438	6.8	4	0.1
SIXTH CIRCUIT	841	21.1	22	0.6	181	4.5	70	1.8	62	1.6	710	17.8	8	0.2
Kentucky														
Eastern	75	22.5	0	0.0	12	3.6	2	0.6	1	0.3	52	15.6	0	0.0
Western	43	14.5	13	4.4	16	5.4	6	2.0	2	0.7	30	10.1	0	0.0
Michigan														
Eastern	94	14.8	1	0.2	21	3.3	9	1.4	8	1.3	148	23.3	1	0.2
Western	40	11.7	0	0.0	4	1.2	9	2.6	10	2.9	67	19.6	0	0.0
Ohio														
Northern	210	30.3	0	0.0	18	2.6	4	0.6	4	0.6	113	16.3	4	0.6
Southern	122	26.8	6	1.3	42	9.2	19	4.2	21	4.6	95	20.8	1	0.2
Tennessee														
Eastern	148	23.6	0	0.0	5	0.8	10	1.6	4	0.6	66	10.5	1	0.2
Middle	37	17.1	0	0.0	44	20.3	5	2.3	2	0.9	51	23.5	0	0.0
Western	72	18.8	2	0.5	19	4.9	6	1.6	10	2.6	88	22.9	1	0.3
SEVENTH CIRCUIT	351	15.8	8	0.4	117	5.3	56	2.5	76	3.4	463	20.9	3	0.1
Illinois														
Central	43	14.8	0	0.0	11	3.8	4	1.4	5	1.7	54	18.6	0	0.0
Northern	75	13.6	6	1.1	12	2.2	19	3.4	48	8.7	144	26.0	0	0.0
Southern	13	4.3	0	0.0	9	3.0	6	2.0	15	5.0	24	8.0	1	0.3
Indiana														
Northern	73	24.2	1	0.3	17	5.6	3	1.0	1	0.3	28	9.3	2	0.7
Southern	50	16.6	0	0.0	19	6.3	5	1.7	0	0.0	63	20.9	0	0.0
Wisconsin														
Eastern	89	25.2	0	0.0	48	13.6	1	0.3	0	0.0	130	36.8	0	0.0
Western	8	7.0	1	0.9	1	0.9	18	15.7	7	6.1	20	17.4	0	0.0
EIGHTH CIRCUIT	496	14.2	52	1.5	176	5.0	62	1.8	40	1.1	669	19.2	0	0.0
Arkansas														
Eastern	29	10.0	0	0.0	8	2.8	4	1.4	4	1.4	51	17.6	0	0.0
Western	30	13.6	4	1.8	2	0.9	3	1.4	0	0.0	21	9.5	0	0.0
Iowa														
Northern	45	15.7	0	0.0	10	3.5	1	0.3	0	0.0	42	14.6	0	0.0
Southern	73	24.4	1	0.3	41	13.7	0	0.0	3	1.0	78	26.1	0	0.0
Minnesota	58	19.5	0	0.0	6	2.0	5	1.7	7	2.4	113	38.0	0	0.0
Missouri														
Eastern	74	12.8	0	0.0	32	5.5	9	1.6	17	2.9	119	20.6	0	0.0
Western	95	17.4	0	0.0	26	4.8	6	1.1	4	0.7	113	20.7	0	0.0
Nebraska	31	6.9	40	8.9	32	7.1	5	1.1	2	0.4	78	17.4	0	0.0
North Dakota	54	27.6	5	2.6	7	3.6	4	2.0	0	0.0	16	8.2	0	0.0
South Dakota	7	2.1	2	0.6	12	3.6	25	7.6	3	0.9	38	11.5	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	15,034	5,644	37.5	111	0.7	13	0.1	95	0.6	15	0.1
Alaska	148	55	37.2	0	0.0	2	1.4	2	1.4	0	0.0
Arizona	6,248	2,686	43.0	80	1.3	2	0.0	14	0.2	2	0.0
California											
Central	1,226	386	31.5	7	0.6	2	0.2	24	2.0	1	0.1
Eastern	743	303	40.8	2	0.3	0	0.0	8	1.1	1	0.1
Northern	543	244	44.9	0	0.0	3	0.6	9	1.7	1	0.2
Southern	3,811	909	23.9	9	0.2	0	0.0	7	0.2	10	0.3
Guam	36	20	55.6	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	179	72	40.2	1	0.6	0	0.0	2	1.1	0	0.0
Idaho	200	97	48.5	2	1.0	0	0.0	1	0.5	0	0.0
Montana	289	189	65.4	4	1.4	0	0.0	6	2.1	0	0.0
Nevada	445	250	56.2	3	0.7	0	0.0	8	1.8	0	0.0
Northern Mariana Islands	10	9	90.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	432	135	31.3	1	0.2	0	0.0	6	1.4	0	0.0
Washington											
Eastern	206	87	42.2	1	0.5	3	1.5	2	1.0	0	0.0
Western	518	202	39.0	1	0.2	1	0.2	6	1.2	0	0.0
TENTH CIRCUIT	4,249	2,351	55.3	22	0.5	2	0.0	30	0.7	0	0.0
Colorado	401	167	41.6	0	0.0	0	0.0	1	0.2	0	0.0
Kansas	458	238	52.0	2	0.4	1	0.2	15	3.3	0	0.0
New Mexico	2,109	1,297	61.5	10	0.5	1	0.0	3	0.1	0	0.0
Oklahoma											
Eastern	61	32	52.5	0	0.0	0	0.0	0	0.0	0	0.0
Northern	152	94	61.8	2	1.3	0	0.0	0	0.0	0	0.0
Western	386	245	63.5	2	0.5	0	0.0	11	2.8	0	0.0
Utah	461	165	35.8	3	0.7	0	0.0	0	0.0	0	0.0
Wyoming	221	113	51.1	3	1.4	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	4,862	2,943	60.5	5	0.1	8	0.2	78	1.6	1	0.0
Alabama											
Middle	136	74	54.4	1	0.7	0	0.0	2	1.5	0	0.0
Northern	300	206	68.7	0	0.0	0	0.0	2	0.7	0	0.0
Southern	348	214	61.5	0	0.0	0	0.0	2	0.6	0	0.0
Florida											
Middle	1,194	555	46.5	2	0.2	2	0.2	17	1.4	1	0.1
Northern	242	164	67.8	0	0.0	0	0.0	2	0.8	0	0.0
Southern	1,436	921	64.1	1	0.1	4	0.3	20	1.4	0	0.0
Georgia											
Middle	308	229	74.4	0	0.0	2	0.6	5	1.6	0	0.0
Northern	489	250	51.1	1	0.2	0	0.0	11	2.2	0	0.0
Southern	409	330	80.7	0	0.0	0	0.0	17	4.2	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	1,056	7.0	5,540	36.8	931	6.2	283	1.9	81	0.5	1,258	8.4	7	0.0
Alaska	30	20.3	0	0.0	27	18.2	0	0.0	2	1.4	30	20.3	0	0.0
Arizona	179	2.9	2,719	43.5	184	2.9	84	1.3	16	0.3	280	4.5	2	0.0
California														
Central	147	12.0	264	21.5	129	10.5	39	3.2	22	1.8	201	16.4	4	0.3
Eastern	88	11.8	221	29.7	37	5.0	8	1.1	2	0.3	73	9.8	0	0.0
Northern	59	10.9	68	12.5	82	15.1	4	0.7	8	1.5	65	12.0	0	0.0
Southern	265	7.0	2,112	55.4	148	3.9	116	3.0	16	0.4	219	5.7	0	0.0
Guam	12	33.3	0	0.0	0	0.0	0	0.0	0	0.0	4	11.1	0	0.0
Hawaii	41	22.9	0	0.0	2	1.1	2	1.1	0	0.0	59	33.0	0	0.0
Idaho	42	21.0	15	7.5	8	4.0	4	2.0	1	0.5	30	15.0	0	0.0
Montana	38	13.1	0	0.0	12	4.2	1	0.3	0	0.0	39	13.5	0	0.0
Nevada	53	11.9	16	3.6	37	8.3	13	2.9	1	0.2	64	14.4	0	0.0
Northern Mariana Islands	1	10.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	54	12.5	80	18.5	67	15.5	5	1.2	2	0.5	81	18.8	1	0.2
Washington														
Eastern	15	7.3	19	9.2	34	16.5	3	1.5	2	1.0	40	19.4	0	0.0
Western	32	6.2	26	5.0	164	31.7	4	0.8	9	1.7	73	14.1	0	0.0
TENTH CIRCUIT	299	7.0	497	11.7	423	10.0	65	1.5	32	0.8	528	12.4	0	0.0
Colorado	87	21.7	17	4.2	77	19.2	2	0.5	1	0.2	49	12.2	0	0.0
Kansas	49	10.7	4	0.9	77	16.8	7	1.5	3	0.7	62	13.5	0	0.0
New Mexico	51	2.4	341	16.2	195	9.2	34	1.6	19	0.9	158	7.5	0	0.0
Oklahoma														
Eastern	14	23.0	0	0.0	3	4.9	0	0.0	0	0.0	12	19.7	0	0.0
Northern	31	20.4	0	0.0	0	0.0	5	3.3	0	0.0	20	13.2	0	0.0
Western	24	6.2	0	0.0	7	1.8	3	0.8	2	0.5	92	23.8	0	0.0
Utah	27	5.9	125	27.1	29	6.3	9	2.0	3	0.7	100	21.7	0	0.0
Wyoming	16	7.2	10	4.5	35	15.8	5	2.3	4	1.8	35	15.8	0	0.0
ELEVENTH CIRCUIT	676	13.9	36	0.7	136	2.8	43	0.9	74	1.5	861	17.7	1	0.0
Alabama														
Middle	34	25.0	4	2.9	4	2.9	1	0.7	1	0.7	15	11.0	0	0.0
Northern	57	19.0	0	0.0	0	0.0	1	0.3	1	0.3	33	11.0	0	0.0
Southern	64	18.4	0	0.0	1	0.3	2	0.6	1	0.3	64	18.4	0	0.0
Florida														
Middle	234	19.6	14	1.2	24	2.0	18	1.5	17	1.4	309	25.9	1	0.1
Northern	31	12.8	1	0.4	0	0.0	6	2.5	7	2.9	31	12.8	0	0.0
Southern	125	8.7	16	1.1	31	2.2	7	0.5	42	2.9	269	18.7	0	0.0
Georgia														
Middle	34	11.0	0	0.0	6	1.9	0	0.0	1	0.3	31	10.1	0	0.0
Northern	58	11.9	0	0.0	66	13.5	6	1.2	3	0.6	94	19.2	0	0.0
Southern	39	9.5	1	0.2	4	1.0	2	0.5	1	0.2	15	3.7	0	0.0

¹ Of the 59,661 cases, 753 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: Eastern North Carolina (6.5%), Western Louisiana (6.3%), and Western Texas (5.0%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through June 30, 2012).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

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	58,908	31,522	53.5	317	0.5	89	0.2	683	1.2	23	0.0
Murder	47	26	55.3	1	2.1	0	0.0	1	2.1	0	0.0
Manslaughter	35	19	54.3	5	14.3	1	2.9	2	5.7	0	0.0
Kidnapping/Hostage Taking	31	14	45.2	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	289	180	62.3	7	2.4	4	1.4	10	3.5	0	0.0
Assault	474	284	59.9	12	2.5	5	1.1	12	2.5	0	0.0
Robbery	596	335	56.2	6	1.0	3	0.5	18	3.0	0	0.0
Arson	32	19	59.4	0	0.0	0	0.0	3	9.4	0	0.0
Drugs - Trafficking	17,908	7,948	44.4	45	0.3	11	0.1	81	0.5	5	0.0
Drugs - Communication Facility	255	132	51.8	1	0.4	0	0.0	4	1.6	0	0.0
Drugs - Simple Possession	443	424	95.7	3	0.7	0	0.0	3	0.7	0	0.0
Firearms	5,672	3,406	60.0	55	1.0	18	0.3	133	2.3	3	0.1
Burglary/B&E	27	18	66.7	1	3.7	0	0.0	1	3.7	0	0.0
Auto Theft	39	26	66.7	0	0.0	1	2.6	2	5.1	0	0.0
Larceny	941	670	71.2	1	0.1	2	0.2	11	1.2	0	0.0
Fraud	5,668	2,938	51.8	27	0.5	16	0.3	77	1.4	1	0.0
Embezzlement	206	125	60.7	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	627	419	66.8	2	0.3	6	1.0	14	2.2	0	0.0
Bribery	167	47	28.1	0	0.0	0	0.0	0	0.0	0	0.0
Tax	409	152	37.2	2	0.5	0	0.0	3	0.7	0	0.0
Money Laundering	592	221	37.3	1	0.2	0	0.0	5	0.8	0	0.0
Racketeering/Extortion	617	269	43.6	10	1.6	0	0.0	15	2.4	0	0.0
Gambling/Lottery	35	13	37.1	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	31	13	41.9	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	19,228	11,163	58.1	118	0.6	15	0.1	179	0.9	13	0.1
Child Pornography	1,401	508	36.3	7	0.5	3	0.2	27	1.9	0	0.0
Prison Offenses	307	239	77.9	1	0.3	0	0.0	21	6.8	0	0.0
Administration of Justice Offenses	926	556	60.0	7	0.8	2	0.2	38	4.1	0	0.0
Environmental/Wildlife	126	67	53.2	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	87	33	37.9	0	0.0	1	1.1	0	0.0	0	0.0
Antitrust	13	1	7.7	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	39	27	69.2	1	2.6	0	0.0	3	7.7	0	0.0
Other Miscellaneous Offenses	1,640	1,230	75.0	4	0.2	1	0.1	20	1.2	1	0.1

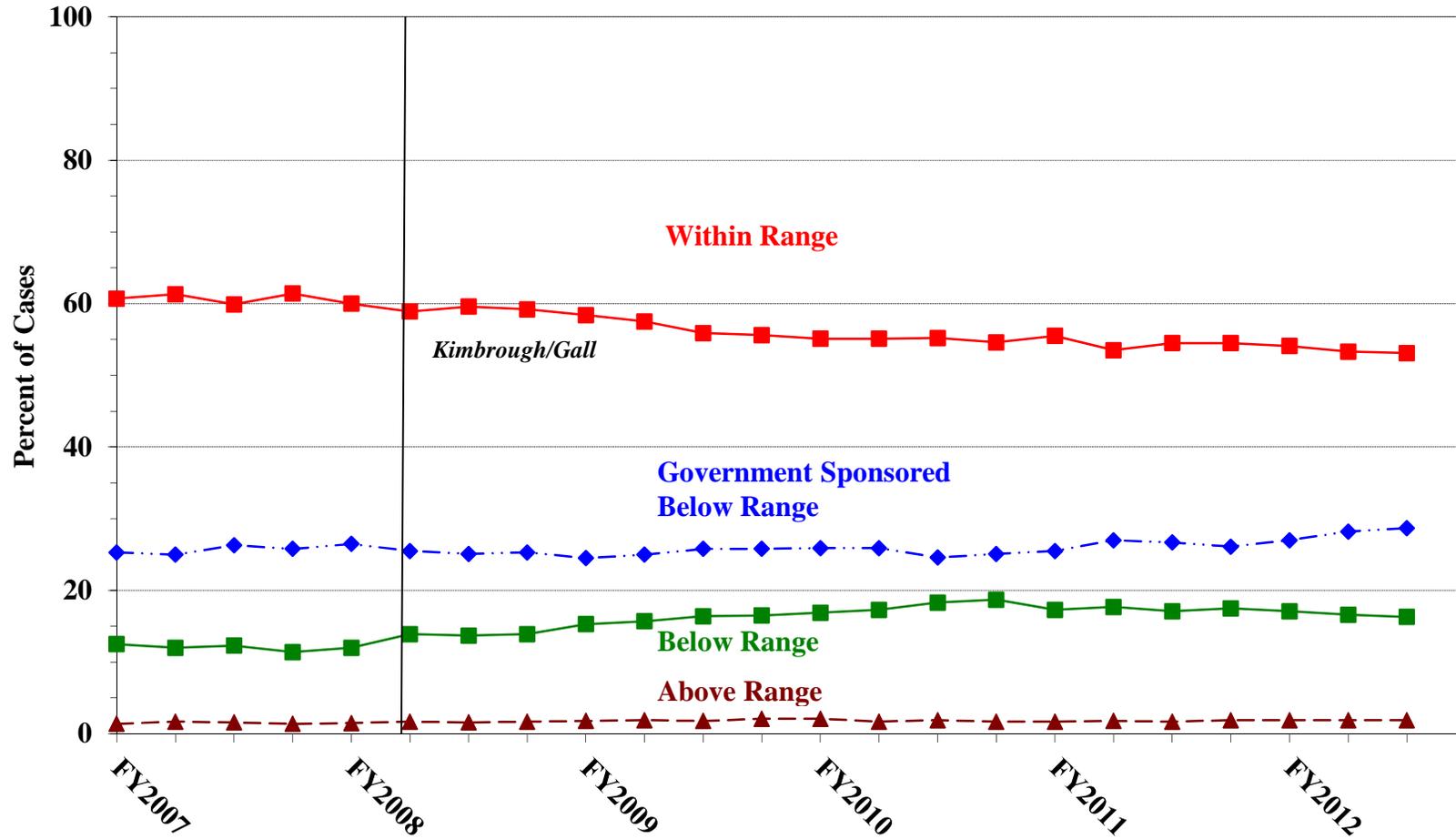
Table 3 (cont.)

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	6,799	11.5	6,785	11.5	2,869	4.9	1,290	2.2	564	1.0	7,931	13.5	36	0.1
Murder	4	8.5	0	0.0	9	19.1	0	0.0	0	0.0	6	12.8	0	0.0
Manslaughter	0	0.0	0	0.0	2	5.7	2	5.7	2	5.7	2	5.7	0	0.0
Kidnapping/Hostage Taking	6	19.4	0	0.0	5	16.1	3	9.7	1	3.2	2	6.5	0	0.0
Sexual Abuse	15	5.2	2	0.7	34	11.8	6	2.1	0	0.0	31	10.7	0	0.0
Assault	7	1.5	1	0.2	67	14.1	16	3.4	6	1.3	64	13.5	0	0.0
Robbery	58	9.7	3	0.5	41	6.9	15	2.5	8	1.3	109	18.3	0	0.0
Arson	7	21.9	0	0.0	1	3.1	0	0.0	0	0.0	2	6.3	0	0.0
Drugs - Trafficking	4,082	22.8	1,530	8.5	973	5.4	359	2.0	210	1.2	2,653	14.8	11	0.1
Drugs - Communication Facility	22	8.6	1	0.4	28	11.0	3	1.2	3	1.2	61	23.9	0	0.0
Drugs - Simple Possession	4	0.9	1	0.2	3	0.7	0	0.0	0	0.0	5	1.1	0	0.0
Firearms	586	10.3	10	0.2	363	6.4	120	2.1	49	0.9	921	16.2	8	0.1
Burglary/B&E	2	7.4	0	0.0	1	3.7	0	0.0	1	3.7	3	11.1	0	0.0
Auto Theft	2	5.1	0	0.0	3	7.7	2	5.1	0	0.0	3	7.7	0	0.0
Larceny	63	6.7	0	0.0	35	3.7	14	1.5	10	1.1	135	14.3	0	0.0
Fraud	989	17.4	8	0.1	339	6.0	99	1.7	89	1.6	1,081	19.1	4	0.1
Embezzlement	7	3.4	1	0.5	10	4.9	3	1.5	2	1.0	58	28.2	0	0.0
Forgery/Counterfeiting	54	8.6	1	0.2	17	2.7	12	1.9	4	0.6	97	15.5	1	0.2
Bribery	54	32.3	0	0.0	8	4.8	4	2.4	1	0.6	53	31.7	0	0.0
Tax	60	14.7	0	0.0	33	8.1	15	3.7	6	1.5	137	33.5	1	0.2
Money Laundering	148	25.0	4	0.7	67	11.3	13	2.2	10	1.7	123	20.8	0	0.0
Racketeering/Extortion	126	20.4	1	0.2	66	10.7	18	2.9	15	2.4	96	15.6	1	0.2
Gambling/Lottery	11	31.4	0	0.0	2	5.7	1	2.9	1	2.9	7	20.0	0	0.0
Civil Rights	6	19.4	0	0.0	3	9.7	0	0.0	0	0.0	9	29.0	0	0.0
Immigration	198	1.0	5,212	27.1	387	2.0	502	2.6	79	0.4	1,355	7.0	7	0.0
Child Pornography	59	4.2	1	0.1	183	13.1	34	2.4	37	2.6	541	38.6	1	0.1
Prison Offenses	4	1.3	1	0.3	12	3.9	3	1.0	3	1.0	23	7.5	0	0.0
Administration of Justice Offenses	74	8.0	5	0.5	69	7.5	17	1.8	12	1.3	144	15.6	2	0.2
Environmental/Wildlife	10	7.9	0	0.0	13	10.3	1	0.8	5	4.0	30	23.8	0	0.0
National Defense	28	32.2	1	1.1	5	5.7	2	2.3	1	1.1	16	18.4	0	0.0
Antitrust	12	92.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	2	5.1	0	0.0	3	7.7	0	0.0	0	0.0	3	7.7	0	0.0
Other Miscellaneous Offenses	99	6.0	2	0.1	87	5.3	26	1.6	9	0.5	161	9.8	0	0.0

¹ Of the 59,661 cases, 753 were excluded due to information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through June 30, 2012).

Figure A
QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

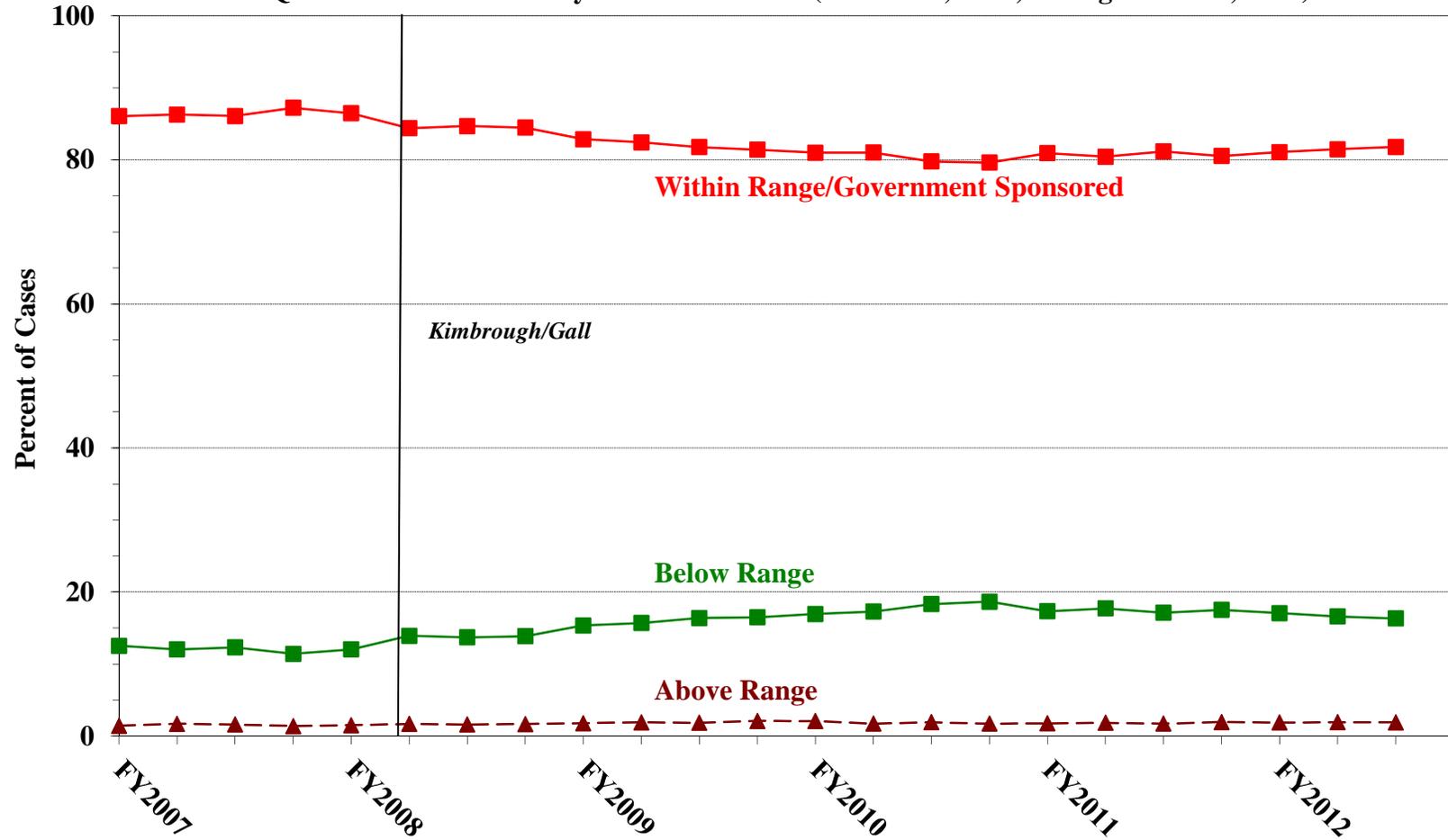


¹ Descriptions of variables used in this figure are provided in Appendix A.

Figure B

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

**Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**



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

Table 4

QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES¹
Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

FISCAL YEAR	WITHIN GUIDELINE RANGE	GOVERNMENT SPONSORED BELOW RANGE	BELOW RANGE	ABOVE RANGE
Quarter	%	%	%	%
FY2007				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
FY2008				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7
FY2009				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
FY2010				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
FY2011				
1st Quarter	55.5	25.5	17.3	1.7
2ndQuarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
FY2012				
1st Quarter	54.1	27.0	17.1	1.9
2ndQuarter	53.3	28.2	16.6	1.9
3rd Quarter	53.1	28.7	16.3	1.9
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		Below Range	
			Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	27	23	1	0	3	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	167	134	1	0	5	0	4	1	7	3	0	12	0
§2P1.2	94	77	0	0	3	0	1	0	3	0	2	8	0
§2P1.3	0	0	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	1	0	0	0	0	0	0	0	0	0	0	1	0
§2Q1.2	33	11	0	0	0	0	4	0	3	0	0	15	0
§2Q1.3	21	9	0	0	0	0	2	0	1	1	4	4	0
§2Q1.4	1	0	0	0	0	0	0	0	1	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	76	37	0	0	0	0	8	0	7	0	2	22	0
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	9	1	0	0	0	0	8	0	0	0	0	0	0
§2S1.1	768	259	2	0	10	0	229	0	88	16	9	155	0
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	207	85	0	0	0	0	33	5	37	5	5	37	0
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	342	127	0	0	3	0	50	0	28	14	4	115	1
§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	99	39	0	0	0	0	15	0	6	3	6	30	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	28	5	0	0	2	0	0	0	1	1	0	19	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	7	5	0	0	0	0	0	0	0	0	0	2	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	12	8	0	0	0	0	2	0	0	0	0	2	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	19	12	0	0	0	0	1	0	1	5	0	0	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	57	22	1	0	5	0	13	0	5	2	0	9	0
§2X4.1	245	129	4	0	6	0	41	3	25	2	3	31	1
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	157	153	0	0	3	0	0	0	1	0	0	0	0
§2X6.1	1	1	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	54,539	28,065	313	88	653	20	6,740	6,235	2,792	1,265	555	7,778	35

¹ Of the 59,661 cases, 5,122 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (753) or missing guideline applied (5,084). Descriptions of variables used in this table are provided in Appendix A.

² In 581 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 581 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

³ In 1,535 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 1,535 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

	Pursuant to a Plea Agreement										
	TOTAL CASES	§5K1.1 Plea Agreement		§5K3.1 Plea Agreement		Binding Plea Accepted by Court		Plea w/ Departure Court Finds Reasonable		Plea Agreement States Gov't Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
TOTAL	27,386	4,431	16.2	6,303	23.0	2,623	9.6	1,729	6.3	162	0.6
Above Range	1,112	5	0.4	18	1.6	204	18.3	105	9.4	3	0.3
Upward Departure From Guideline Range	317	2	0.6	6	1.9	98	30.9	61	19.2	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	89	0	0.0	0	0.0	8	9.0	3	3.4	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	683	0	0.0	0	0.0	96	14.1	38	5.6	2	0.3
All Remaining Cases Above Guideline Range	23	3	13.0	12	52.2	2	8.7	3	13.0	1	4.3
Government Sponsored Below Range	16,453	4,426	26.9	6,285	38.2	2,419	14.7	1,624	9.9	159	1.0
§5K1.1 Substantial Assistance Departure	6,799	4,426	65.1	97	1.4	128	1.9	130	1.9	27	0.4
§5K3.1 Early Disposition Program Departure	6,785	0	0.0	6,188	91.2	1,047	15.4	689	10.2	3	0.0
Other Government Sponsored Below Range	2,869	0	0.0	0	0.0	1,244	43.4	805	28.1	129	4.5
Below Range	9,821	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure From Guideline Range	1,290	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	564	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	7,931	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	36	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement													
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object		Other than a Plea/Motion by Parties		No Information Available	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	2,159	7.9	276	1.0	1,047	3.8	3,318	12.1	3,432	12.5	4,148	15.1	2,410	8.8
Above Range	2	0.2	0	0.0	181	16.3	5	0.4	4	0.4	471	42.4	175	15.7
Upward Departure From Guideline Range	1	0.3	0	0.0	46	14.5	3	0.9	1	0.3	95	30.0	38	12.0
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	27	30.3	1	1.1	1	1.1	46	51.7	9	10.1
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	108	15.8	1	0.1	2	0.3	325	47.6	125	18.3
All Remaining Cases Above Guideline Range	1	4.3	0	0.0	0	0.0	0	0.0	0	0.0	5	21.7	3	13.0
Government Sponsored Below Range	2,157	13.1	276	1.7	866	5.3	853	5.2	576	3.5	540	3.3	572	3.5
§5K1.1 Substantial Assistance Departure	2,157	31.7	5	0.1	187	2.8	431	6.3	261	3.8	321	4.7	156	2.3
§5K3.1 Early Disposition Program Departure	0	0.0	271	4.0	47	0.7	151	2.2	222	3.3	101	1.5	293	4.3
Other Government Sponsored Below Range	0	0.0	0	0.0	632	22.0	271	9.4	93	3.2	118	4.1	123	4.3
Below Range	0	0.0	0	0.0	0	0.0	2,460	25.0	2,852	29.0	3,137	31.9	1,663	16.9
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	434	33.6	294	22.8	372	28.8	225	17.4
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	130	23.0	191	33.9	213	37.8	97	17.2
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	1,895	23.9	2,365	29.8	2,543	32.1	1,317	16.6
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	2.8	2	5.6	9	25.0	24	66.7

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, 3,888 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,513	35	30	48.9
Murder	3	120	31	24.1
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	5	100	75	40.5
Sexual Abuse	15	63	57	50.4
Assault	7	42	20	39.1
Robbery	58	42	32	40.0
Arson	7	54	30	33.3
Drugs - Trafficking	3,926	48	39	45.7
Drugs - Communication Facility	22	13	13	66.0
Drugs - Simple Possession	2	--	--	--
Firearms	546	51	30	41.5
Burglary/B&E	2	--	--	--
Auto Theft	2	--	--	--
Larceny	62	5	11	64.5
Fraud	955	10	18	68.0
Embezzlement	7	0	18	100.0
Forgery/Counterfeiting	52	7	10	56.6
Bribery	54	8	24	83.1
Tax	59	0	12	100.0
Money Laundering	143	12	24	71.7
Racketeering/Extortion	108	30	29	48.9
Gambling/Lottery	10	0	6	100.0
Civil Rights	6	7	6	45.8
Immigration	186	12	12	47.4
Child Pornography	56	108	60	35.6
Prison Offenses	4	8	6	36.6
Administration of Justice Offenses	74	0	15	100.0
Environmental/Wildlife	10	0	11	100.0
National Defense	27	24	28	46.7
Antitrust	7	12	17	56.7
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	96	5	18	66.7

¹ Of the 59,661 cases, 6,799 received a §5K1.1 substantial assistance departure. Of these, 6,583 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 60 cases were also excluded from this table. Of the remaining 6,523 cases, ten were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,102	18	8	33.8
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	1	--	--	--
Robbery	3	30	16	34.8
Arson	0	--	--	--
Drugs - Trafficking	1,406	18	10	35.7
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	9	27	23	47.1
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	6	3	5	58.1
Embezzlement	1	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	4	13	6	30.2
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	4,658	16	8	33.3
Child Pornography	1	--	--	--
Prison Offenses	1	--	--	--
Administration of Justice Offenses	5	9	12	63.0
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 59,661 cases, 6,785 received a §5K3.1 early disposition program departure. Of these, 6,103 cases had complete guideline application information. Of the remaining 6,103 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**
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,695	30	17	38.1
Murder	9	144	36	30.0
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	4	172	124	44.1
Sexual Abuse	29	80	67	44.4
Assault	57	15	13	49.9
Robbery	40	51	24	28.9
Arson	1	--	--	--
Drugs - Trafficking	934	60	27	33.3
Drugs - Communication Facility	25	30	11	25.0
Drugs - Simple Possession	2	--	--	--
Firearms	345	51	19	33.3
Burglary/B&E	1	--	--	--
Auto Theft	3	0	16	98.3
Larceny	32	0	10	100.0
Fraud	317	7	12	61.0
Embezzlement	9	0	12	99.9
Forgery/Counterfeiting	17	17	7	29.2
Bribery	8	14	13	58.9
Tax	31	6	12	75.0
Money Laundering	66	15	14	47.4
Racketeering/Extortion	56	62	17	24.6
Gambling/Lottery	2	--	--	--
Civil Rights	3	102	18	35.7
Immigration	358	12	6	34.6
Child Pornography	182	70	49	41.0
Prison Offenses	10	4	8	53.5
Administration of Justice Offenses	64	4	12	82.1
Environmental/Wildlife	10	0	10	100.0
National Defense	5	30	39	35.1
Antitrust	0	--	--	--
Food & Drug	3	36	27	42.9
Other Miscellaneous Offenses	70	1	10	86.6

¹ Of the 59,661 cases, 2,869 received an other government sponsored downward departure. Of these, 2,726 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 24 cases were also excluded from this table. Of the remaining 2,702 cases, seven 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 2012 Datafile, USSCFY12 (October 1, 2011, through June 30, 2012).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,223	24	12	32.7
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	3	97	45	35.8
Sexual Abuse	6	59	21	24.3
Assault	15	21	12	36.3
Robbery	13	51	19	28.0
Arson	0	--	--	--
Drugs - Trafficking	339	48	14	25.0
Drugs - Communication Facility	3	27	14	34.1
Drugs - Simple Possession	0	--	--	--
Firearms	113	37	11	22.1
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	11	0	14	100.0
Fraud	96	8	10	58.0
Embezzlement	3	0	15	99.9
Forgery/Counterfeiting	12	15	6	31.7
Bribery	4	17	3	21.2
Tax	15	0	12	100.0
Money Laundering	10	26	8	47.4
Racketeering/Extortion	16	37	13	20.1
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	478	24	10	33.3
Child Pornography	34	78	39	38.0
Prison Offenses	3	8	4	33.3
Administration of Justice Offenses	16	9	9	58.3
Environmental/Wildlife	1	--	--	--
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	25	0	10	100.0

¹ Of the 59,661 cases, 1,290 received a downward departure from the guideline range. Of these, 1,227 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. Of the remaining 1,226 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.

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	537	30	17	39.3
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	0	--	--	--
Assault	3	14	13	48.1
Robbery	8	34	10	19.7
Arson	0	--	--	--
Drugs - Trafficking	201	48	24	35.3
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	49	48	21	28.0
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	9	6	10	66.7
Fraud	86	18	12	42.5
Embezzlement	2	--	--	--
Forgery/Counterfeiting	3	18	6	33.3
Bribery	1	--	--	--
Tax	6	6	11	74.9
Money Laundering	10	0	26	100.0
Racketeering/Extortion	14	41	14	41.2
Gambling/Lottery	1	--	--	--
Civil Rights	0	--	--	--
Immigration	75	24	15	36.5
Child Pornography	36	69	37	36.0
Prison Offenses	2	--	--	--
Administration of Justice Offenses	12	4	15	88.1
Environmental/Wildlife	5	0	15	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	0	13	100.0

¹ Of the 59,661 cases, 564 received a downward departure from the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 540 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.

**BELOW GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	7,585	24	13	35.1
Murder	4	72	32	28.6
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	1	--	--	--
Sexual Abuse	25	36	13	36.5
Assault	62	17	12	44.4
Robbery	107	48	15	22.1
Arson	2	--	--	--
Drugs - Trafficking	2,559	48	19	31.0
Drugs - Communication Facility	60	15	12	50.0
Drugs - Simple Possession	5	0	1	100.0
Firearms	904	30	12	28.6
Burglary/B&E	3	12	5	25.0
Auto Theft	3	0	10	100.0
Larceny	134	0	10	100.0
Fraud	1,049	12	12	55.4
Embezzlement	55	6	10	63.5
Forgery/Counterfeiting	97	8	8	59.9
Bribery	53	16	13	50.0
Tax	133	1	10	90.0
Money Laundering	117	18	13	44.4
Racketeering/Extortion	84	36	15	26.1
Gambling/Lottery	7	0	6	100.0
Civil Rights	9	12	12	50.0
Immigration	1,212	19	9	33.3
Child Pornography	539	63	40	37.5
Prison Offenses	21	9	6	33.3
Administration of Justice Offenses	138	7	10	60.0
Environmental/Wildlife	25	0	10	100.0
National Defense	15	24	16	68.3
Antitrust	0	--	--	--
Food & Drug	3	2	27	80.0
Other Miscellaneous Offenses	157	1	10	87.0

¹ Of the 59,661 cases, 7,931 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 7,617 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 22 cases were also excluded from this table. Of the remaining 7,595 cases, ten 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
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	34	34	16	33.5
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	10	62	24	30.8
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	8	75	10	21.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	4	1	28	92.1
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	6	16	13	36.5
Child Pornography	1	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹ Of the 59,661 cases, 36 were otherwise sentenced below the guideline range. Of these, 34 cases had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through June 30, 2012).

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	297	42	12	33.3
Murder	0	--	--	--
Manslaughter	5	108	23	55.1
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	168	48	40.0
Assault	12	72	21	49.9
Robbery	6	123	21	22.0
Arson	0	--	--	--
Drugs - Trafficking	43	87	21	27.7
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	48	97	14	24.2
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	24	63	12	29.5
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	2	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	9	96	21	27.7
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	113	24	6	36.7
Child Pornography	7	138	23	20.0
Prison Offenses	1	--	--	--
Administration of Justice Offenses	7	36	6	22.2
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	4	38	16	111.1

¹ Of the 59,661 cases, 317 received an upward departure from the guideline range. Of these, 302 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, three 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 2012 Datafile, USSCFY12 (October 1, 2011, through June 30, 2012).

**UPWARD DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	85	70	21	52.2
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	2	--	--	--
Assault	5	66	33	62.2
Robbery	3	120	33	57.9
Arson	0	--	--	--
Drugs - Trafficking	11	84	18	20.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	17	120	33	30.4
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	2	--	--	--
Fraud	16	42	18	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	6	60	24	90.0
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	15	36	14	50.0
Child Pornography	3	235	25	14.5
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 59,661 cases, 89 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 88 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional two cases were also excluded from this table. Furthermore, one case was excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	635	60	14	40.4
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	10	150	29	36.0
Assault	12	60	25	42.1
Robbery	18	135	49	27.7
Arson	3	180	96	87.5
Drugs - Trafficking	75	84	15	25.0
Drugs - Communication Facility	4	90	35	77.2
Drugs - Simple Possession	3	24	12	100.0
Firearms	120	108	23	29.7
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	10	39	11	56.1
Fraud	74	48	12	37.4
Embezzlement	0	--	--	--
Forgery/Counterfeiting	13	20	7	60.0
Bribery	0	--	--	--
Tax	3	60	14	30.4
Money Laundering	4	65	20	35.3
Racketeering/Extortion	15	108	27	45.5
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	174	24	7	50.0
Child Pornography	27	216	33	28.4
Prison Offenses	8	39	15	75.0
Administration of Justice Offenses	36	60	20	66.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	9	3	50.0
Other Miscellaneous Offenses	17	48	9	33.3

¹ Of the 59,661 cases, 683 were sentenced above the guideline range with *Booker*/18 U.S.C § 3553. Of these, 644 cases had complete guideline application information. Furthermore, nine cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	20	55	13	41.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	0	--	--	--
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	5	180	27	19.2
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	2	--	--	--
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	1	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	11	36	9	40.7
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

¹ Of the 59,661 cases, 23 were otherwise sentenced above the guideline range. Of these, 20 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.

OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

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	59,186	53,507	90.4	51,859	87.6	1,648	2.8	5,679	9.6	1,641	2.8	4,038	6.8
Murder	49	49	100.0	48	98.0	1	2.0	0	0.0	0	0.0	0	0.0
Manslaughter	35	35	100.0	35	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	31	31	100.0	31	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	289	282	97.6	272	94.1	10	3.5	7	2.4	1	0.3	6	2.1
Assault	481	424	88.1	393	81.7	31	6.4	57	11.9	12	2.5	45	9.4
Robbery	594	575	96.8	564	94.9	11	1.9	19	3.2	12	2.0	7	1.2
Arson	32	32	100.0	32	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	17,920	17,303	96.6	16,787	93.7	516	2.9	617	3.4	267	1.5	350	2.0
Drugs - Communication Facility	255	213	83.5	203	79.6	10	3.9	42	16.5	16	6.3	26	10.2
Drugs - Simple Possession	499	292	58.5	288	57.7	4	0.8	207	41.5	6	1.2	201	40.3
Firearms	5,673	5,388	95.0	5,235	92.3	153	2.7	285	5.0	119	2.1	166	2.9
Burglary/B&E	27	25	92.6	24	88.9	1	3.7	2	7.4	0	0.0	2	7.4
Auto Theft	38	34	89.5	31	81.6	3	7.9	4	10.5	3	7.9	1	2.6
Larceny	905	409	45.2	352	38.9	57	6.3	496	54.8	125	13.8	371	41.0
Fraud	5,881	4,431	75.3	4,047	68.8	384	6.5	1,450	24.7	525	8.9	925	15.7
Embezzlement	201	111	55.2	84	41.8	27	13.4	90	44.8	26	12.9	64	31.8
Forgery/Counterfeiting	628	483	76.9	446	71.0	37	5.9	145	23.1	55	8.8	90	14.3
Bribery	167	132	79.0	119	71.3	13	7.8	35	21.0	14	8.4	21	12.6
Tax	408	262	64.2	216	52.9	46	11.3	146	35.8	66	16.2	80	19.6
Money Laundering	594	472	79.5	445	74.9	27	4.5	122	20.5	47	7.9	75	12.6
Racketeering/Extortion	617	581	94.2	561	90.9	20	3.2	36	5.8	14	2.3	22	3.6
Gambling/Lottery	35	5	14.3	4	11.4	1	2.9	30	85.7	7	20.0	23	65.7
Civil Rights	31	25	80.6	25	80.6	0	0.0	6	19.4	2	6.5	4	12.9
Immigration	19,393	18,675	96.3	18,538	95.6	137	0.7	718	3.7	88	0.5	630	3.2
Child Pornography	1,402	1,387	98.9	1,364	97.3	23	1.6	15	1.1	6	0.4	9	0.6
Prison Offenses	313	292	93.3	283	90.4	9	2.9	21	6.7	7	2.2	14	4.5
Administration of Justice Offenses	931	731	78.5	676	72.6	55	5.9	200	21.5	52	5.6	148	15.9
Environmental/Wildlife	125	30	24.0	25	20.0	5	4.0	95	76.0	9	7.2	86	68.8
National Defense	87	82	94.3	76	87.4	6	6.9	5	5.7	1	1.1	4	4.6
Antitrust	13	12	92.3	11	84.6	1	7.7	1	7.7	1	7.7	0	0.0
Food & Drug	38	18	47.4	17	44.7	1	2.6	20	52.6	3	7.9	17	44.7
Other Miscellaneous Offenses	1,494	686	45.9	627	42.0	59	3.9	808	54.1	157	10.5	651	43.6

¹ Of the 59,661 cases, 475 were excluded due to one or both of the following reasons: the offender received neither imprisonment nor probation (471), or missing sentencing information (4). Descriptions of variables used in this table are provided in Appendix A.

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

Table 19

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

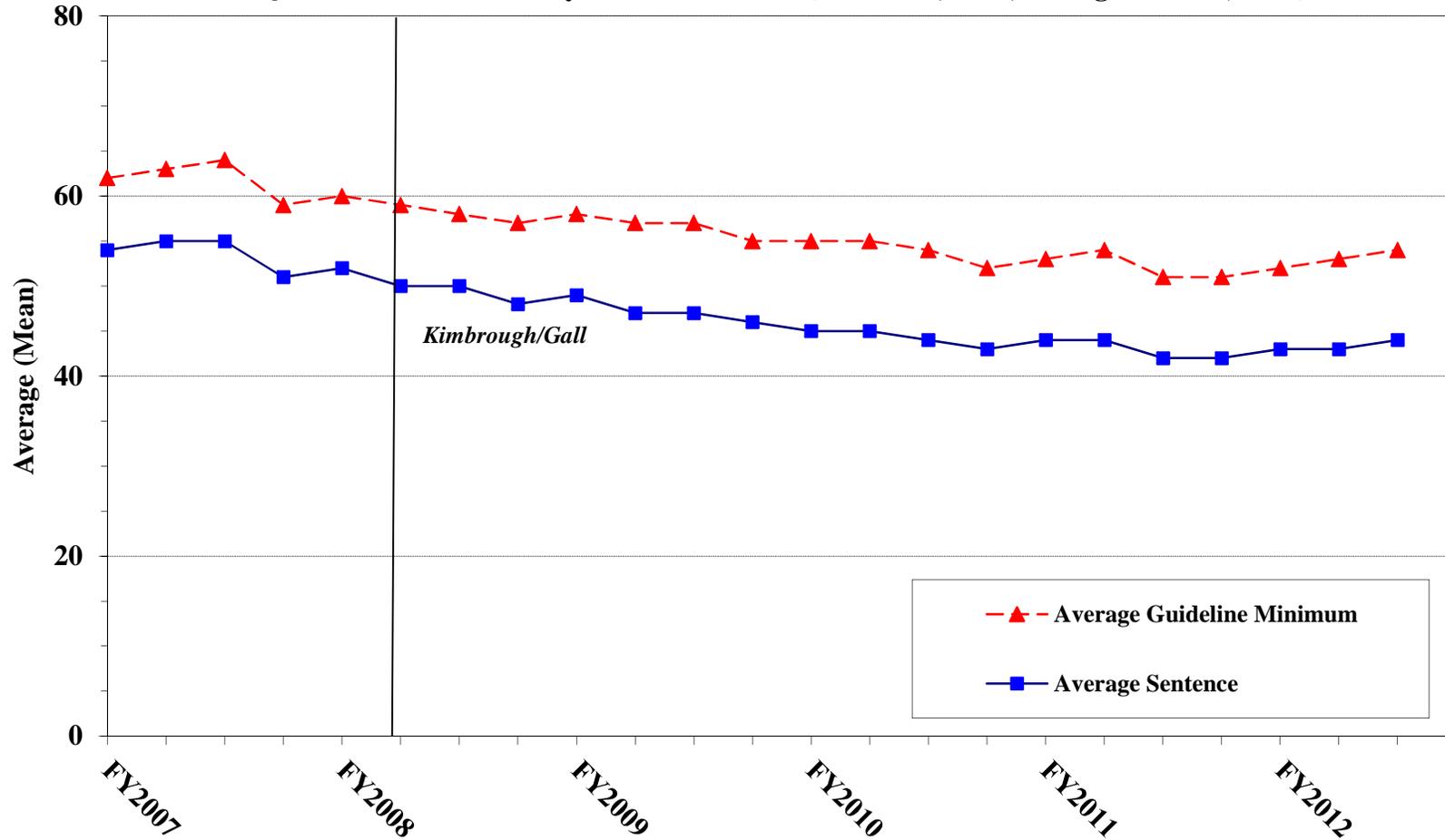
PRIMARY OFFENSE	Mean Months	Median Months	N
TOTAL	43	24	59,647
Murder	250	210	49
Manslaughter	55	41	35
Kidnapping/Hostage Taking	228	188	31
Sexual Abuse	125	120	289
Assault	32	22	487
Robbery	77	60	596
Arson	85	60	32
Drugs - Trafficking	68	48	17,925
Drugs - Communication Facility	34	36	255
Drugs - Simple Possession	2	0	525
Firearms	82	52	5,678
Burglary/B&E	21	18	27
Auto Theft	59	31	39
Larceny	9	1	978
Fraud	23	12	5,900
Embezzlement	10	6	208
Forgery/Counterfeiting	17	12	628
Bribery	18	15	167
Tax	16	12	409
Money Laundering	33	18	595
Racketeering/Extortion	83	52	618
Gambling/Lottery	4	0	35
Civil Rights	36	12	31
Immigration	16	10	19,392
Child Pornography	123	87	1,402
Prison Offenses	14	12	313
Administration of Justice Offenses	19	14	938
Environmental/Wildlife	2	0	139
National Defense	47	36	87
Antitrust	14	13	13
Food & Drug	9	2	40
Other Miscellaneous Offenses	15	0	1,786

¹ Of the 59,661 cases, 14 were excluded due to missing or indeterminable sentencing information. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR ALL CASES¹**

Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

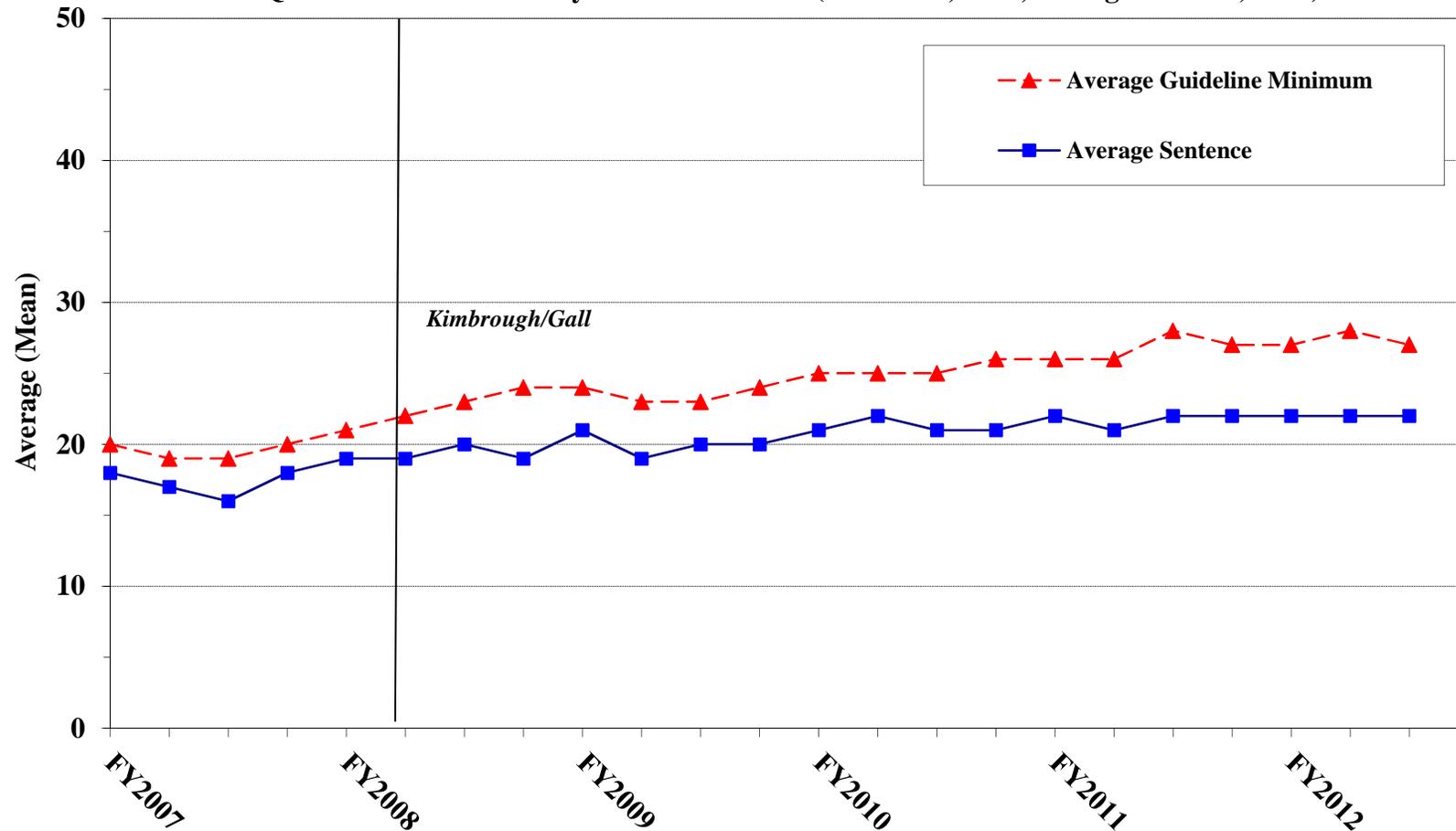


¹ Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 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 figure 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 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

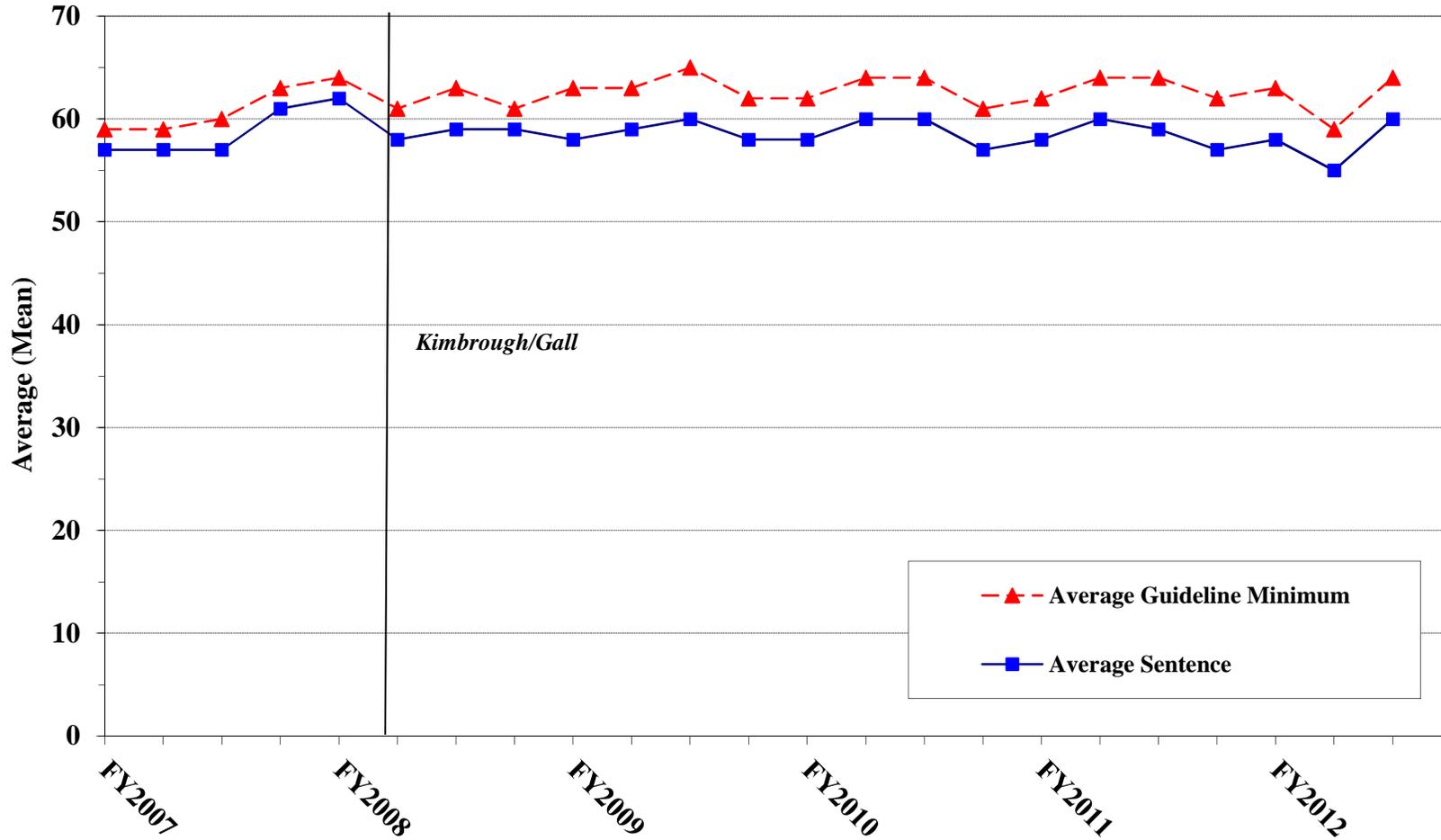


¹ Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit 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 figure 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 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

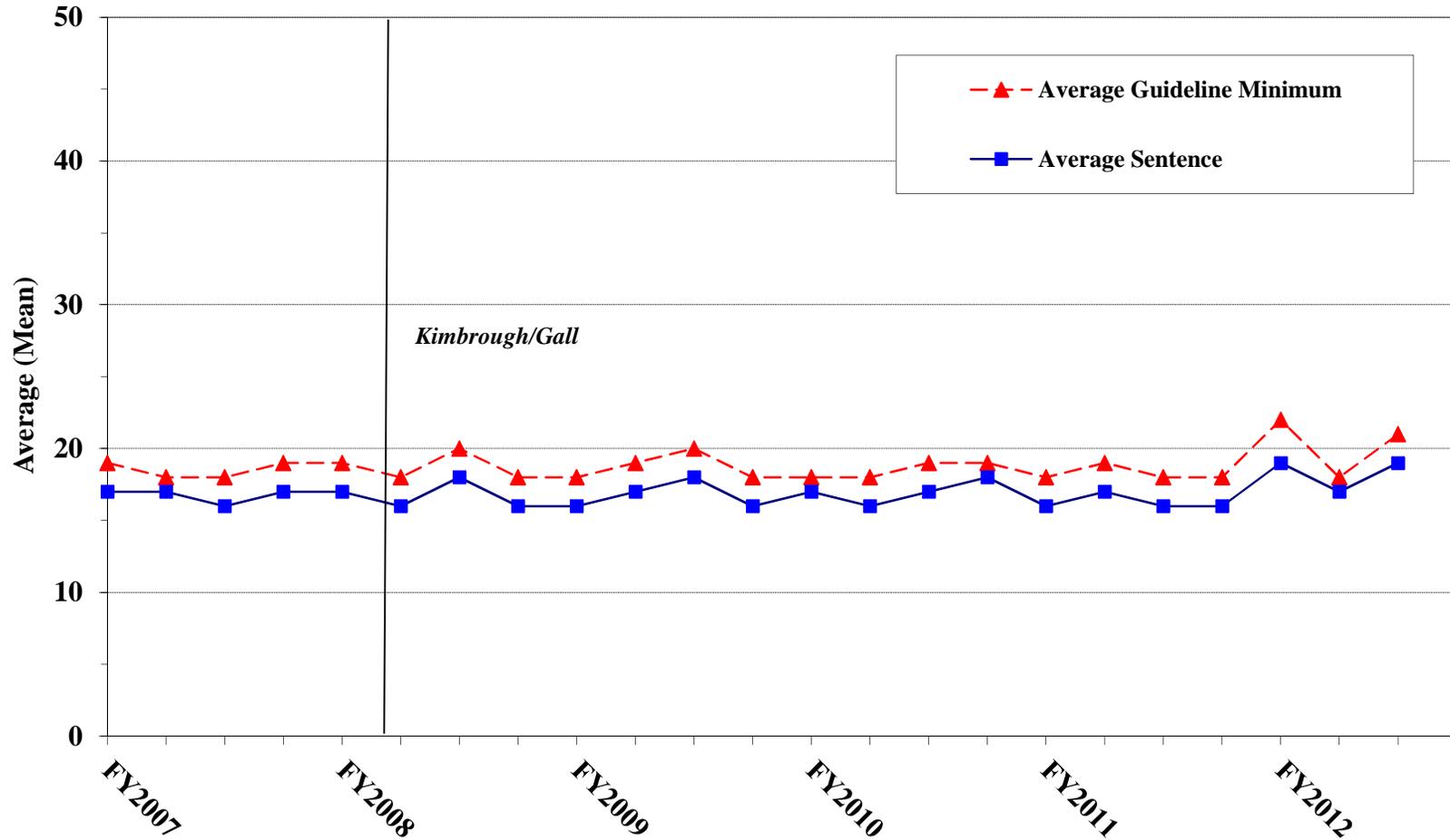


¹ Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum 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 figure 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 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

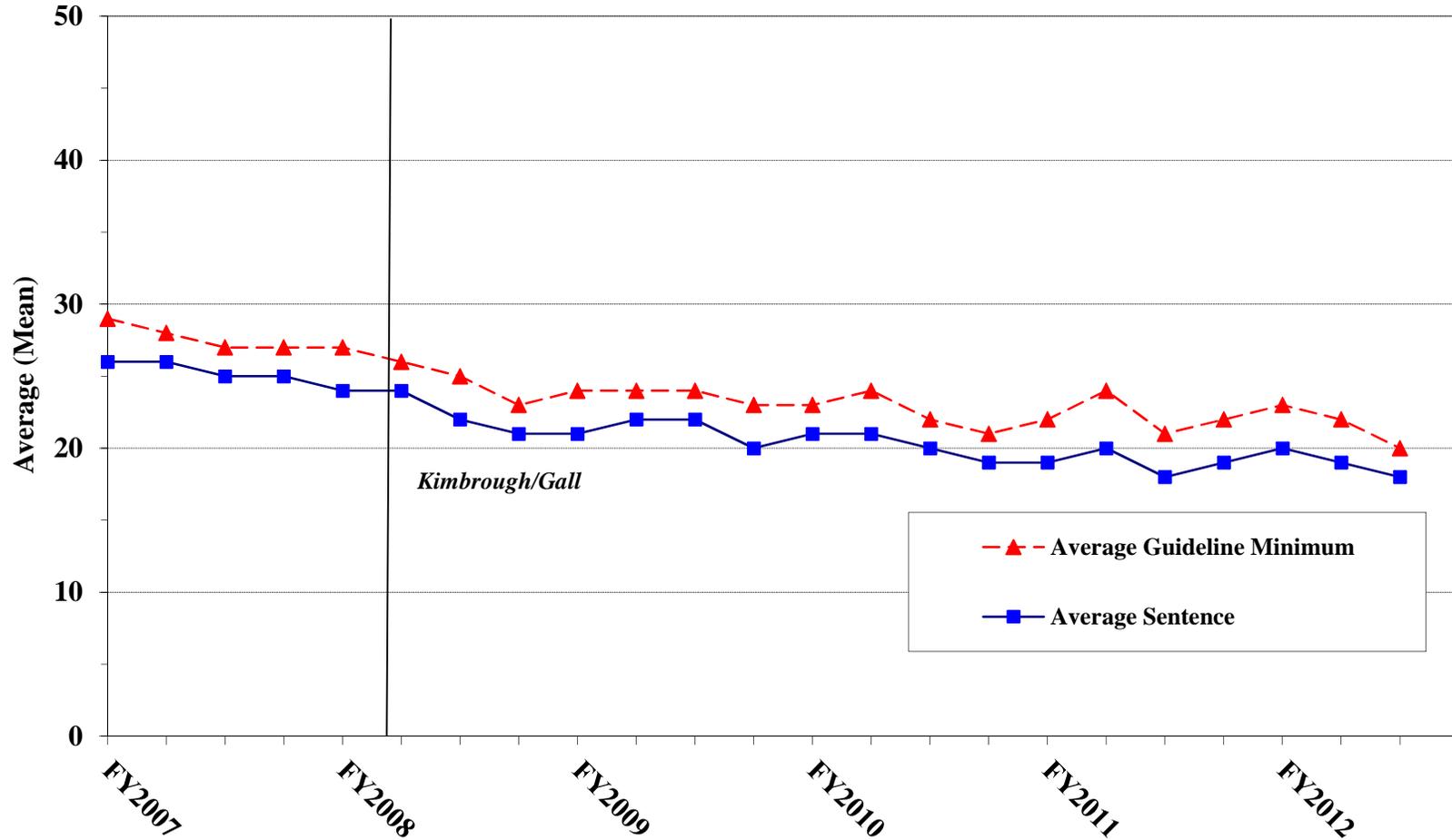


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, 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 figure are provided in Appendix A.

Figure G

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

**Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

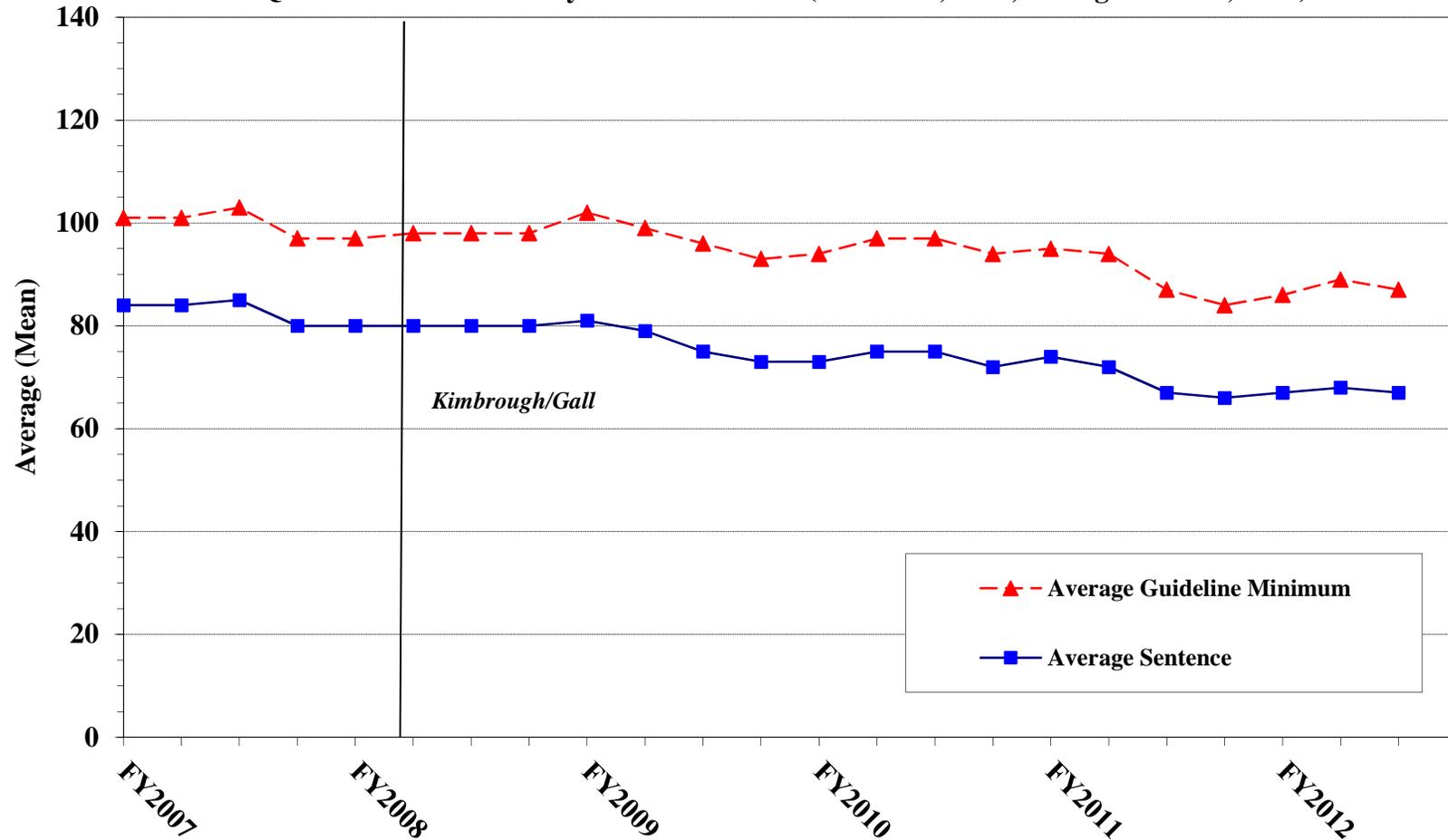


¹ Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including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

Figure H

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

**Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

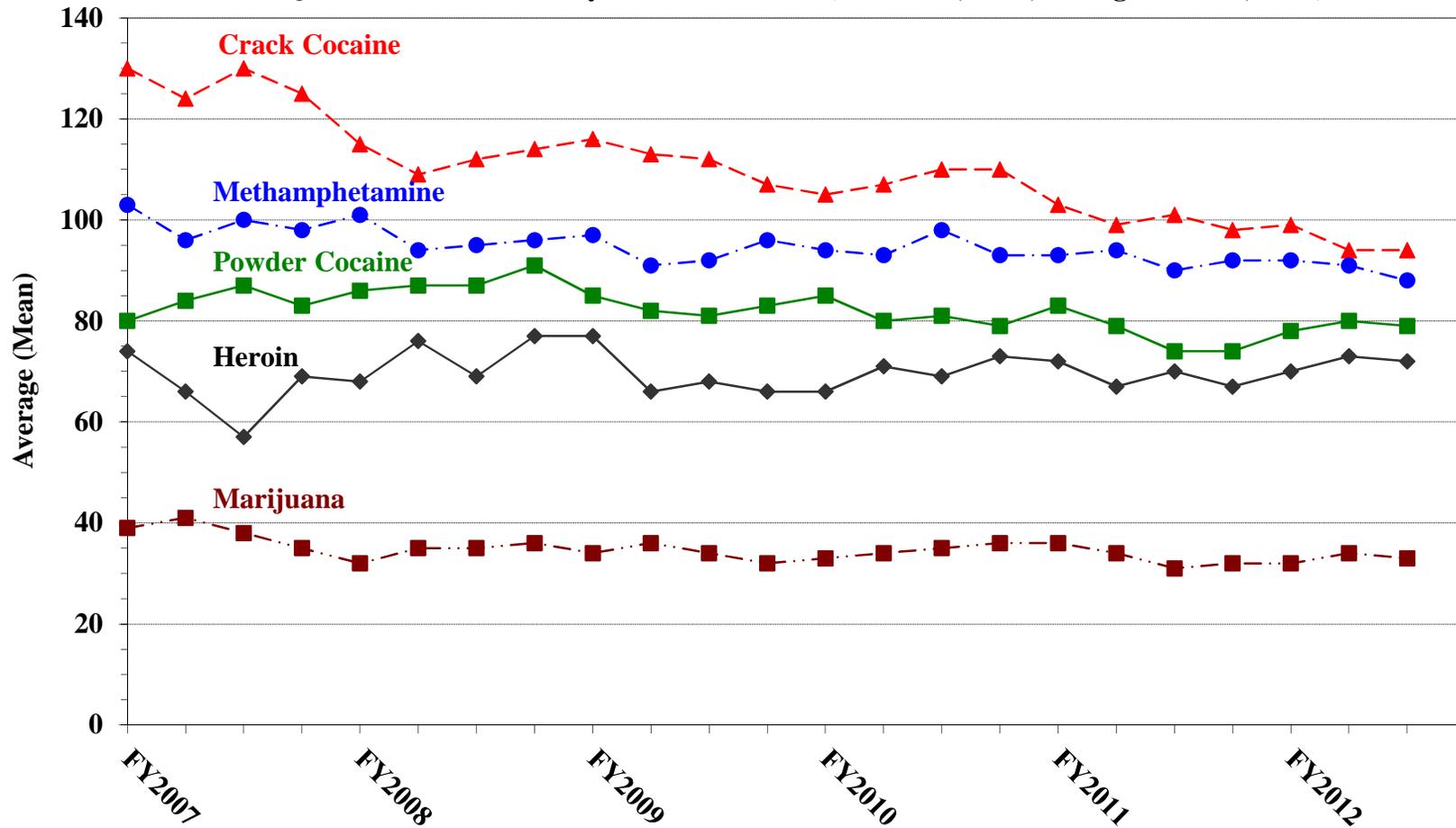


¹ Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline 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 figure are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹

Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)



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. 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 figure are provided in Appendix A.

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
TOTAL	25,890	13,242	51.1	5,055	19.5	2,690	10.4	2,140	8.3	2,763	10.7
Murder	16	2	12.5	6	37.5	1	6.3	4	25.0	3	18.8
Manslaughter	19	8	42.1	2	10.5	1	5.3	1	5.3	7	36.8
Kidnapping/Hostage Taking	7	4	57.1	1	14.3	0	0.0	1	14.3	1	14.3
Sexual Abuse	131	46	35.1	23	17.6	17	13.0	16	12.2	29	22.1
Assault	245	93	38.0	48	19.6	26	10.6	18	7.3	60	24.5
Robbery	313	158	50.5	53	16.9	31	9.9	33	10.5	38	12.1
Arson	11	4	36.4	2	18.2	0	0.0	4	36.4	1	9.1
Drugs - Trafficking	7,196	4,620	64.2	1,390	19.3	528	7.3	285	4.0	373	5.2
Drugs - Communication Facility	58	39	67.2	5	8.6	5	8.6	2	3.4	7	12.1
Drugs - Simple Possession	140	98	70.0	21	15.0	7	5.0	4	2.9	10	7.1
Firearms	3,003	1,663	55.4	409	13.6	276	9.2	228	7.6	427	14.2
Burglary/B&E	16	6	37.5	3	18.8	1	6.3	2	12.5	4	25.0
Auto Theft	24	7	29.2	3	12.5	1	4.2	4	16.7	9	37.5
Larceny	512	371	72.5	49	9.6	31	6.1	21	4.1	40	7.8
Fraud	2,360	1,335	56.6	328	13.9	189	8.0	173	7.3	335	14.2
Embezzlement	110	84	76.4	17	15.5	1	0.9	0	0.0	8	7.3
Forgery/Counterfeiting	397	203	51.1	60	15.1	40	10.1	37	9.3	57	14.4
Bribery	45	34	75.6	5	11.1	1	2.2	2	4.4	3	6.7
Tax	131	83	63.4	16	12.2	9	6.9	8	6.1	15	11.5
Money Laundering	200	126	63.0	36	18.0	13	6.5	6	3.0	19	9.5
Racketeering/Extortion	213	104	48.8	34	16.0	18	8.5	22	10.3	35	16.4
Gambling/Lottery	12	10	83.3	1	8.3	0	0.0	1	8.3	0	0.0
Civil Rights	9	6	66.7	1	11.1	0	0.0	0	0.0	2	22.2
Immigration	8,915	3,070	34.4	2,279	25.6	1,336	15.0	1,154	12.9	1,076	12.1
Child Pornography	404	247	61.1	55	13.6	31	7.7	35	8.7	36	8.9
Prison Offenses	223	82	36.8	57	25.6	32	14.3	13	5.8	39	17.5
Administration of Justice Offenses	503	283	56.3	63	12.5	55	10.9	28	5.6	74	14.7
Environmental/Wildlife	40	34	85.0	3	7.5	1	2.5	2	5.0	0	0.0
National Defense	32	17	53.1	7	21.9	1	3.1	4	12.5	3	9.4
Antitrust	1	1	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	25	20	80.0	1	4.0	2	8.0	2	8.0	0	0.0
Other Miscellaneous Offenses	579	384	66.3	77	13.3	36	6.2	30	5.2	52	9.0

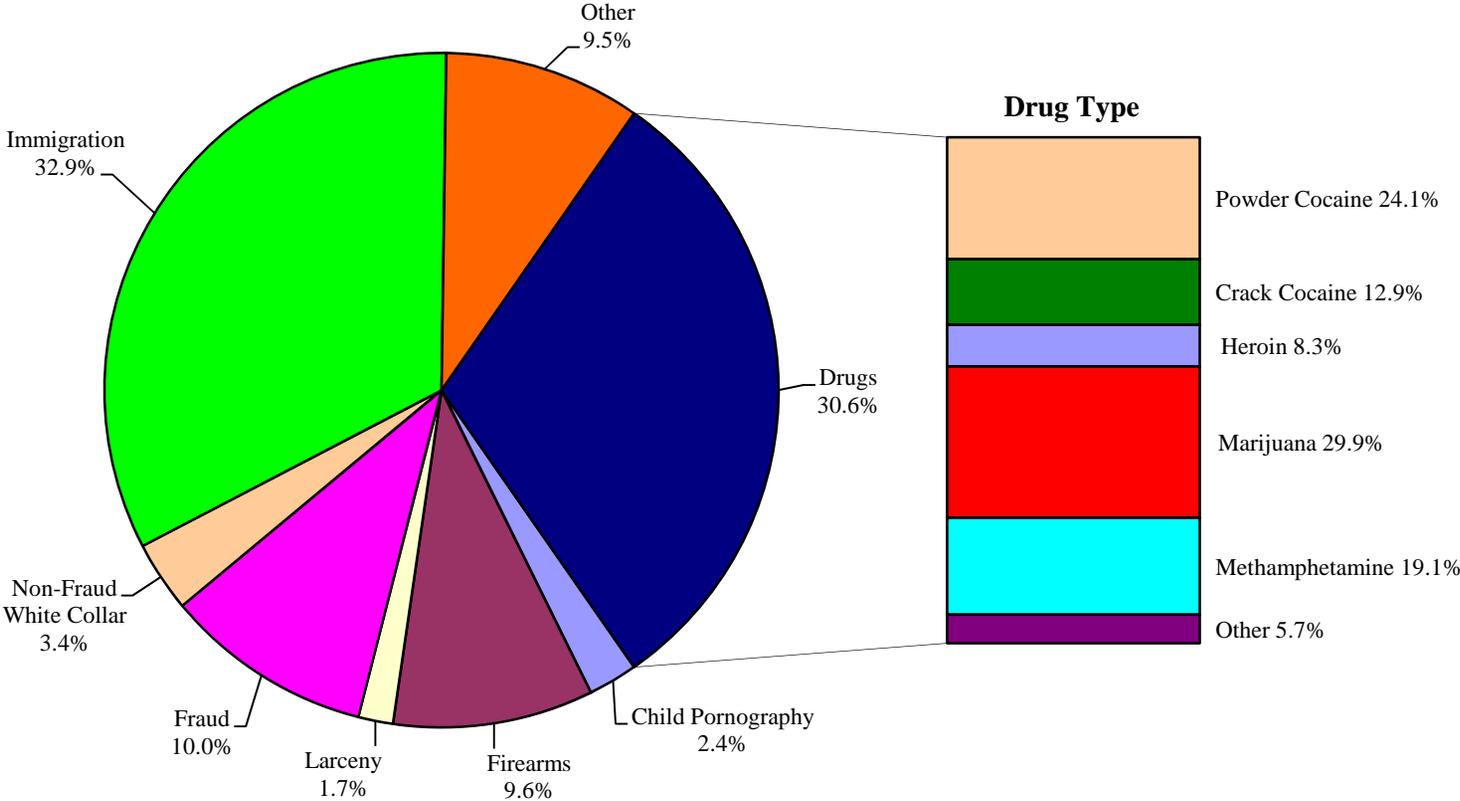
¹ Of the 59,661 cases, 31,522 were sentenced within the applicable guideline range. Of those, 27,578 cases had complete guideline application information. An additional 1,688 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through June 30, 2012).

Figure J

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹

3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)



¹ Of the 59,661 guideline cases, 18,706 were drug cases. Of these, 611 were excluded due to missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

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

Table 21

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	N	%
TOTAL	59,661	100.0
Murder	49	0.1
Manslaughter	35	0.1
Kidnapping/Hostage Taking	31	0.1
Sexual Abuse	289	0.5
Assault	487	0.8
Robbery	596	1.0
Arson	32	0.1
Drugs - Trafficking	17,925	30.0
Drugs - Communication Facility	255	0.4
Drugs - Simple Possession	526	0.9
Firearms	5,678	9.5
Burglary/B&E	27	0.0
Auto Theft	39	0.1
Larceny	978	1.6
Fraud	5,903	9.9
Embezzlement	208	0.3
Forgery/Counterfeiting	628	1.1
Bribery	167	0.3
Tax	409	0.7
Money Laundering	595	1.0
Racketeering/Extortion	618	1.0
Gambling/Lottery	35	0.1
Civil Rights	31	0.1
Immigration	19,401	32.5
Child Pornography	1,403	2.4
Prison Offenses	313	0.5
Administration of Justice Offenses	938	1.6
Environmental/Wildlife	139	0.2
National Defense	87	0.1
Antitrust	13	0.0
Food & Drug	40	0.1
Other Miscellaneous Offenses	1,786	3.0

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

Table 22

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

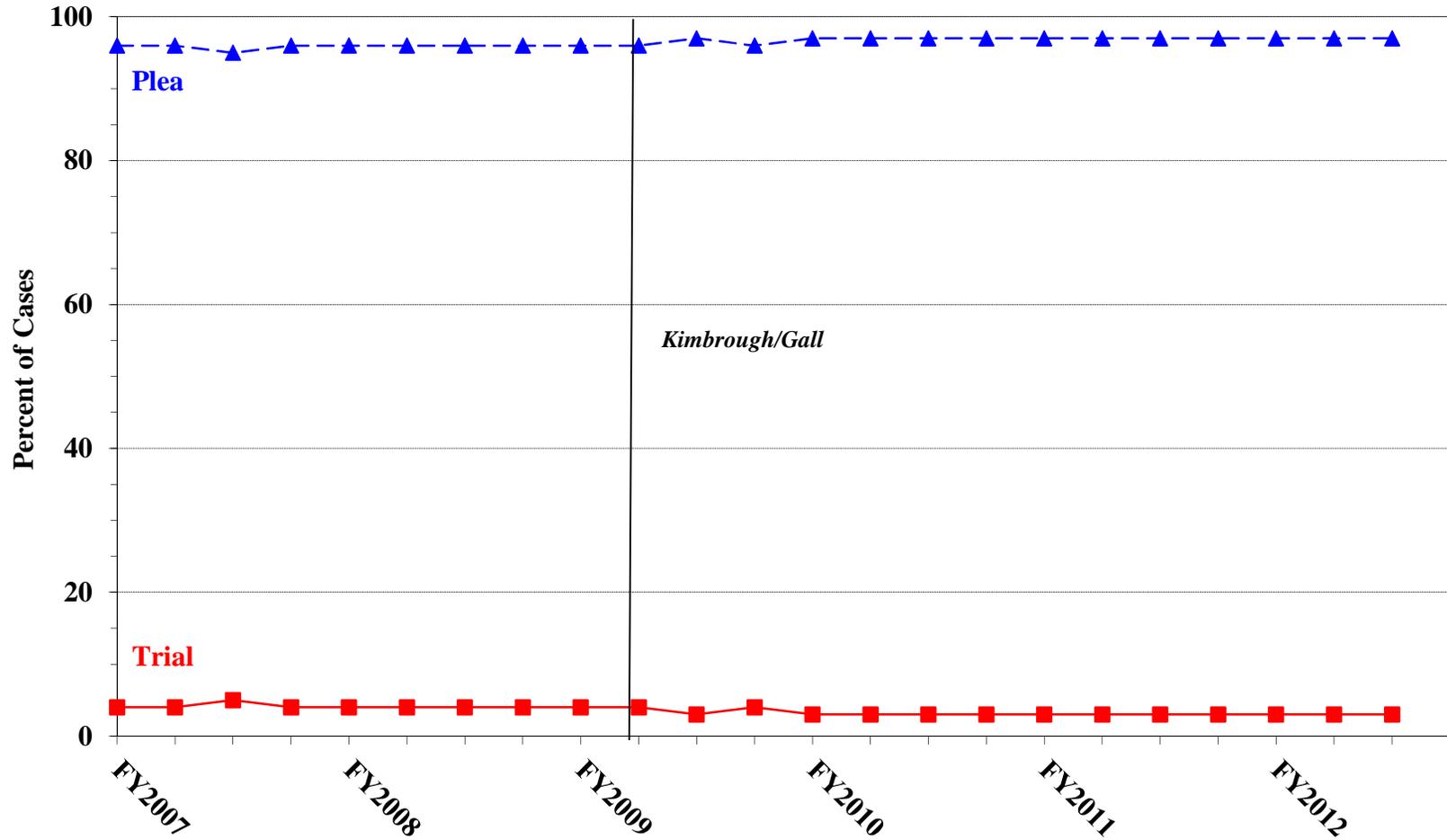
PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	59,659	57,899	97.0	1,760	3.0
Murder	49	36	73.5	13	26.5
Manslaughter	35	34	97.1	1	2.9
Kidnapping/Hostage Taking	31	28	90.3	3	9.7
Sexual Abuse	289	250	86.5	39	13.5
Assault	487	448	92.0	39	8.0
Robbery	596	580	97.3	16	2.7
Arson	32	30	93.8	2	6.3
Drugs - Trafficking	17,925	17,401	97.1	524	2.9
Drugs - Communication Facility	255	255	100.0	0	0.0
Drugs - Simple Possession	525	517	98.5	8	1.5
Firearms	5,678	5,323	93.7	355	6.3
Burglary/B&E	27	26	96.3	1	3.7
Auto Theft	39	37	94.9	2	5.1
Larceny	977	959	98.2	18	1.8
Fraud	5,903	5,584	94.6	319	5.4
Embezzlement	208	203	97.6	5	2.4
Forgery/Counterfeiting	628	617	98.2	11	1.8
Bribery	167	156	93.4	11	6.6
Tax	409	382	93.4	27	6.6
Money Laundering	595	549	92.3	46	7.7
Racketeering/Extortion	618	587	95.0	31	5.0
Gambling/Lottery	35	34	97.1	1	2.9
Civil Rights	31	28	90.3	3	9.7
Immigration	19,401	19,284	99.4	117	0.6
Child Pornography	1,403	1,345	95.9	58	4.1
Prison Offenses	313	309	98.7	4	1.3
Administration of Justice Offenses	938	902	96.2	36	3.8
Environmental/Wildlife	139	135	97.1	4	2.9
National Defense	87	86	98.9	1	1.1
Antitrust	13	13	100.0	0	0.0
Food & Drug	40	38	95.0	2	5.0
Other Miscellaneous Offenses	1,786	1,723	96.5	63	3.5

¹ Of the 59,661 cases, two were excluded due to missing information on mode of conviction. Descriptions of variables used in this table are provided in Appendix A.

Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS¹

Fiscal Years 2007 - 2011,
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)



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

Table 23

RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
TOTAL	54,535	14,772	27.1	10,939	20.1	26,812	49.2	2,012	3.7
Murder	48	16	33.3	11	22.9	5	10.4	16	33.3
Manslaughter	35	1	2.9	0	0.0	3	8.6	31	88.6
Kidnapping/Hostage Taking	31	8	25.8	8	25.8	11	35.5	4	12.9
Sexual Abuse	289	118	40.8	36	12.5	32	11.1	103	35.6
Assault	442	112	25.3	52	11.8	70	15.8	208	47.1
Robbery	589	283	48.0	238	40.4	45	7.6	23	3.9
Arson	31	17	54.8	7	22.6	1	3.2	6	19.4
Drugs - Trafficking	17,786	4,518	25.4	4,366	24.5	8,452	47.5	450	2.5
Drugs - Communication Facility	254	70	27.6	82	32.3	87	34.3	15	5.9
Drugs - Simple Possession	179	90	50.3	43	24.0	37	20.7	9	5.0
Firearms	5,640	1,549	27.5	2,733	48.5	1,176	20.9	182	3.2
Burglary/B&E	27	5	18.5	6	22.2	3	11.1	13	48.1
Auto Theft	38	12	31.6	9	23.7	16	42.1	1	2.6
Larceny	805	403	50.1	241	29.9	91	11.3	70	8.7
Fraud	5,233	2,455	46.9	1,557	29.8	875	16.7	346	6.6
Embezzlement	193	115	59.6	31	16.1	17	8.8	30	15.5
Forgery/Counterfeiting	621	260	41.9	274	44.1	71	11.4	16	2.6
Bribery	166	78	47.0	38	22.9	25	15.1	25	15.1
Tax	402	238	59.2	90	22.4	41	10.2	33	8.2
Money Laundering	585	219	37.4	79	13.5	256	43.8	31	5.3
Racketeering/Extortion	614	221	36.0	205	33.4	152	24.8	36	5.9
Gambling/Lottery	34	29	85.3	3	8.8	1	2.9	1	2.9
Civil Rights	31	19	61.3	8	25.8	2	6.5	2	6.5
Immigration	16,621	1,584	9.5	229	1.4	14,706	88.5	102	0.6
Child Pornography	1,400	1,218	87.0	48	3.4	114	8.1	20	1.4
Prison Offenses	280	70	25.0	111	39.6	78	27.9	21	7.5
Administration of Justice Offenses	894	429	48.0	209	23.4	186	20.8	70	7.8
Environmental/Wildlife	101	69	68.3	3	3.0	6	5.9	23	22.8
National Defense	86	25	29.1	6	7.0	41	47.7	14	16.3
Antitrust	10	2	20.0	0	0.0	2	20.0	6	60.0
Food & Drug	37	25	67.6	2	5.4	7	18.9	3	8.1
Other Miscellaneous Offenses	1,033	514	49.8	214	20.7	203	19.7	102	9.9

¹ Of the 59,661 cases, 5,126 were excluded due to missing information on offender's race. Descriptions of variables used in this table are provided in Appendix A.

Table 24

GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
TOTAL	57,662	50,482	87.5	7,180	12.5
Murder	49	39	79.6	10	20.4
Manslaughter	35	27	77.1	8	22.9
Kidnapping/Hostage Taking	31	28	90.3	3	9.7
Sexual Abuse	289	273	94.5	16	5.5
Assault	479	421	87.9	58	12.1
Robbery	595	546	91.8	49	8.2
Arson	32	27	84.4	5	15.6
Drugs - Trafficking	17,908	15,694	87.6	2,214	12.4
Drugs - Communication Facility	255	204	80.0	51	20.0
Drugs - Simple Possession	420	327	77.9	93	22.1
Firearms	5,671	5,467	96.4	204	3.6
Burglary/B&E	27	25	92.6	2	7.4
Auto Theft	39	38	97.4	1	2.6
Larceny	882	567	64.3	315	35.7
Fraud	5,830	3,992	68.5	1,838	31.5
Embezzlement	204	87	42.6	117	57.4
Forgery/Counterfeiting	626	466	74.4	160	25.6
Bribery	167	147	88.0	20	12.0
Tax	409	301	73.6	108	26.4
Money Laundering	592	454	76.7	138	23.3
Racketeering/Extortion	617	585	94.8	32	5.2
Gambling/Lottery	35	33	94.3	2	5.7
Civil Rights	31	28	90.3	3	9.7
Immigration	18,026	16,889	93.7	1,137	6.3
Child Pornography	1,403	1,387	98.9	16	1.1
Prison Offenses	306	278	90.8	28	9.2
Administration of Justice Offenses	926	762	82.3	164	17.7
Environmental/Wildlife	128	116	90.6	12	9.4
National Defense	86	77	89.5	9	10.5
Antitrust	11	11	100.0	0	0.0
Food & Drug	39	28	71.8	11	28.2
Other Miscellaneous Offenses	1,514	1,158	76.5	356	23.5

¹ Of the 59,661 cases, 1,999 were excluded due to missing information on offender's gender. Descriptions of variables used in this table are provided in Appendix A.

Table 25

AGE, RACE, AND GENDER OF OFFENDERS¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
Males	12,110	100.0	9,578	100.0	24,718	100.0	1,618	100.0
Under 21	295	2.4	253	2.6	954	3.9	61	3.8
21 - 25	1,231	10.2	1,523	15.9	3,871	15.7	282	17.4
26 - 30	1,720	14.2	1,923	20.1	5,004	20.2	286	17.7
31 - 35	1,835	15.2	1,953	20.4	5,076	20.5	247	15.3
36 - 40	1,578	13.0	1,516	15.8	4,116	16.7	233	14.4
41 - 50	2,894	23.9	1,651	17.2	4,278	17.3	285	17.6
Over 50	2,557	21.1	759	7.9	1,419	5.7	224	13.8
Females	2,657	100.0	1,359	100.0	2,090	100.0	390	100.0
Under 21	76	2.9	17	1.3	101	4.8	12	3.1
21 - 25	366	13.8	187	13.8	342	16.4	56	14.4
26 - 30	395	14.9	235	17.3	386	18.5	50	12.8
31 - 35	374	14.1	242	17.8	384	18.4	62	15.9
36 - 40	353	13.3	192	14.1	301	14.4	49	12.6
41 - 50	602	22.7	296	21.8	394	18.9	93	23.8
Over 50	491	18.5	190	14.0	182	8.7	68	17.4

¹ Of the 59,661 cases, 5,141 were excluded due to one or more of the following reasons: missing information on offender's race (5,126), missing information on offender's gender (1,999), or missing information on offender's age (132). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through June 30, 2012).

Table 26

CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
TOTAL	57,911	30,905	53.4	27,006	46.6
Murder	48	45	93.8	3	6.3
Manslaughter	35	35	100.0	0	0.0
Kidnapping/Hostage Taking	31	15	48.4	16	51.6
Sexual Abuse	289	268	92.7	21	7.3
Assault	451	400	88.7	51	11.3
Robbery	592	573	96.8	19	3.2
Arson	32	31	96.9	1	3.1
Drugs - Trafficking	17,852	12,081	67.7	5,771	32.3
Drugs - Communication Facility	254	209	82.3	45	17.7
Drugs - Simple Possession	317	219	69.1	98	30.9
Firearms	5,661	5,166	91.3	495	8.7
Burglary/B&E	27	27	100.0	0	0.0
Auto Theft	38	33	86.8	5	13.2
Larceny	820	775	94.5	45	5.5
Fraud	5,665	4,357	76.9	1,308	23.1
Embezzlement	192	186	96.9	6	3.1
Forgery/Counterfeiting	624	565	90.5	59	9.5
Bribery	167	146	87.4	21	12.6
Tax	407	373	91.6	34	8.4
Money Laundering	587	410	69.8	177	30.2
Racketeering/Extortion	616	506	82.1	110	17.9
Gambling/Lottery	34	32	94.1	2	5.9
Civil Rights	31	29	93.5	2	6.5
Immigration	19,180	905	4.7	18,275	95.3
Child Pornography	1,403	1,372	97.8	31	2.2
Prison Offenses	283	262	92.6	21	7.4
Administration of Justice Offenses	901	780	86.6	121	13.4
Environmental/Wildlife	107	99	92.5	8	7.5
National Defense	86	55	64.0	31	36.0
Antitrust	11	2	18.2	9	81.8
Food & Drug	37	34	91.9	3	8.1
Other Miscellaneous Offenses	1,133	915	80.8	218	19.2

¹ Of the 59,661 cases, 1,750 were excluded due to missing information on the offender's citizenship status. Descriptions of variables used in this table are provided in Appendix A.

Table 27

DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)

CIRCUIT District	Number of Cases	Total Documents		Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	J & C Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
TOTAL	59,661	276,887	59,661	58,902	43,591	15,946	59,601	55,132	4,529
D.C. CIRCUIT	270	1,323	270	269	246	24	270	268	2
District of Columbia	270	1,323	270	269	246	24	270	268	2
FIRST CIRCUIT	1,718	7,926	1,718	1,712	1,253	460	1,718	1,525	193
Maine	137	609	137	137	62	75	137	136	1
Massachusetts	372	1,591	372	370	110	261	372	367	5
New Hampshire	117	578	117	117	110	7	117	117	0
Puerto Rico	947	4,484	947	944	884	59	947	762	185
Rhode Island	145	664	145	144	87	58	145	143	2
SECOND CIRCUIT	2,830	13,423	2,830	2,827	2,219	605	2,828	2,719	111
Connecticut	312	1,537	312	310	294	18	312	309	3
New York									
Eastern	719	3,494	719	719	623	95	719	714	5
Northern	455	2,042	455	454	288	167	455	390	65
Southern	673	3,073	673	673	384	286	672	671	2
Western	502	2,454	502	502	478	22	501	471	31
Vermont	169	823	169	169	152	17	169	164	5
THIRD CIRCUIT	2,054	9,790	2,054	2,050	1,627	423	2,051	2,008	46
Delaware	73	354	73	72	63	10	73	73	0
New Jersey	633	3,108	633	631	585	45	631	628	5
Pennsylvania									
Eastern	567	2,668	567	567	403	164	567	564	3
Middle	361	1,753	361	361	312	49	361	358	3
Western	379	1,715	379	378	234	144	379	345	34
Virgin Islands	41	192	41	41	30	11	40	40	1
FOURTH CIRCUIT	4,691	21,401	4,691	4,580	3,339	1,342	4,685	4,106	585
Maryland	746	3,604	746	730	662	83	745	721	25
North Carolina									
Eastern	551	2,507	551	515	393	158	551	497	54
Middle	294	1,452	294	294	278	15	292	294	0
Western	321	1,487	321	321	203	117	321	321	0
South Carolina	686	3,184	686	684	444	240	686	684	2
Virginia									
Eastern	1,384	5,702	1,384	1,331	716	664	1,382	889	495
Western	262	1,275	262	261	231	30	261	260	2
West Virginia									
Northern	230	1,135	230	230	218	12	230	227	3
Southern	217	1,055	217	214	194	23	217	213	4

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement ²		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
FIFTH CIRCUIT	14,006	61,113	14,006	13,640	6,940	7,039	13,990	12,537	1,469
Louisiana									
Eastern	256	1,190	256	255	167	88	256	256	0
Middle	181	842	181	181	118	62	181	181	0
Western	301	1,415	301	280	253	48	301	280	21
Mississippi									
Northern	119	579	119	119	105	14	119	117	2
Southern	210	1,016	210	205	187	23	209	205	5
Texas									
Eastern	587	2,893	587	587	550	36	587	582	5
Northern	737	3,482	737	734	542	195	737	732	5
Southern	4,872	22,495	4,872	4,867	3,091	1,772	4,869	4,796	76
Western	6,743	27,201	6,743	6,412	1,927	4,801	6,731	5,388	1,355
SIXTH CIRCUIT	4,001	19,090	4,001	3,981	3,255	723	3,997	3,856	145
Kentucky									
Eastern	334	1,646	334	334	318	15	334	326	8
Western	297	1,333	297	297	219	78	297	223	74
Michigan									
Eastern	639	3,055	639	635	523	115	638	620	19
Western	341	1,568	341	341	216	124	340	330	11
Ohio									
Northern	695	3,306	695	694	530	165	695	692	3
Southern	456	2,251	456	454	434	22	456	451	5
Tennessee									
Eastern	628	3,032	628	626	530	98	628	620	8
Middle	226	1,058	226	215	178	28	224	215	11
Western	385	1,841	385	385	307	78	385	379	6
SEVENTH CIRCUIT	2,220	10,672	2,220	2,207	1,829	385	2,217	2,199	21
Illinois									
Central	291	1,321	291	291	162	129	291	286	5
Northern	553	2,669	553	550	462	91	552	552	1
Southern	301	1,402	301	300	206	95	300	295	6
Indiana									
Northern	303	1,475	303	294	275	27	302	301	2
Southern	303	1,491	303	303	280	18	303	302	1
Wisconsin									
Eastern	354	1,751	354	354	341	13	354	348	6
Western	115	563	115	115	103	12	115	115	0
EIGHTH CIRCUIT	3,501	16,754	3,501	3,483	2,802	697	3,494	3,474	27
Arkansas									
Eastern	290	1,361	290	290	210	80	289	282	8
Western	220	1,090	220	220	214	6	220	216	4
Iowa									
Northern	287	1,303	287	287	155	131	287	287	0
Southern	299	1,410	299	299	216	83	297	299	0
Minnesota	298	1,466	298	298	274	24	298	298	0
Missouri									
Eastern	577	2,869	577	576	566	11	574	576	1
Western	552	2,552	552	538	366	186	552	544	8
Nebraska	450	2,136	450	449	342	108	449	446	4
North Dakota	197	943	197	195	158	39	197	196	1
South Dakota	331	1,624	331	331	301	29	331	330	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	15,179	72,784	15,179	15,037	13,829	1,333	15,166	13,573	1,606
Alaska	149	703	149	149	113	36	149	143	6
Arizona	6,356	30,790	6,356	6,242	5,905	445	6,352	5,935	421
California									
Central	1,229	6,000	1,229	1,226	1,121	103	1,224	1,200	29
Eastern	745	3,583	745	743	606	139	745	744	1
Northern	548	2,609	548	542	467	80	547	505	43
Southern	3,812	17,945	3,812	3,811	3,653	158	3,810	2,859	953
Guam	37	181	37	37	34	3	37	36	1
Hawaii	179	798	179	179	85	94	179	176	3
Idaho	201	978	201	199	177	24	201	200	1
Montana	289	1,365	289	289	213	76	289	285	4
Nevada	446	2,124	446	445	344	100	446	443	3
Northern Mariana Islands	10	46	10	10	7	3	10	9	1
Oregon	446	2,143	446	435	437	9	445	380	66
Washington									
Eastern	206	993	206	206	175	29	206	200	6
Western	526	2,526	526	524	492	34	526	458	68
TENTH CIRCUIT	4,260	19,730	4,260	4,253	2,860	1,383	4,256	4,101	159
Colorado	403	1,976	403	402	388	15	403	380	23
Kansas	467	2,244	467	462	400	67	467	448	19
New Mexico	2,109	9,631	2,109	2,109	1,215	894	2,106	2,092	17
Oklahoma									
Eastern	61	278	61	61	34	27	61	61	0
Northern	152	695	152	152	87	65	152	152	0
Western	386	1,675	386	385	184	187	386	334	52
Utah	461	2,210	461	461	406	53	461	421	40
Wyoming	221	1,021	221	221	146	75	220	213	8
ELEVENTH CIRCUIT	4,931	22,881	4,931	4,863	3,392	1,532	4,929	4,766	165
Alabama									
Middle	136	657	136	136	113	23	136	136	0
Northern	304	1,412	304	299	222	82	304	283	21
Southern	348	1,688	348	348	296	52	348	348	0
Florida									
Middle	1,194	5,473	1,194	1,193	701	491	1,192	1,193	1
Northern	242	1,142	242	242	176	66	242	240	2
Southern	1,466	6,827	1,466	1,429	1,026	438	1,466	1,440	26
Georgia									
Middle	322	1,461	322	318	193	129	322	306	16
Northern	509	2,399	509	489	406	100	509	486	23
Southern	410	1,822	410	409	259	151	410	334	76

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 six cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM
BY EACH CIRCUIT AND DISTRICT
3rd Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through June 30, 2012)**

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
TOTAL	59,661	55,776	93.5	3,146	5.3	739	1.2
D.C. CIRCUIT	270	270	100.0	0	0.0	0	0.0
District of Columbia	270	270	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,718	1,711	99.6	1	0.1	6	0.3
Maine	137	137	100.0	0	0.0	0	0.0
Massachusetts	372	370	99.5	0	0.0	2	0.5
New Hampshire	117	117	100.0	0	0.0	0	0.0
Puerto Rico	947	943	99.6	1	0.1	3	0.3
Rhode Island	145	144	99.3	0	0.0	1	0.7
SECOND CIRCUIT	2,830	2,790	98.6	37	1.3	3	0.1
Connecticut	312	308	98.7	2	0.6	2	0.6
New York							
Eastern	719	687	95.5	32	4.5	0	0.0
Northern	455	454	99.8	0	0.0	1	0.2
Southern	673	672	99.9	1	0.1	0	0.0
Western	502	502	100.0	0	0.0	0	0.0
Vermont	169	167	98.8	2	1.2	0	0.0
THIRD CIRCUIT	2,054	2,048	99.7	2	0.1	4	0.2
Delaware	73	72	98.6	0	0.0	1	1.4
New Jersey	633	631	99.7	0	0.0	2	0.3
Pennsylvania							
Eastern	567	567	100.0	0	0.0	0	0.0
Middle	361	361	100.0	0	0.0	0	0.0
Western	379	376	99.2	2	0.5	1	0.3
Virgin Islands	41	41	100.0	0	0.0	0	0.0
FOURTH CIRCUIT	4,691	4,535	96.7	49	1.0	107	2.3
Maryland	746	732	98.1	1	0.1	13	1.7
North Carolina							
Eastern	551	515	93.5	0	0.0	36	6.5
Middle	294	294	100.0	0	0.0	0	0.0
Western	321	321	100.0	0	0.0	0	0.0
South Carolina	686	685	99.9	0	0.0	1	0.1
Virginia							
Eastern	1,384	1,283	92.7	48	3.5	53	3.8
Western	262	261	99.6	0	0.0	1	0.4
West Virginia							
Northern	230	230	100.0	0	0.0	0	0.0
Southern	217	214	98.6	0	0.0	3	1.4

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B ¹		Other Forms ²		No Form Received	
		N	%	N	%	N	%
FIFTH CIRCUIT	14,006	11,304	80.7	2,337	16.7	365	2.6
Louisiana							
Eastern	256	255	99.6	0	0.0	1	0.4
Middle	181	181	100.0	0	0.0	0	0.0
Western	301	231	76.7	49	16.3	21	7.0
Mississippi							
Northern	119	119	100.0	0	0.0	0	0.0
Southern	210	205	97.6	0	0.0	5	2.4
Texas							
Eastern	587	586	99.8	1	0.2	0	0.0
Northern	737	734	99.6	0	0.0	3	0.4
Southern	4,872	4,867	99.9	1	0.0	4	0.1
Western	6,743	4,126	61.2	2,286	33.9	331	4.9
SIXTH CIRCUIT	4,001	3,840	96.0	142	3.5	19	0.5
Kentucky							
Eastern	334	332	99.4	2	0.6	0	0.0
Western	297	297	100.0	0	0.0	0	0.0
Michigan							
Eastern	639	636	99.5	0	0.0	3	0.5
Western	341	341	100.0	0	0.0	0	0.0
Ohio							
Northern	695	694	99.9	0	0.0	1	0.1
Southern	456	415	91.0	39	8.6	2	0.4
Tennessee							
Eastern	628	626	99.7	0	0.0	2	0.3
Middle	226	149	65.9	66	29.2	11	4.9
Western	385	350	90.9	35	9.1	0	0.0
SEVENTH CIRCUIT	2,220	2,131	96.0	76	3.4	13	0.6
Illinois							
Central	291	291	100.0	0	0.0	0	0.0
Northern	553	550	99.5	0	0.0	3	0.5
Southern	301	300	99.7	0	0.0	1	0.3
Indiana							
Northern	303	292	96.4	2	0.7	9	3.0
Southern	303	303	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	354	280	79.1	74	20.9	0	0.0
Western	115	115	100.0	0	0.0	0	0.0
EIGHTH CIRCUIT	3,501	3,476	99.3	7	0.2	18	0.5
Arkansas							
Eastern	290	290	100.0	0	0.0	0	0.0
Western	220	220	100.0	0	0.0	0	0.0
Iowa							
Northern	287	287	100.0	0	0.0	0	0.0
Southern	299	299	100.0	0	0.0	0	0.0
Minnesota	298	291	97.7	7	2.3	0	0.0
Missouri							
Eastern	577	576	99.8	0	0.0	1	0.2
Western	552	538	97.5	0	0.0	14	2.5
Nebraska	450	449	99.8	0	0.0	1	0.2
North Dakota	197	195	99.0	0	0.0	2	1.0
South Dakota	331	331	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	15,179	14,608	96.2	437	2.9	134	0.9
Alaska	149	149	100.0	0	0.0	0	0.0
Arizona	6,356	6,245	98.3	3	0.0	108	1.7
California							
Central	1,229	1,227	99.8	0	0.0	2	0.2
Eastern	745	743	99.7	0	0.0	2	0.3
Northern	548	543	99.1	0	0.0	5	0.9
Southern	3,812	3,810	99.9	1	0.0	1	0.0
Guam	37	37	100.0	0	0.0	0	0.0
Hawaii	179	176	98.3	3	1.7	0	0.0
Idaho	201	199	99.0	0	0.0	2	1.0
Montana	289	289	100.0	0	0.0	0	0.0
Nevada	446	445	99.8	0	0.0	1	0.2
Northern Mariana Islands	10	10	100.0	0	0.0	0	0.0
Oregon	446	5	1.1	430	96.4	11	2.5
Washington							
Eastern	206	206	100.0	0	0.0	0	0.0
Western	526	524	99.6	0	0.0	2	0.4
TENTH CIRCUIT	4,260	4,222	99.1	32	0.8	6	0.1
Colorado	403	401	99.5	1	0.2	1	0.2
Kansas	467	463	99.1	0	0.0	4	0.9
New Mexico	2,109	2,109	100.0	0	0.0	0	0.0
Oklahoma							
Eastern	61	61	100.0	0	0.0	0	0.0
Northern	152	152	100.0	0	0.0	0	0.0
Western	386	385	99.7	0	0.0	1	0.3
Utah	461	430	93.3	31	6.7	0	0.0
Wyoming	221	221	100.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	4,931	4,841	98.2	26	0.5	64	1.3
Alabama							
Middle	136	136	100.0	0	0.0	0	0.0
Northern	304	299	98.4	0	0.0	5	1.6
Southern	348	346	99.4	2	0.6	0	0.0
Florida							
Middle	1,194	1,193	99.9	1	0.1	0	0.0
Northern	242	242	100.0	0	0.0	0	0.0
Southern	1,466	1,428	97.4	2	0.1	36	2.5
Georgia							
Middle	322	320	99.4	0	0.0	2	0.6
Northern	509	468	91.9	21	4.1	20	3.9
Southern	410	409	99.8	0	0.0	1	0.2

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

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

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

Variables

The following section describes the variables used in this report.

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

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

Age

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

All Remaining Cases Above Guideline Range

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

All Remaining Cases Below Guideline Range

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

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 USSG §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, USSG §5K1.1 substantial assistance cases, USSG §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 USSG §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 range.

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 (USSG §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). 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 below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence 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 USSG §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 USSG §5K1.1, USSG §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 USSG §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.

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 USSG §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.

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 FY11 *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