

U.S. Sentencing Commission
Preliminary Quarterly Data Report



**3rd Quarter Release
Preliminary Fiscal Year 2006 Data
Through June 30, 2006**

Introduction

As part of its ongoing mission, the United States Sentencing Commission (USSC) 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 In past years data has been reported on an annual basis in the Commission's *Sourcebook* and *Annual Report*.² After the Supreme Court's *U.S. v Booker* decision on January 12, 2005, rendered the sentencing guidelines advisory instead of mandatory, many expressed an interest in seeing 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 the 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, a new set of tables and charts will be generated on a quarterly basis for public release on the Commission's website. These quarterly data reports will be similar in format and methodology to either *Sourcebook* tables and figures produced in prior years or the Commission's aforementioned *Booker* report. Some of the figures will include prior years of data to enable analysis of sentencing trends from the past to the latest data quarter. Other figures and all of the tables will contain cumulative data (i.e. data from the start of the fiscal year through the most current quarter). Appendix B will provide both the quarterly table numbers and figure letters as well as the corresponding number/letter in the FY05 *Sourcebook* (if it exists in the *Sourcebook*) so that the quarterly data can be compared easily with

¹In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgement and Commitment Order, the Pre-Sentence Report, the Statement of Reasons, the Plea Agreement (if applicable), and the Indictment. See 28 U.S.C. § 994(w).

²See the Commission's website, www.ussc.gov, for electronic copies of the 1995-2005 *Sourcebook* and *Annual Report*.

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

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

data from FY05 or earlier.⁵

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 each new quarter of data is made available, the Commission will update the previous preliminary quarterly totals in the most recent release tables and figures until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in this initial release for the first and second quarters of fiscal year 2006 may change as the Commission receives and analyzes documents during the third and fourth quarters for additional cases sentenced during the first two quarters.⁶ Any subsequent changes in the quarterly data for the first and second quarter would be reflected initially in the third quarter release and finally in the Commission's *Sourcebook and Annual Report*. As a result, **quarterly data should not be considered final until publication of the Commission's *Sourcebook and Annual Report*.**

For questions regarding data field definitions, please refer to Appendix A of this report.

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

⁶The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts having 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 U.S. 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 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

	N	%
TOTAL	49,560	100.0
WITHIN GUIDELINE RANGE	30,622	61.8
DEPARTURE ABOVE GUIDELINE RANGE	417	0.8
Upward Departure from the Guideline Range ²	292	0.6
Upward Departure with <i>Booker</i> /18 U.S.C. § 3553 ³	125	0.3
OTHERWISE ABOVE THE GUIDELINE RANGE	395	0.8
Above the Range with <i>Booker</i> /18 U.S.C. § 3553 ⁴	324	0.7
All Remaining Cases Above the Guideline Range ⁵	71	0.1
GOVERNMENT SPONSORED BELOW RANGE⁶	12,112	24.4
§5K1.1 Substantial Assistance Departure	7,084	14.3
§5K3.1 Early Disposition Program Departure	3,670	7.4
Government-Sponsored Departure	1,358	2.7
	2,472	5.0
Downward Departure from the Guideline Range ²	1,378	2.8
Downward Departure with <i>Booker</i> /18 U.S.C. § 3553 ³	1,094	2.2
OTHERWISE BELOW THE GUIDELINE RANGE	3,542	7.1
Below the Range with <i>Booker</i> /18 U.S.C. § 3553 ⁴	2,889	5.8
All Remaining Cases Below the Guideline Range ⁵	653	1.3

¹This table reflects the 51,293 cases sentenced subsequent to October 1, 2005, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by August 23, 2006. Of this total, there are 1,733 cases excluded for one of two general reasons. Some excluded cases involve certain Class A misdemeanors or other offenses which do not reference a sentencing guideline. Other excluded cases have information missing from the submitted documents that prevents the comparison of the sentence and the guideline range. As missing documents are received, subsequent U.S. Sentencing Commission data releases will incorporate the new information. Descriptions of variables used in this table are provided in Appendix A.

²All cases with departures outside of the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal *Guidelines Manual*.

³All cases with a sentence outside of the guideline range which includes both a departure (see footnote 2) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

⁴All cases with a sentence outside of the guideline range with no departure indicated and which cite *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

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

⁶Cases with a reason for departure indicating that the prosecution initiates, proposes, or stipulates to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

SENTENCES RELATIVE TO THE GUIDELINE RANGE FOR CIRCUIT AND DISTRICT¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	49,560	30,622	61.8	292	0.6	125	0.3	324	0.7	71	0.1
D.C. CIRCUIT	345	177	51.3	3	0.9	2	0.6	5	1.4	1	0.3
District of Columbia	345	177	51.3	3	0.9	2	0.6	5	1.4	1	0.3
FIRST CIRCUIT	1,169	810	69.3	2	0.2	2	0.2	9	0.8	2	0.2
Maine	152	108	71.1	0	0.0	0	0.0	1	0.7	0	0.0
Massachusetts	361	212	58.7	0	0.0	0	0.0	0	0.0	0	0.0
New Hampshire	157	89	56.7	1	0.6	1	0.6	2	1.3	0	0.0
Puerto Rico	417	345	82.7	1	0.2	1	0.2	5	1.2	2	0.5
Rhode Island	82	56	68.3	0	0.0	0	0.0	1	1.2	0	0.0
SECOND CIRCUIT	3,122	1,579	50.6	15	0.5	6	0.2	9	0.3	3	0.1
Connecticut	257	127	49.4	4	1.6	0	0.0	0	0.0	0	0.0
New York											
Eastern	826	333	40.3	3	0.4	2	0.2	5	0.6	2	0.2
Northern	246	126	51.2	1	0.4	0	0.0	0	0.0	0	0.0
Southern	1,262	728	57.7	0	0.0	3	0.2	2	0.2	1	0.1
Western	368	199	54.1	4	1.1	1	0.3	2	0.5	0	0.0
Vermont	163	66	40.5	3	1.8	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	2,135	1,125	52.7	6	0.3	7	0.3	17	0.8	2	0.1
Delaware	80	51	63.8	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	662	335	50.6	0	0.0	0	0.0	1	0.2	2	0.3
Pennsylvania											
Eastern	602	246	40.9	1	0.2	5	0.8	5	0.8	0	0.0
Middle	350	171	48.9	4	1.1	1	0.3	4	1.1	0	0.0
Western	344	243	70.6	1	0.3	0	0.0	7	2.0	0	0.0
Virgin Islands	97	79	81.4	0	0.0	1	1.0	0	0.0	0	0.0
FOURTH CIRCUIT	4,397	3,064	69.7	22	0.5	17	0.4	35	0.8	3	0.1
Maryland	452	242	53.5	6	1.3	0	0.0	4	0.9	1	0.2
North Carolina											
Eastern	414	231	55.8	2	0.5	2	0.5	1	0.2	0	0.0
Middle	257	184	71.6	2	0.8	0	0.0	0	0.0	0	0.0
Western	583	371	63.6	0	0.0	0	0.0	5	0.9	0	0.0
South Carolina	743	533	71.7	2	0.3	0	0.0	5	0.7	1	0.1
Virginia											
Eastern	1,043	821	78.7	6	0.6	13	1.2	15	1.4	1	0.1
Western	421	278	66.0	4	1.0	1	0.2	1	0.2	0	0.0
West Virginia											
Northern	284	235	82.7	0	0.0	0	0.0	1	0.4	0	0.0
Southern	200	169	84.5	0	0.0	1	0.5	3	1.5	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	7,084	14.3	3,670	7.4	1,358	2.7	1,378	2.8	1,094	2.2	2,889	5.8	653	1.3
D.C. CIRCUIT	60	17.4	0	0.0	48	13.9	5	1.4	14	4.1	29	8.4	1	0.3
District of Columbia	60	17.4	0	0.0	48	13.9	5	1.4	14	4.1	29	8.4	1	0.3
FIRST CIRCUIT	160	13.7	0	0.0	30	2.6	36	3.1	20	1.7	82	7.0	16	1.4
Maine	31	20.4	0	0.0	1	0.7	5	3.3	1	0.7	5	3.3	0	0.0
Massachusetts	51	14.1	0	0.0	13	3.6	23	6.4	14	3.9	42	11.6	6	1.7
New Hampshire	45	28.7	0	0.0	9	5.7	3	1.9	1	0.6	6	3.8	0	0.0
Puerto Rico	29	7.0	0	0.0	6	1.4	4	1.0	4	1.0	11	2.6	9	2.2
Rhode Island	4	4.9	0	0.0	1	1.2	1	1.2	0	0.0	18	22.0	1	1.2
SECOND CIRCUIT	644	20.6	0	0.0	66	2.1	181	5.8	182	5.8	351	11.2	86	2.8
Connecticut	51	19.8	0	0.0	1	0.4	37	14.4	14	5.4	17	6.6	6	2.3
New York														
Eastern	192	23.2	0	0.0	26	3.1	58	7.0	86	10.4	85	10.3	34	4.1
Northern	77	31.3	0	0.0	5	2.0	16	6.5	4	1.6	17	6.9	0	0.0
Southern	158	12.5	0	0.0	15	1.2	47	3.7	63	5.0	203	16.1	42	3.3
Western	111	30.2	0	0.0	15	4.1	4	1.1	2	0.5	26	7.1	4	1.1
Vermont	55	33.7	0	0.0	4	2.5	19	11.7	13	8.0	3	1.8	0	0.0
THIRD CIRCUIT	586	27.4	0	0.0	47	2.2	65	3.0	45	2.1	202	9.5	33	1.5
Delaware	8	10.0	0	0.0	0	0.0	4	5.0	3	3.8	11	13.8	3	3.8
New Jersey	221	33.4	0	0.0	11	1.7	24	3.6	3	0.5	55	8.3	10	1.5
Pennsylvania														
Eastern	198	32.9	0	0.0	13	2.2	10	1.7	26	4.3	85	14.1	13	2.2
Middle	114	32.6	0	0.0	17	4.9	7	2.0	6	1.7	23	6.6	3	0.9
Western	37	10.8	0	0.0	5	1.5	17	4.9	6	1.7	26	7.6	2	0.6
Virgin Islands	8	8.2	0	0.0	1	1.0	3	3.1	1	1.0	2	2.1	2	2.1
FOURTH CIRCUIT	747	17.0	1	0.0	40	0.9	90	2.0	70	1.6	261	5.9	47	1.1
Maryland	116	25.7	0	0.0	12	2.7	21	4.6	12	2.7	28	6.2	10	2.2
North Carolina														
Eastern	141	34.1	0	0.0	1	0.2	13	3.1	6	1.4	13	3.1	4	1.0
Middle	41	16.0	0	0.0	0	0.0	5	1.9	10	3.9	14	5.4	1	0.4
Western	153	26.2	0	0.0	5	0.9	3	0.5	4	0.7	39	6.7	3	0.5
South Carolina	112	15.1	0	0.0	6	0.8	24	3.2	7	0.9	39	5.2	14	1.9
Virginia														
Eastern	57	5.5	0	0.0	5	0.5	14	1.3	24	2.3	74	7.1	13	1.2
Western	97	23.0	1	0.2	5	1.2	4	1.0	4	1.0	24	5.7	2	0.5
West Virginia														
Northern	17	6.0	0	0.0	4	1.4	5	1.8	3	1.1	19	6.7	0	0.0
Southern	13	6.5	0	0.0	2	1.0	1	0.5	0	0.0	11	5.5	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	11,069	8,142	73.6	73	0.7	21	0.2	105	0.9	16	0.1
Louisiana											
Eastern	257	201	78.2	0	0.0	2	0.8	3	1.2	0	0.0
Middle	124	98	79.0	5	4.0	0	0.0	2	1.6	0	0.0
Western	329	251	76.3	7	2.1	2	0.6	16	4.9	2	0.6
Mississippi											
Northern	116	64	55.2	2	1.7	3	2.6	2	1.7	0	0.0
Southern	255	213	83.5	0	0.0	0	0.0	4	1.6	0	0.0
Texas											
Eastern	618	503	81.4	3	0.5	1	0.2	6	1.0	2	0.3
Northern	786	607	77.2	7	0.9	5	0.6	20	2.5	2	0.3
Southern	4,622	3,076	66.6	23	0.5	3	0.1	22	0.5	3	0.1
Western	3,962	3,129	79.0	26	0.7	5	0.1	30	0.8	7	0.2
SIXTH CIRCUIT	3,651	2,079	56.9	15	0.4	11	0.3	26	0.7	5	0.1
Kentucky											
Eastern	407	192	47.2	1	0.2	1	0.2	5	1.2	0	0.0
Western	246	171	69.5	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	599	301	50.3	3	0.5	0	0.0	3	0.5	1	0.2
Western	318	191	60.1	4	1.3	3	0.9	7	2.2	0	0.0
Ohio											
Northern	718	434	60.4	2	0.3	0	0.0	3	0.4	3	0.4
Southern	456	222	48.7	0	0.0	5	1.1	3	0.7	0	0.0
Tennessee											
Eastern	384	246	64.1	2	0.5	1	0.3	3	0.8	0	0.0
Middle	154	90	58.4	2	1.3	1	0.6	0	0.0	0	0.0
Western	369	232	62.9	1	0.3	0	0.0	2	0.5	1	0.3
SEVENTH CIRCUIT	2,162	1,437	66.5	7	0.3	7	0.3	8	0.4	1	0.0
Illinois											
Central	215	149	69.3	0	0.0	1	0.5	0	0.0	0	0.0
Northern	730	401	54.9	4	0.5	0	0.0	0	0.0	1	0.1
Southern	264	221	83.7	0	0.0	3	1.1	0	0.0	0	0.0
Indiana											
Northern	302	218	72.2	1	0.3	2	0.7	1	0.3	0	0.0
Southern	232	154	66.4	1	0.4	1	0.4	2	0.9	0	0.0
Wisconsin											
Eastern	262	151	57.6	0	0.0	0	0.0	5	1.9	0	0.0
Western	157	143	91.1	1	0.6	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	3,676	2,368	64.4	25	0.7	10	0.3	27	0.7	1	0.0
Arkansas											
Eastern	256	163	63.7	1	0.4	1	0.4	2	0.8	0	0.0
Western	137	86	62.8	0	0.0	0	0.0	1	0.7	0	0.0
Iowa											
Northern	282	195	69.1	8	2.8	2	0.7	7	2.5	0	0.0
Southern	206	95	46.1	0	0.0	0	0.0	5	2.4	0	0.0
Minnesota	423	222	52.5	1	0.2	0	0.0	0	0.0	0	0.0
Missouri											
Eastern	665	456	68.6	2	0.3	0	0.0	1	0.2	1	0.2
Western	649	423	65.2	2	0.3	0	0.0	7	1.1	0	0.0
Nebraska	548	379	69.2	2	0.4	0	0.0	2	0.4	0	0.0
North Dakota	188	121	64.4	1	0.5	1	0.5	0	0.0	0	0.0
South Dakota	322	228	70.8	8	2.5	6	1.9	2	0.6	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	851	7.7	819	7.4	236	2.1	274	2.5	61	0.6	407	3.7	64	0.6
Louisiana														
Eastern	21	8.2	0	0.0	7	2.7	5	1.9	5	1.9	11	4.3	2	0.8
Middle	14	11.3	0	0.0	0	0.0	2	1.6	1	0.8	2	1.6	0	0.0
Western	23	7.0	0	0.0	0	0.0	9	2.7	5	1.5	9	2.7	5	1.5
Mississippi														
Northern	24	20.7	0	0.0	14	12.1	5	4.3	0	0.0	2	1.7	0	0.0
Southern	21	8.2	0	0.0	3	1.2	0	0.0	2	0.8	12	4.7	0	0.0
Texas														
Eastern	45	7.3	0	0.0	12	1.9	19	3.1	14	2.3	13	2.1	0	0.0
Northern	86	10.9	0	0.0	6	0.8	4	0.5	9	1.1	36	4.6	4	0.5
Southern	339	7.3	648	14.0	163	3.5	156	3.4	17	0.4	159	3.4	13	0.3
Western	278	7.0	171	4.3	31	0.8	74	1.9	8	0.2	163	4.1	40	1.0
SIXTH CIRCUIT	927	25.4	1	0.0	55	1.5	91	2.5	106	2.9	274	7.5	61	1.7
Kentucky														
Eastern	175	43.0	0	0.0	2	0.5	1	0.2	7	1.7	20	4.9	3	0.7
Western	44	17.9	1	0.4	6	2.4	5	2.0	1	0.4	17	6.9	1	0.4
Michigan														
Eastern	179	29.9	0	0.0	8	1.3	16	2.7	32	5.3	47	7.8	9	1.5
Western	52	16.4	0	0.0	2	0.6	13	4.1	8	2.5	35	11.0	3	0.9
Ohio														
Northern	150	20.9	0	0.0	12	1.7	26	3.6	23	3.2	52	7.2	13	1.8
Southern	138	30.3	0	0.0	7	1.5	20	4.4	23	5.0	31	6.8	7	1.5
Tennessee														
Eastern	103	26.8	0	0.0	1	0.3	0	0.0	4	1.0	20	5.2	4	1.0
Middle	25	16.2	0	0.0	6	3.9	1	0.6	4	2.6	15	9.7	10	6.5
Western	61	16.5	0	0.0	11	3.0	9	2.4	4	1.1	37	10.0	11	3.0
SEVENTH CIRCUIT	354	16.4	0	0.0	46	2.1	71	3.3	57	2.6	119	5.5	55	2.5
Illinois														
Central	38	17.7	0	0.0	6	2.8	5	2.3	4	1.9	9	4.2	3	1.4
Northern	159	21.8	0	0.0	11	1.5	38	5.2	42	5.8	32	4.4	42	5.8
Southern	11	4.2	0	0.0	6	2.3	6	2.3	4	1.5	10	3.8	3	1.1
Indiana														
Northern	64	21.2	0	0.0	4	1.3	3	1.0	1	0.3	3	1.0	5	1.7
Southern	35	15.1	0	0.0	7	3.0	8	3.4	2	0.9	22	9.5	0	0.0
Wisconsin														
Eastern	45	17.2	0	0.0	12	4.6	7	2.7	4	1.5	36	13.7	2	0.8
Western	2	1.3	0	0.0	0	0.0	4	2.5	0	0.0	7	4.5	0	0.0
EIGHTH CIRCUIT	583	15.9	40	1.1	102	2.8	94	2.6	66	1.8	307	8.4	53	1.4
Arkansas														
Eastern	43	16.8	0	0.0	7	2.7	4	1.6	7	2.7	23	9.0	5	2.0
Western	42	30.7	0	0.0	1	0.7	0	0.0	1	0.7	5	3.6	1	0.7
Iowa														
Northern	39	13.8	0	0.0	4	1.4	2	0.7	0	0.0	24	8.5	1	0.4
Southern	49	23.8	0	0.0	6	2.9	2	1.0	3	1.5	43	20.9	3	1.5
Minnesota	77	18.2	0	0.0	10	2.4	18	4.3	32	7.6	52	12.3	11	2.6
Missouri														
Eastern	105	15.8	0	0.0	11	1.7	16	2.4	4	0.6	58	8.7	11	1.7
Western	134	20.6	0	0.0	5	0.8	12	1.8	8	1.2	43	6.6	15	2.3
Nebraska	25	4.6	37	6.8	45	8.2	28	5.1	3	0.5	23	4.2	4	0.7
North Dakota	42	22.3	3	1.6	6	3.2	4	2.1	2	1.1	6	3.2	2	1.1
South Dakota	27	8.4	0	0.0	7	2.2	8	2.5	6	1.9	30	9.3	0	0.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	8,972	3,989	44.5	82	0.9	28	0.3	26	0.3	17	0.2
Alaska	82	49	59.8	0	0.0	2	2.4	1	1.2	0	0.0
Arizona	2,948	854	29.0	53	1.8	10	0.3	2	0.1	9	0.3
California											
Central	713	434	60.9	0	0.0	4	0.6	3	0.4	0	0.0
Eastern	718	401	55.8	4	0.6	1	0.1	2	0.3	0	0.0
Northern	462	267	57.8	3	0.6	0	0.0	5	1.1	3	0.6
Southern	1,702	714	42.0	2	0.1	3	0.2	2	0.1	2	0.1
Guam	65	38	58.5	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	332	173	52.1	1	0.3	0	0.0	1	0.3	1	0.3
Idaho	199	79	39.7	2	1.0	0	0.0	1	0.5	1	0.5
Montana	307	239	77.9	5	1.6	4	1.3	4	1.3	0	0.0
Nevada	301	219	72.8	1	0.3	1	0.3	0	0.0	1	0.3
Northern Mariana Islands	10	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	342	181	52.9	2	0.6	1	0.3	2	0.6	0	0.0
Washington											
Eastern	232	127	54.7	3	1.3	1	0.4	3	1.3	0	0.0
Western	559	207	37.0	6	1.1	1	0.2	0	0.0	0	0.0
TENTH CIRCUIT	4,213	2,642	62.7	15	0.4	3	0.1	22	0.5	13	0.3
Colorado	498	278	55.8	0	0.0	0	0.0	2	0.4	0	0.0
Kansas	493	307	62.3	7	1.4	0	0.0	12	2.4	7	1.4
New Mexico	2,091	1,198	57.3	4	0.2	0	0.0	0	0.0	6	0.3
Oklahoma											
Eastern	61	50	82.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	143	118	82.5	0	0.0	0	0.0	0	0.0	0	0.0
Western	173	119	68.8	1	0.6	0	0.0	6	3.5	0	0.0
Utah	601	451	75.0	3	0.5	3	0.5	2	0.3	0	0.0
Wyoming	153	121	79.1	0	0.0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	4,649	3,210	69.0	27	0.6	11	0.2	35	0.8	7	0.2
Alabama											
Middle	177	105	59.3	3	1.7	0	0.0	1	0.6	0	0.0
Northern	362	210	58.0	1	0.3	1	0.3	4	1.1	0	0.0
Southern	264	169	64.0	0	0.0	1	0.4	2	0.8	0	0.0
Florida											
Middle	1,160	761	65.6	3	0.3	0	0.0	6	0.5	2	0.2
Northern	278	204	73.4	0	0.0	1	0.4	1	0.4	1	0.4
Southern	1,390	1,063	76.5	2	0.1	4	0.3	7	0.5	2	0.1
Georgia											
Middle	279	199	71.3	1	0.4	1	0.4	1	0.4	1	0.4
Northern	520	340	65.4	8	1.5	1	0.2	3	0.6	1	0.2
Southern	219	159	72.6	9	4.1	2	0.9	10	4.6	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	951	10.6	2,427	27.1	343	3.8	264	2.9	341	3.8	363	4.0	141	1.6
Alaska	10	12.2	0	0.0	8	9.8	2	2.4	1	1.2	4	4.9	5	6.1
Arizona	177	6.0	1,570	53.3	82	2.8	49	1.7	74	2.5	52	1.8	16	0.5
California														
Central	88	12.3	12	1.7	31	4.3	16	2.2	35	4.9	58	8.1	32	4.5
Eastern	102	14.2	119	16.6	18	2.5	21	2.9	11	1.5	22	3.1	17	2.4
Northern	57	12.3	4	0.9	38	8.2	12	2.6	32	6.9	31	6.7	10	2.2
Southern	107	6.3	666	39.1	39	2.3	79	4.6	9	0.5	50	2.9	29	1.7
Guam	20	30.8	0	0.0	0	0.0	1	1.5	0	0.0	6	9.2	0	0.0
Hawaii	103	31.0	0	0.0	8	2.4	9	2.7	9	2.7	25	7.5	2	0.6
Idaho	62	31.2	31	15.6	2	1.0	4	2.0	2	1.0	12	6.0	3	1.5
Montana	38	12.4	0	0.0	0	0.0	3	1.0	0	0.0	10	3.3	4	1.3
Nevada	25	8.3	0	0.0	14	4.7	6	2.0	8	2.7	19	6.3	7	2.3
Northern Mariana Islands	3	30.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	48	14.0	11	3.2	11	3.2	30	8.8	23	6.7	31	9.1	2	0.6
Washington														
Eastern	23	9.9	0	0.0	23	9.9	7	3.0	8	3.4	35	15.1	2	0.9
Western	88	15.7	14	2.5	69	12.3	25	4.5	129	23.1	8	1.4	12	2.1
TENTH CIRCUIT	367	8.7	381	9.0	295	7.0	147	3.5	82	1.9	197	4.7	49	1.2
Colorado	150	30.1	0	0.0	6	1.2	23	4.6	16	3.2	20	4.0	3	0.6
Kansas	70	14.2	1	0.2	24	4.9	3	0.6	8	1.6	52	10.5	2	0.4
New Mexico	77	3.7	380	18.2	240	11.5	69	3.3	23	1.1	72	3.4	22	1.1
Oklahoma														
Eastern	7	11.5	0	0.0	1	1.6	2	3.3	0	0.0	1	1.6	0	0.0
Northern	17	11.9	0	0.0	1	0.7	2	1.4	0	0.0	4	2.8	1	0.7
Western	10	5.8	0	0.0	1	0.6	2	1.2	1	0.6	32	18.5	1	0.6
Utah	27	4.5	0	0.0	18	3.0	41	6.8	32	5.3	7	1.2	17	2.8
Wyoming	9	5.9	0	0.0	4	2.6	5	3.3	2	1.3	9	5.9	3	2.0
ELEVENTH CIRCUIT	854	18.4	1	0.0	50	1.1	60	1.3	50	1.1	297	6.4	47	1.0
Alabama														
Middle	58	32.8	0	0.0	5	2.8	0	0.0	0	0.0	3	1.7	2	1.1
Northern	109	30.1	0	0.0	0	0.0	3	0.8	2	0.6	30	8.3	2	0.6
Southern	62	23.5	1	0.4	1	0.4	3	1.1	6	2.3	17	6.4	2	0.8
Florida														
Middle	265	22.8	0	0.0	13	1.1	21	1.8	6	0.5	75	6.5	8	0.7
Northern	58	20.9	0	0.0	0	0.0	0	0.0	0	0.0	11	4.0	2	0.7
Southern	163	11.7	0	0.0	15	1.1	12	0.9	12	0.9	89	6.4	21	1.5
Georgia														
Middle	46	16.5	0	0.0	4	1.4	2	0.7	0	0.0	21	7.5	3	1.1
Northern	78	15.0	0	0.0	11	2.1	12	2.3	21	4.0	38	7.3	7	1.3
Southern	15	6.8	0	0.0	1	0.5	7	3.2	3	1.4	13	5.9	0	0.0

¹Of the 51,293 cases, 1,733 were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range. Districts for which information needed to determine the relationship between the sentence imposed and the guideline range is missing in five percent or more of the cases received include Western Oklahoma (38.0%), Central California (31.4%), Southern Georgia (28.4%), Middle Georgia (19.6%), Alaska (19.6%), Eastern Virginia (15.3%), Western Kentucky (12.1%), Southern California (8.3%), Arizona (7.4%), Western Washington (7.0%), Middle Tennessee (6.1%), Maryland (6.0%), and Oregon (5.3%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
FOR EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURES		ABOVE RANGE DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		n	%	n	%	n	%	n	%	n	%
TOTAL	49,492	30,588	61.8	292	0.6	122	0.2	324	0.7	71	0.1
Murder	61	37	60.7	5	8.2	0	0.0	3	4.9	0	0.0
Manslaughter	41	28	68.3	3	7.3	1	2.4	3	7.3	0	0.0
Kidnapping/Hostage Taking	38	20	52.6	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	193	125	64.8	5	2.6	5	2.6	6	3.1	0	0.0
Assault	404	273	67.6	13	3.2	5	1.2	6	1.5	1	0.2
Robbery	824	537	65.2	11	1.3	3	0.4	5	0.6	3	0.4
Arson	41	24	58.5	1	2.4	1	2.4	1	2.4	0	0.0
Drugs - Trafficking	17,827	9,599	53.8	24	0.1	12	0.1	32	0.2	10	0.1
Drugs - Communication Facility	295	196	66.4	1	0.3	2	0.7	1	0.3	2	0.7
Drugs - Simple Possession	395	366	92.7	5	1.3	1	0.3	4	1.0	1	0.3
Firearms	5,844	4,074	69.7	61	1.0	26	0.4	77	1.3	8	0.1
Burglary/B&E	34	29	85.3	0	0.0	2	5.9	1	2.9	0	0.0
Auto Theft	45	31	68.9	1	2.2	0	0.0	2	4.4	0	0.0
Larceny	1,094	865	79.1	4	0.4	2	0.2	11	1.0	4	0.4
Fraud	4,639	2,988	64.4	26	0.6	24	0.5	50	1.1	14	0.3
Embezzlement	402	312	77.6	0	0.0	1	0.2	2	0.5	0	0.0
Forgery/Counterfeiting	823	595	72.3	8	1.0	1	0.1	6	0.7	2	0.2
Bribery	120	65	54.2	0	0.0	0	0.0	0	0.0	0	0.0
Tax	402	222	55.2	1	0.2	1	0.2	1	0.2	0	0.0
Money Laundering	640	297	46.4	7	1.1	2	0.3	2	0.3	2	0.3
Racketeering/Extortion	417	249	59.7	2	0.5	1	0.2	3	0.7	0	0.0
Gambling/Lottery	72	55	76.4	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	43	28	65.1	0	0.0	0	0.0	1	2.3	0	0.0
Immigration	12,093	7,731	63.9	80	0.7	17	0.1	71	0.6	18	0.1
Pornography/Prostitution	893	598	67.0	16	1.8	8	0.9	16	1.8	1	0.1
Prison Offenses	242	197	81.4	1	0.4	0	0.0	3	1.2	0	0.0
Administration of Justice Offenses	735	459	62.4	14	1.9	5	0.7	7	1.0	2	0.3
Environmental/Wildlife	101	70	69.3	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	24	9	37.5	0	0.0	0	0.0	1	4.2	0	0.0
Antitrust	10	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Food & Drug	35	29	82.9	0	0.0	0	0.0	2	5.7	0	0.0
Other Miscellaneous Offenses	665	480	72.2	3	0.5	2	0.3	7	1.1	3	0.5

Table 3 (cont.)

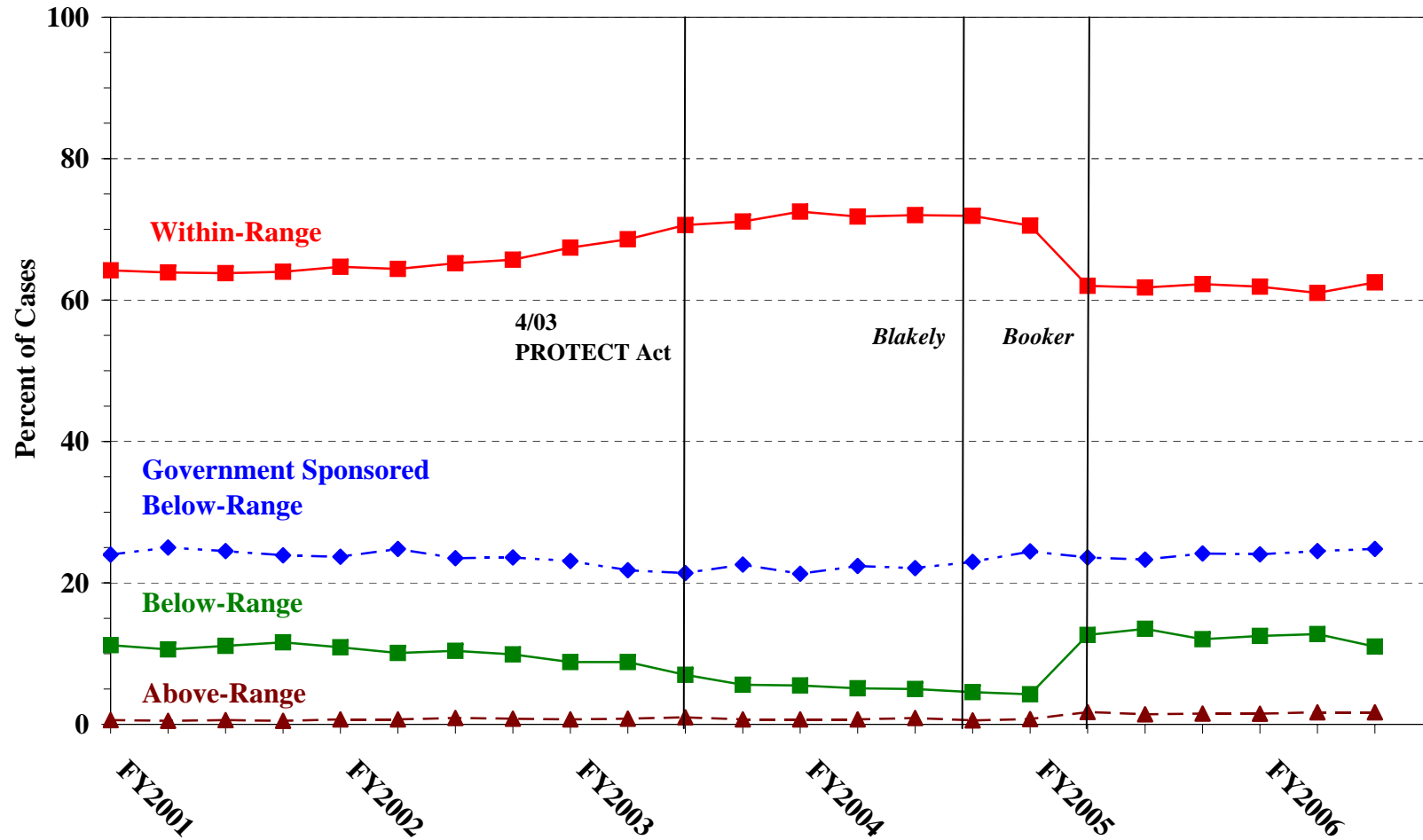
PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K1.3 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	7,075	14.3	3,666	7.4	1,348	2.7	1,377	2.8	1,093	2.2	2,884	5.8	652	1.3
Murder	9	14.8	0	0.0	5	8.2	1	1.6	0	0.0	1	1.6	0	0.0
Manslaughter	0	0.0	0	0.0	1	2.4	1	2.4	2	4.9	2	4.9	0	0.0
Kidnapping/Hostage Taking	8	21.1	0	0.0	4	10.5	0	0.0	0	0.0	2	5.3	4	10.5
Sexual Abuse	5	2.6	1	0.5	15	7.8	6	3.1	7	3.6	15	7.8	3	1.6
Assault	5	1.2	6	1.5	29	7.2	10	2.5	16	4.0	32	7.9	8	2.0
Robbery	112	13.6	0	0.0	20	2.4	36	4.4	39	4.7	48	5.8	10	1.2
Arson	11	26.8	0	0.0	2	4.9	0	0.0	0	0.0	1	2.4	0	0.0
Drugs - Trafficking	4,565	25.6	983	5.5	471	2.6	460	2.6	410	2.3	1,032	5.8	229	1.3
Drugs - Communication Facility	58	19.7	0	0.0	6	2.0	5	1.7	8	2.7	15	5.1	1	0.3
Drugs - Simple Possession	2	0.5	0	0.0	6	1.5	0	0.0	0	0.0	8	2.0	2	0.5
Firearms	660	11.3	30	0.5	141	2.4	171	2.9	137	2.3	386	6.6	73	1.2
Burglary/B&E	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	2.9	1	2.9
Auto Theft	9	20.0	0	0.0	0	0.0	0	0.0	1	2.2	1	2.2	0	0.0
Larceny	70	6.4	5	0.5	15	1.4	30	2.7	24	2.2	49	4.5	15	1.4
Fraud	695	15.0	6	0.1	95	2.0	143	3.1	142	3.1	352	7.6	104	2.2
Embezzlement	13	3.2	0	0.0	5	1.2	11	2.7	15	3.7	31	7.7	12	3.0
Forgery/Counterfeiting	68	8.3	3	0.4	17	2.1	23	2.8	18	2.2	66	8.0	16	1.9
Bribery	32	26.7	1	0.8	3	2.5	2	1.7	1	0.8	12	10.0	4	3.3
Tax	56	13.9	0	0.0	13	3.2	21	5.2	24	6.0	52	12.9	11	2.7
Money Laundering	163	25.5	4	0.6	32	5.0	23	3.6	32	5.0	64	10.0	12	1.9
Racketeering/Extortion	84	20.1	0	0.0	20	4.8	10	2.4	11	2.6	28	6.7	9	2.2
Gambling/Lottery	9	12.5	0	0.0	0	0.0	1	1.4	1	1.4	4	5.6	2	2.8
Civil Rights	7	16.3	0	0.0	1	2.3	2	4.7	1	2.3	3	7.0	0	0.0
Immigration	232	1.9	2,619	21.7	344	2.8	328	2.7	121	1.0	434	3.6	98	0.8
Pornography/Prostitution	38	4.3	4	0.4	28	3.1	35	3.9	33	3.7	108	12.1	8	0.9
Prison Offenses	7	2.9	3	1.2	5	2.1	6	2.5	5	2.1	13	5.4	2	0.8
Administration of Justice Offenses	92	12.5	0	0.0	44	6.0	28	3.8	24	3.3	49	6.7	11	1.5
Environmental/Wildlife	7	6.9	0	0.0	4	4.0	4	4.0	3	3.0	8	7.9	5	5.0
National Defense	4	16.7	1	4.2	2	8.3	2	8.3	2	8.3	2	8.3	1	4.2
Antitrust	8	80.0	0	0.0	0	0.0	1	10.0	0	0.0	1	10.0	0	0.0
Food & Drug	1	2.9	0	0.0	2	5.7	0	0.0	0	0.0	1	2.9	0	0.0
Other Miscellaneous Offenses	45	6.8	0	0.0	18	2.7	17	2.6	16	2.4	63	9.5	11	1.7

¹Of the 51,293 cases, 1,801 were excluded due to one or both of the following reasons: missing primary offense (70) or missing information needed to determine the relationship between the sentence imposed and the guideline range (1,733). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

Figure A

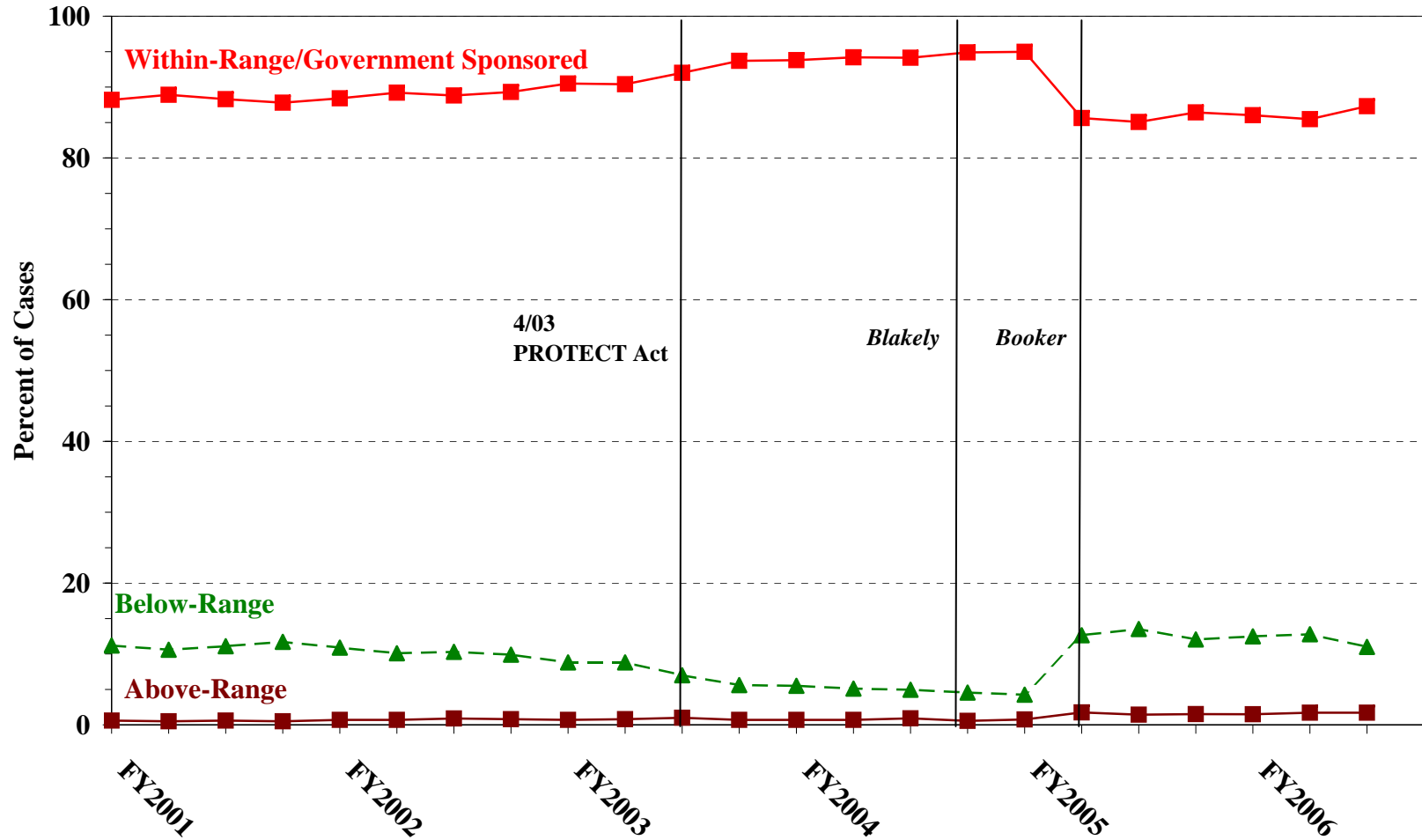
QUARTERLY DATA FOR WITHIN RANGE AND OUT-OF-RANGE SENTENCES¹
Fiscal Years 2001 - 2006,
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)



¹The Commission’s methods for distinguishing government-sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 DEPARTURES REPORT). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government-sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Figure B

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED
AND OTHER OUT-OF-RANGE SENTENCES¹**
Fiscal Years 2001 - 2006,
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)



¹The Commission's methods for distinguishing government-sponsored from other downward departures were refined beginning in Fiscal Year 2003. In Figures A and B, the rates for fiscal years before 2003 were calculated by combining several reported reasons for departure that indicated government sponsorship. (See 2003 DEPARTURES REPORT). In later years, plea agreements and the new Statement of Reasons form were scrutinized to more accurately identify government-sponsored departures. Descriptions of variables used in this table are provided in Appendix A.

Table 4

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
FOR EACH PRIMARY SENTENCING GUIDELINE¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

Guideline	Total	Within Guideline Range	Departure		Otherwise		Government Sponsored			Departure		Otherwise	
			Above Gdline Only	with Booker	Above Range with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Below Range Only	with Booker	Below Range with Booker	All Others
§2A1.1	128	78	0	0	0	0	33	0	2	5	1	5	4
§2A1.2	29	17	5	0	1	0	0	0	4	1	1	0	0
§2A1.3	16	13	1	1	1	0	0	0	0	0	0	0	0
§2A1.4	28	18	2	1	1	0	0	0	1	1	2	2	0
§2A1.5	12	7	0	0	0	0	3	0	0	0	0	2	0
§2A2.1	53	40	0	0	1	0	5	0	4	1	0	1	1
§2A2.2	238	155	14	3	2	1	5	2	20	6	10	17	3
§2A2.3	34	29	1	0	0	0	0	0	0	1	0	0	3
§2A2.4	92	60	1	1	2	0	0	3	5	2	5	9	4
§2A3.1	89	59	2	1	7	0	1	1	8	1	4	5	0
§2A3.2	60	42	3	1	3	0	1	0	3	1	0	5	1
§2A3.3	3	3	0	0	0	0	0	0	0	0	0	0	0
§2A3.4	19	14	1	1	0	0	0	0	1	0	0	2	0
§2A4.1	49	28	0	0	0	0	9	0	3	0	0	5	4
§2A4.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A5.1	1	0	1	0	0	0	0	0	0	0	0	0	0
§2A5.2	16	9	0	0	2	1	0	1	0	0	2	1	0
§2A5.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2A6.1	119	85	1	3	4	0	0	0	8	6	2	9	1
§2A6.2	3	3	0	0	0	0	0	0	0	0	0	0	0
§2B1.1	5,185	3,624	31	25	63	17	575	8	90	150	151	349	102
§2B1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B1.3	4	3	0	0	0	0	0	0	0	0	0	1	0
§2B1.4	13	7	0	0	0	0	3	0	0	1	1	0	1
§2B1.5	9	8	0	0	0	0	0	0	0	0	1	0	0
§2B2.1	51	43	1	2	0	0	3	0	0	0	0	1	1
§2B2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B2.3	3	3	0	0	0	0	0	0	0	0	0	0	0
§2B3.1	1,193	742	16	4	19	3	197	0	34	37	42	79	20
§2B3.2	41	26	0	1	0	0	5	0	2	2	1	4	0
§2B3.3	7	3	0	0	0	0	0	0	0	1	2	1	0
§2B4.1	20	11	0	0	0	0	5	0	0	0	0	2	2
§2B5.1	451	319	1	0	2	2	41	3	9	12	13	39	10
§2B5.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B5.3	118	60	0	0	0	0	15	0	3	4	5	25	6
§2B5.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2B6.1	13	8	0	0	0	0	4	0	0	0	0	1	0
§2C1.1	114	58	1	0	0	0	33	1	2	4	2	9	4
§2C1.2	25	15	0	0	0	0	5	0	1	0	0	3	1
§2C1.3	10	10	0	0	0	0	0	0	0	0	0	0	0
§2C1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2C1.6	1	1	0	0	0	0	0	0	0	0	0	0	0
§2C1.7	12	6	0	0	0	0	2	1	1	2	0	0	0
§2C1.8	6	5	0	0	0	0	1	0	0	0	0	0	0
§2D1.1	17,613	9,491	21	16	35	11	4,514	976	460	448	406	1,002	233
§2D1.2	226	123	1	1	0	0	60	1	5	4	6	24	1
§2D1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2D1.5	11	5	0	0	0	0	3	0	0	0	1	2	0

Table 4 (cont.)

Guideline	Total	Within Guideline Range	Departure Above Range		Otherwise Above Range		Government Sponsored			Departure Below Range		Otherwise Below Range	
			Gdline Only	with Booker	with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Gdline Only	with Booker	with Booker	All Others
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	159	128	1	0	3	0	2	3	1	3	5	11	2
§2P1.2	59	49	0	0	0	0	5	0	3	2	0	0	0
§2P1.3	2	2	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.2	40	17	0	0	0	0	11	0	4	1	2	2	3
§2Q1.3	23	9	0	0	0	0	3	0	2	5	1	3	0
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	68	55	0	0	0	0	2	0	1	1	1	5	3
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	8	0	0	0	0	0	6	0	0	1	0	1	0
§2S1.1	694	293	6	2	2	2	227	0	25	26	31	71	9
§2S1.2	19	8	0	0	0	0	4	0	0	1	0	6	0
§2S1.3	183	103	0	0	0	0	25	4	10	5	11	18	7
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	299	158	1	2	0	0	44	0	9	18	18	40	9
§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	92	56	0	0	1	0	10	0	1	2	10	11	1
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	11	4	0	0	0	0	1	0	1	1	1	1	2
§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	24	10	0	0	0	0	9	0	0	3	0	2	0
§2T2.1	1	1	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	24	14	0	0	0	0	3	0	2	1	0	3	1
§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	130	77	1	0	2	0	27	0	5	3	1	13	1
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	88	50	3	0	0	0	18	0	5	4	3	4	1
§2X4.1	354	229	7	3	3	1	42	0	26	9	11	19	4
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	47,197	28,591	286	120	317	68	6,974	3,650	1,308	1,357	1,084	2,815	627

¹Of the 51,293 cases, 4,096 were excluded due to one or both of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (1,733) or missing guideline applied (3,514). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

SENTENCES RELATIVE TO THE GUIDELINE RANGE FOR OUTSIDE OF THE RANGE ATTRIBUTION CATEGORIES¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

	TOTAL CASES	Pursuant to a Plea Agreement											
		No Information Available		§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	%	n	%
TOTAL	18,938	4,644	24.5	4,744	25.1	2,749	14.5	1,076	5.7	710	3.7	94	0.5
Above Range	812	303	37.3	2	0.2	0	0.0	103	12.7	39	4.8	1	0.1
Above Range Departure	292	95	32.5	0	0.0	0	0.0	50	17.1	25	8.6	0	0.0
Departure with <i>Booker</i> /18 U.S.C. § 3553	125	41	32.8	0	0.0	0	0.0	20	16.0	7	5.6	1	0.8
Above the Range with <i>Booker</i> /18 U.S.C. § 3553	324	108	33.3	1	0.3	0	0.0	23	7.1	7	2.2	0	0.0
All Remaining Cases Above the Guideline Range	71	59	83.1	1	1.4	0	0.0	10	14.1	0	0.0	0	0.0
Government Sponsored Below Range	12,112	1,671	13.8	4,742	39.2	2,749	22.7	973	8.0	671	5.5	93	0.8
§5K1.1 Substantial Assistance Departure	7,084	762	10.8	4,742	66.9	46	0.6	132	1.9	147	2.1	15	0.2
§5K3.1 Early Disposition Program Departure	3,670	700	19.1	0	0.0	2,703	73.7	230	6.3	158	4.3	18	0.5
Government-Sponsored Departure	1,358	209	15.4	0	0.0	0	0.0	611	45.0	366	27.0	60	4.4
Below Range	6,014	2,670	44.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Range Departure	1,378	511	37.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Departure with <i>Booker</i> /18 U.S.C. § 3553	1,094	464	42.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below the Range with <i>Booker</i> /18 U.S.C. § 3553	2,889	1,116	38.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below the Guideline Range	653	579	88.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 5 (cont.)

Pursuant to a Motion Not in a Plea Agreement

	§5K1.1		§5K3.1		Government		Defense Motion/ Gov't Did Not Object		Defense Motion/ Gov't Did Object		Other than a Plea/ Motion by Parties	
	Plea Agreement		Plea Agreement		Motion		Gov't Did Not Object		Gov't Did Object		Motion by Parties	
	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	1,628	8.6	84	0.4	420	2.2	1,093	5.8	1,271	6.7	2,371	12.5
Above Range	3	0.4	0	0.0	77	9.5	6	0.7	10	1.2	331	40.8
Above Range Departure	1	0.3	0	0.0	28	9.6	2	0.7	0	0.0	100	34.2
Departure with <i>Booker</i> /18 U.S.C. § 3553	0	0.0	0	0.0	21	16.8	2	1.6	3	2.4	72	57.6
Above the Range with <i>Booker</i> /18 U.S.C. § 3553	2	0.6	0	0.0	27	8.3	2	0.6	7	2.2	157	48.5
All Remaining Cases Above the Guideline Range	0	0.0	0	0.0	1	1.4	0	0.0	0	0.0	2	2.8
Government Sponsored Below Range	1,625	13.4	84	0.7	343	2.8	283	2.3	154	1.3	260	2.1
§5K1.1 Substantial Assistance Departure	1,625	22.9	2	0.0	193	2.7	106	1.5	84	1.2	124	1.8
§5K3.1 Early Disposition Program Departure	0	0.0	82	2.2	19	0.5	96	2.6	40	1.1	35	1.0
Government-Sponsored Departure	0	0.0	0	0.0	131	9.6	81	6.0	30	2.2	101	7.4
Below Range	0	0.0	0	0.0	0	0.0	804	13.4	1,107	18.4	1,780	29.6
Below Range Departure	0	0.0	0	0.0	0	0.0	273	19.8	280	20.3	330	23.9
Departure with <i>Booker</i> /18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	187	17.1	263	24.0	435	39.8
Below the Range with <i>Booker</i> /18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	309	10.7	543	18.8	992	34.3
All Remaining Cases Below the Guideline Range	0	0.0	0	0.0	0	0.0	35	5.4	21	3.2	23	3.5

¹Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SOR's with an attribution, 1,799 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.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	6,629	37.0	30.0	47.8
Murder	4	51.0	107.0	65.4
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	7	120.0	127.0	54.2
Sexual Abuse	5	27.0	33.0	55.0
Assault	5	32.7	27.0	55.6
Robbery	108	49.5	27.0	33.3
Arson	11	36.0	36.0	48.1
Drugs - Trafficking	4,284	50.0	40.0	44.8
Drugs - Communication Facility	57	8.0	24.0	74.9
Drugs - Simple Possession	2	--	--	--
Firearms	610	37.6	27.0	47.1
Burglary/B&E	0	--	--	--
Auto Theft	8	60.0	16.5	26.3
Larceny	67	4.4	10.0	60.0
Fraud	642	5.0	12.0	77.8
Embezzlement	13	0.0	12.0	100.0
Forgery/Counterfeiting	67	2.0	8.0	89.2
Bribery	31	0.0	12.0	99.7
Tax	54	0.0	10.0	100.0
Money Laundering	157	15.0	22.0	58.3
Racketeering/Extortion	74	39.0	29.1	39.8
Gambling/Lottery	9	0.0	10.0	100.0
Civil Rights	7	6.0	24.0	70.7
Immigration	220	12.0	9.0	41.1
Pornography/Prostitution	38	54.5	34.5	39.8
Prison Offenses	6	23.5	17.5	34.1
Administration of Justice Offenses	83	0.0	12.0	100.0
Environmental/Wildlife	7	0.0	18.0	100.0
National Defense	3	6.0	30.0	87.0
Antitrust	6	5.0	10.0	66.7
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	43	4.0	13.0	80.0

¹Of the 51,293 cases, 7,084 received a §5K1.1 substantial assistance departure. Of these, 6,739 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 79 cases were also excluded from this table. Furthermore, 11 cases were excluded due to several logical criteria. Of the remaining 6,649 cases, 20 were excluded due to one or both of the following reasons: missing primary offense category (1) or missing sentence information (20). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined 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 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	3,535	18.0	7.8	27.8
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	6	25.0	5.0	31.0
Robbery	0	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	920	13.0	11.0	40.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	29	9.0	3.5	20.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	5	0.5	9.5	95.4
Fraud	5	0.0	6.0	100.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	4.4	7.0	58.3
Bribery	1	--	--	--
Tax	0	--	--	--
Money Laundering	4	4.6	5.5	39.8
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	2,554	21.0	6.0	25.0
Pornography/Prostitution	3	28.0	22.0	48.7
Prison Offenses	3	9.5	4.0	22.2
Administration of Justice Offenses	0	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 51,293 cases, 3,670 received a §5K3.1 early disposition program departure. Of these, 3,543 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 zero cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 3,540 cases, five were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (5). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**OTHER GOVERNMENT SPONSORED DEPARTURE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,252	22.0	11.0	33.3
Murder	4	96.0	57.5	38.4
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	3	60.0	60.0	23.8
Sexual Abuse	13	46.0	15.0	31.3
Assault	26	12.0	12.0	60.1
Robbery	19	70.0	22.0	31.3
Arson	1	--	--	--
Drugs - Trafficking	440	60.0	21.0	30.7
Drugs - Communication Facility	6	32.5	13.5	32.8
Drugs - Simple Possession	5	1.0	4.0	90.0
Firearms	128	36.0	17.0	30.4
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	14	0.0	10.0	100.0
Fraud	87	5.0	10.0	66.7
Embezzlement	5	14.0	10.0	46.7
Forgery/Counterfeiting	16	2.0	10.0	83.3
Bribery	3	0.0	12.0	100.0
Tax	12	0.0	9.0	100.0
Money Laundering	31	16.0	12.0	30.0
Racketeering/Extortion	20	49.0	24.0	40.6
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	320	12.0	4.0	25.0
Pornography/Prostitution	28	60.0	17.0	20.3
Prison Offenses	5	12.0	6.0	49.9
Administration of Justice Offenses	39	5.0	12.0	66.7
Environmental/Wildlife	3	0.0	8.0	100.0
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	18	0.0	12.0	100.0

¹Of the 51,293 cases, 1,358 received an other government sponsored downward departure. Of these, 1,260 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 four cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 1,253 cases, one were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (1). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DEPARTURES BELOW THE GUIDELINE RANGE: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,266	24.0	10.0	29.9
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	6	42.0	8.0	13.6
Assault	10	25.5	6.3	30.9
Robbery	34	36.0	9.5	20.9
Arson	0	--	--	--
Drugs - Trafficking	414	49.5	16.0	26.9
Drugs - Communication Facility	5	28.0	6.0	33.2
Drugs - Simple Possession	0	--	--	--
Firearms	160	30.0	11.0	26.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	28	0.0	8.0	100.0
Fraud	125	1.0	10.0	91.7
Embezzlement	10	0.0	8.5	99.6
Forgery/Counterfeiting	23	7.0	6.0	30.0
Bribery	2	--	--	--
Tax	19	0.0	10.0	100.0
Money Laundering	19	24.0	12.0	37.3
Racketeering/Extortion	7	41.0	18.0	25.0
Gambling/Lottery	0	--	--	--
Civil Rights	2	--	--	--
Immigration	312	24.0	6.5	21.1
Pornography/Prostitution	34	22.0	21.0	39.5
Prison Offenses	5	12.0	4.0	33.2
Administration of Justice Offenses	27	4.0	10.0	77.8
Environmental/Wildlife	4	0.0	6.0	100.0
National Defense	2	--	--	--
Antitrust	1	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	15	0.0	10.0	100.0

¹Of the 51,293 cases, 1,378 received a below the guideline range departure. Of these, 1,276 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. Furthermore, four cases were excluded due to several logical criteria. Of the remaining 1,269 cases, three were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (3). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DEPARTURES BELOW THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553:
DEGREE OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	1,009	24.0	13.0	40.6
Murder	0	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	48.0	12.0	20.0
Assault	16	3.5	16.5	83.7
Robbery	36	54.5	15.0	22.4
Arson	0	--	--	--
Drugs - Trafficking	373	52.0	22.0	31.4
Drugs - Communication Facility	6	0.0	37.0	100.0
Drugs - Simple Possession	0	--	--	--
Firearms	130	24.0	12.0	35.8
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	23	0.0	10.0	100.0
Fraud	127	6.0	10.0	60.9
Embezzlement	15	0.0	10.0	99.6
Forgery/Counterfeiting	18	0.1	8.5	99.2
Bribery	1	--	--	--
Tax	24	0.0	9.5	100.0
Money Laundering	30	14.0	11.3	49.9
Racketeering/Extortion	11	12.0	14.0	66.7
Gambling/Lottery	1	--	--	--
Civil Rights	1	--	--	--
Immigration	111	23.0	12.0	34.8
Pornography/Prostitution	29	36.0	21.0	47.8
Prison Offenses	5	12.0	3.0	19.8
Administration of Justice Offenses	22	0.0	10.0	100.0
Environmental/Wildlife	3	0.0	21.0	100.0
National Defense	2	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	15	0.0	12.0	100.0

¹Of the 51,293 cases, 1,094 received a below the guideline range departure with *Booker* / 18 U.S.C § 3553. Of these, 1,017 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 one cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 1,013 cases, four were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (4). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**BELOW THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553: DEGREE
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	2,666	24.0	12.0	33.6
Murder	1	--	--	--
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	2	--	--	--
Sexual Abuse	13	30.0	15.0	33.3
Assault	31	12.0	10.0	42.9
Robbery	45	55.0	12.0	19.6
Arson	0	--	--	--
Drugs - Trafficking	945	65.0	21.0	25.0
Drugs - Communication Facility	14	24.0	22.5	38.5
Drugs - Simple Possession	8	3.9	6.1	66.8
Firearms	367	24.0	12.0	29.4
Burglary/B&E	1	--	--	--
Auto Theft	1	--	--	--
Larceny	47	0.0	9.0	100.0
Fraud	323	3.0	10.0	75.0
Embezzlement	29	3.0	8.0	75.0
Forgery/Counterfeiting	64	0.9	9.0	90.5
Bribery	11	2.5	8.0	75.1
Tax	47	2.0	9.0	80.0
Money Laundering	54	25.1	13.0	36.0
Racketeering/Extortion	26	39.0	13.5	30.4
Gambling/Lottery	4	0.0	6.0	100.0
Civil Rights	3	0.0	12.0	100.0
Immigration	407	24.0	10.0	33.2
Pornography/Prostitution	100	37.5	24.0	33.3
Prison Offenses	12	8.6	5.5	33.3
Administration of Justice Offenses	40	6.0	10.0	60.0
Environmental/Wildlife	7	0.0	6.0	100.0
National Defense	2	--	--	--
Antitrust	1	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	58	0.0	10.0	100.0

¹Of the 51,293 cases, 2,889 were sentenced below the guideline range with *Booker* / 18 U.S.C § 3553. Of these, 2,703 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 28 cases were also excluded from this table. Furthermore, four cases were excluded due to several logical criteria. Of the remaining 2,671 cases, five were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (5). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING BELOW THE GUIDELINE RANGE CASES: DEGREE OF
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
TOTAL	521	18.0	8.0	39.0
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	3	324.0	84.0	20.6
Sexual Abuse	3	36.0	10.0	21.7
Assault	8	0.0	4.0	100.0
Robbery	10	52.5	12.5	26.1
Arson	0	--	--	--
Drugs - Trafficking	181	60.0	18.0	23.1
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	59	58.0	10.0	20.9
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	14	0.0	6.0	100.0
Fraud	80	0.0	6.0	100.0
Embezzlement	9	0.0	6.0	100.0
Forgery/Counterfeiting	12	0.0	5.0	100.0
Bribery	4	4.0	6.5	60.0
Tax	10	3.0	10.0	75.0
Money Laundering	12	2.5	6.0	86.1
Racketeering/Extortion	6	100.5	17.0	15.3
Gambling/Lottery	2	--	--	--
Civil Rights	0	--	--	--
Immigration	77	12.0	6.0	33.3
Pornography/Prostitution	6	61.0	25.5	44.1
Prison Offenses	1	--	--	--
Administration of Justice Offenses	7	6.0	6.0	71.3
Environmental/Wildlife	4	0.0	6.0	100.0
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	8	4.5	5.0	59.1

¹Of the 51,293 cases, 653 were otherwise sentenced below the guideline range. Of these, 532 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 five cases were also excluded from this table. Furthermore, three cases were excluded due to several logical criteria. Of the remaining 524 cases, three were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (3). Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DEPARTURES ABOVE THE GUIDELINE RANGE: DEGREE OF INCREASE
FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	269	60.0	12.0	33.3
Murder	5	300.0	125.0	77.8
Manslaughter	3	114.0	18.0	53.8
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	61.5	14.5	25.7
Assault	13	70.0	23.0	24.4
Robbery	11	180.0	52.0	27.7
Arson	1	--	--	--
Drugs - Trafficking	18	74.5	24.5	43.1
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	4	15.0	9.0	150.0
Firearms	57	70.0	15.0	28.6
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	3	41.0	16.0	34.6
Fraud	24	48.0	15.5	50.0
Embezzlement	0	--	--	--
Forgery/Counterfeiting	8	44.5	11.5	41.8
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	7	120.0	57.0	90.5
Racketeering/Extortion	2	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	77	21.0	6.0	28.6
Pornography/Prostitution	15	100.0	20.0	24.2
Prison Offenses	1	--	--	--
Administration of Justice Offenses	11	36.0	12.0	20.7
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 51,293 cases, 292 received an above the guideline range departure. Of these, 273 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional zero cases were also excluded from this table. Furthermore, zero cases were excluded due to several logical criteria. Of the remaining 273 cases, four were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (4). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**DEPARTURES ABOVE THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553:
DEGREE OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	113	60.0	14.0	36.4
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	180.0	59.0	48.8
Assault	5	41.0	18.0	50.0
Robbery	3	92.0	18.0	23.1
Arson	1	--	--	--
Drugs - Trafficking	9	32.0	9.0	42.9
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	1	--	--	--
Firearms	24	84.0	16.0	33.3
Burglary/B&E	2	--	--	--
Auto Theft	0	--	--	--
Larceny	2	--	--	--
Fraud	21	31.0	12.0	53.2
Embezzlement	1	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	16	64.0	10.0	27.4
Pornography/Prostitution	8	120.0	39.5	63.8
Prison Offenses	0	--	--	--
Administration of Justice Offenses	5	36.0	6.0	100.0
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	2	--	--	--

¹Of the 51,293 cases, 125 received an above the guideline range departure with *Booker* / 18 U.S.C § 3553. Of these, 115 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, zero cases were excluded due to several logical criteria. Of the remaining 113 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553: DEGREE
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	293	60.0	15.0	46.3
Murder	3	240.0	37.0	24.5
Manslaughter	2	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	5	169.0	36.0	48.8
Assault	5	60.0	30.0	75.6
Robbery	5	150.0	35.0	23.6
Arson	1	--	--	--
Drugs - Trafficking	29	120.0	16.0	29.7
Drugs - Communication Facility	1	--	--	--
Drugs - Simple Possession	2	--	--	--
Firearms	68	72.0	16.0	26.0
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	10	27.0	16.5	100.3
Fraud	47	48.0	12.0	41.2
Embezzlement	1	--	--	--
Forgery/Counterfeiting	6	33.0	18.5	118.8
Bribery	0	--	--	--
Tax	1	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	3	120.0	13.0	14.3
Gambling/Lottery	0	--	--	--
Civil Rights	1	--	--	--
Immigration	66	18.0	7.0	62.5
Pornography/Prostitution	15	216.0	60.0	54.0
Prison Offenses	3	45.0	9.0	21.2
Administration of Justice Offenses	7	27.0	9.0	50.0
Environmental/Wildlife	0	--	--	--
National Defense	1	--	--	--
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	4	36.0	21.0	150.0

¹Of the 51,293 cases, 324 were sentenced above the guideline range with *Booker* / 18 U.S.C § 3553. Of these, 300 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, five cases were excluded due to several logical criteria. Of the remaining 293 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE THE GUIDELINE RANGE CASES: DEGREE OF
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	n	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
TOTAL	48	41.5	12.0	39.1
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	3	240.0	27.0	37.3
Arson	0	--	--	--
Drugs - Trafficking	6	60.0	14.0	30.4
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	5	102.0	30.0	25.0
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	3	18.0	6.0	50.0
Fraud	8	41.5	9.0	25.8
Embezzlement	0	--	--	--
Forgery/Counterfeiting	1	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	1	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	16	17.5	7.0	85.7
Pornography/Prostitution	1	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

¹Of the 51,293 cases, 71 were otherwise sentenced above the guideline range. Of these, 66 had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, an additional zero cases were also excluded from this table. Furthermore, 18 cases were excluded due to several logical criteria. Of the remaining 48 cases, zero were excluded due to one or both of the following reasons: missing primary offense category (0) or missing sentence information (0). Note that the information presented in this table does not include any time of alternative confinement as defined 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 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence ²		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	50,750	45,293	89.2	43,807	86.3	1,486	2.9	5,457	10.8	1,921	3.8	3,536	7.0
Murder	62	61	98.4	61	98.4	0	0.0	1	1.6	1	1.6	0	0.0
Manslaughter	42	41	97.6	40	95.2	1	2.4	1	2.4	0	0.0	1	2.4
Kidnapping/Hostage Taking	38	38	100.0	37	97.4	1	2.6	0	0.0	0	0.0	0	0.0
Sexual Abuse	193	189	97.9	187	96.9	2	1.0	4	2.1	0	0.0	4	2.1
Assault	422	360	85.3	342	81.0	18	4.3	62	14.7	20	4.7	42	10.0
Robbery	834	811	97.2	797	95.6	14	1.7	23	2.8	11	1.3	12	1.4
Arson	40	38	95.0	38	95.0	0	0.0	2	5.0	2	5.0	0	0.0
Drugs - Trafficking	18,008	17,490	97.1	17,148	95.2	342	1.9	518	2.9	225	1.2	293	1.6
Drugs - Communication Facility	296	259	87.5	252	85.1	7	2.4	37	12.5	13	4.4	24	8.1
Drugs - Simple Possession	442	218	49.3	213	48.2	5	1.1	224	50.7	10	2.3	214	48.4
Firearms	5,880	5,559	94.5	5,420	92.2	139	2.4	321	5.5	154	2.6	167	2.8
Burglary/B&E	34	27	79.4	25	73.5	2	5.9	7	20.6	2	5.9	5	14.7
Auto Theft	45	37	82.2	37	82.2	0	0.0	8	17.8	5	11.1	3	6.7
Larceny	1,093	518	47.4	448	41.0	70	6.4	575	52.6	170	15.6	405	37.1
Fraud	4,737	3,349	70.7	2,971	62.7	378	8.0	1,388	29.3	557	11.8	831	17.5
Embezzlement	412	222	53.9	172	41.7	50	12.1	190	46.1	49	11.9	141	34.2
Forgery/Counterfeiting	836	565	67.6	524	62.7	41	4.9	271	32.4	93	11.1	178	21.3
Bribery	120	73	60.8	60	50.0	13	10.8	47	39.2	24	20.0	23	19.2
Tax	420	248	59.0	190	45.2	58	13.8	172	41.0	66	15.7	106	25.2
Money Laundering	659	528	80.1	499	75.7	29	4.4	131	19.9	58	8.8	73	11.1
Racketeering/Extortion	422	394	93.4	384	91.0	10	2.4	28	6.6	13	3.1	15	3.6
Gambling/Lottery	76	25	32.9	18	23.7	7	9.2	51	67.1	27	35.5	24	31.6
Civil Rights	50	28	56.0	28	56.0	0	0.0	22	44.0	10	20.0	12	24.0
Immigration	12,477	12,114	97.1	11,936	95.7	178	1.4	363	2.9	145	1.2	218	1.7
Pornography/Prostitution	905	881	97.3	860	95.0	21	2.3	24	2.7	11	1.2	13	1.4
Prison Offenses	246	236	95.9	224	91.1	12	4.9	10	4.1	6	2.4	4	1.6
Administration of Justice Offenses	747	504	67.5	464	62.1	40	5.4	243	32.5	86	11.5	157	21.0
Environmental/Wildlife	112	29	25.9	28	25.0	1	0.9	83	74.1	27	24.1	56	50.0
National Defense	23	21	91.3	18	78.3	3	13.0	2	8.7	1	4.3	1	4.3
Antitrust	10	6	60.0	2	20.0	4	40.0	4	40.0	3	30.0	1	10.0
Food & Drug	36	10	27.8	8	22.2	2	5.6	26	72.2	4	11.1	22	61.1
Other Miscellaneous Offenses	1,033	414	40.1	376	36.4	38	3.7	619	59.9	128	12.4	491	47.5

¹Of the 51,293 cases, 543 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (326), missing primary offense category (70), or missing sentencing information (212). Descriptions of variables used in this table are provided in Appendix A.

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

Table 18

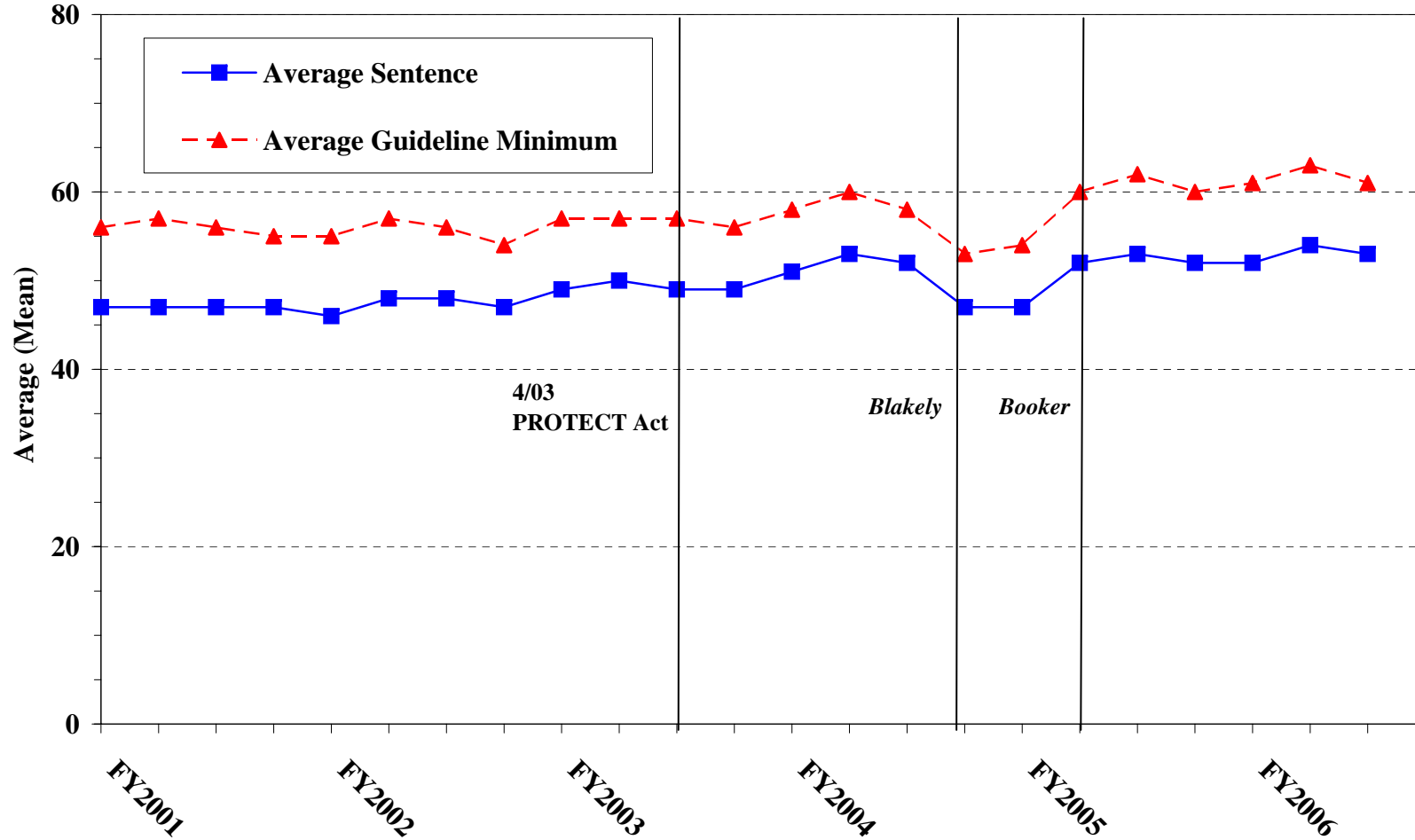
AVERAGE SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	Mean Months	Median Months	Number
TOTAL	52.4	30.0	51,055
Murder	261.9	240.0	61
Manslaughter	48.1	36.5	42
Kidnapping/Hostage Taking	240.4	229.5	38
Sexual Abuse	102.3	60.0	192
Assault	34.7	24.0	424
Robbery	87.8	67.0	834
Arson	68.5	60.0	41
Drugs - Trafficking	81.1	60.0	18,003
Drugs - Communication Facility	42.8	48.0	297
Drugs - Simple Possession	7.3	0.0	467
Firearms	80.6	48.0	5,884
Burglary/B&E	18.3	15.0	34
Auto Theft	64.5	30.0	44
Larceny	9.3	4.0	1,168
Fraud	19.3	10.0	4,766
Embezzlement	9.5	6.0	418
Forgery/Counterfeiting	15.6	8.0	836
Bribery	13.4	7.0	120
Tax	14.8	10.0	423
Money Laundering	35.8	24.0	660
Racketeering/Extortion	90.8	60.0	423
Gambling/Lottery	5.6	6.0	76
Civil Rights	31.0	8.0	50
Immigration	22.3	17.0	12,480
Pornography/Prostitution	93.1	60.0	905
Prison Offenses	18.2	12.0	246
Administration of Justice Offenses	18.6	10.0	758
Environmental/Wildlife	4.5	0.0	115
National Defense	35.7	28.0	23
Antitrust	8.3	10.0	10
Food & Drug	8.6	0.0	37
Other Miscellaneous Offenses	7.9	0.0	1,180

¹Of the 51,293 cases, 238 were excluded due to one or both of the following reasons: missing primary offense (70) or missing or indeterminable sentencing information (234). 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 defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

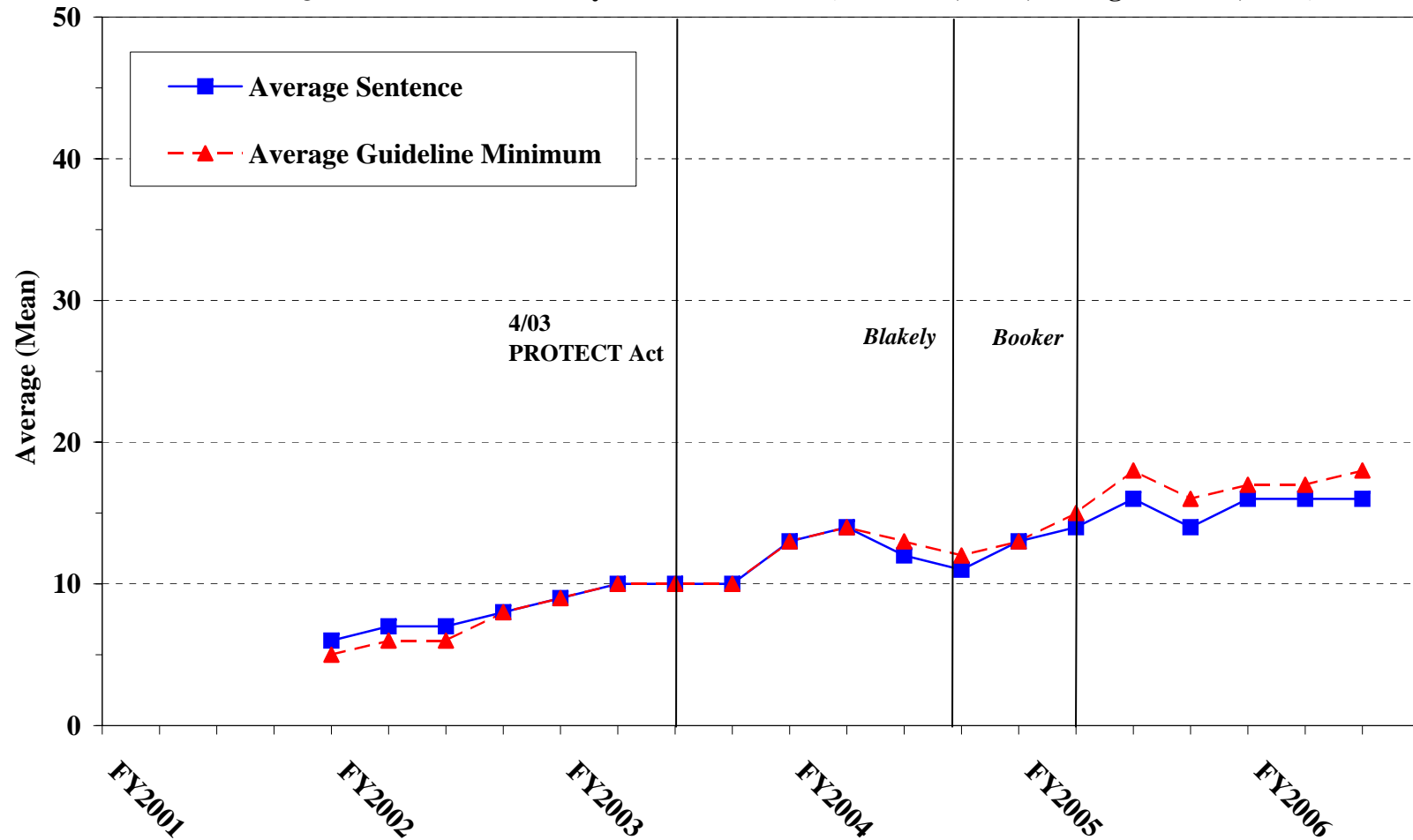
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
 QUARTERLY DATA FOR ALL CASES¹
 Fiscal Years 2001 - 2006,
 3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**



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

Figure D

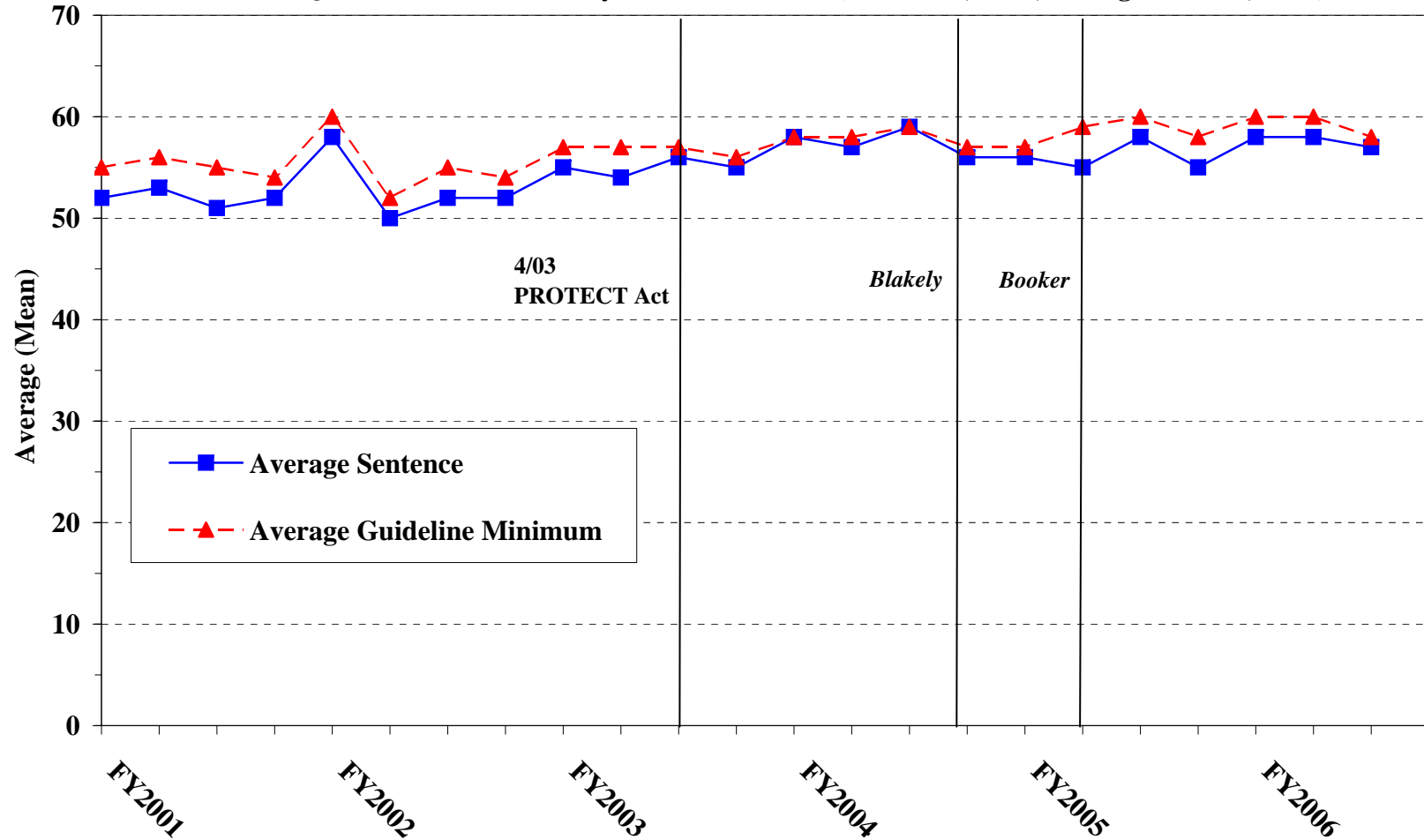
AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
QUARTERLY DATA FOR §2B1.1 OFFENDERS¹
Fiscal Years 2002 - 2006,
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)



¹Figure includes only cases with a primary sentencing guideline of USSG §2B1.1. 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure E

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
 QUARTERLY DATA FOR §2K2.1 OFFENDERS¹
 Fiscal Years 2001 - 2006,
 3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

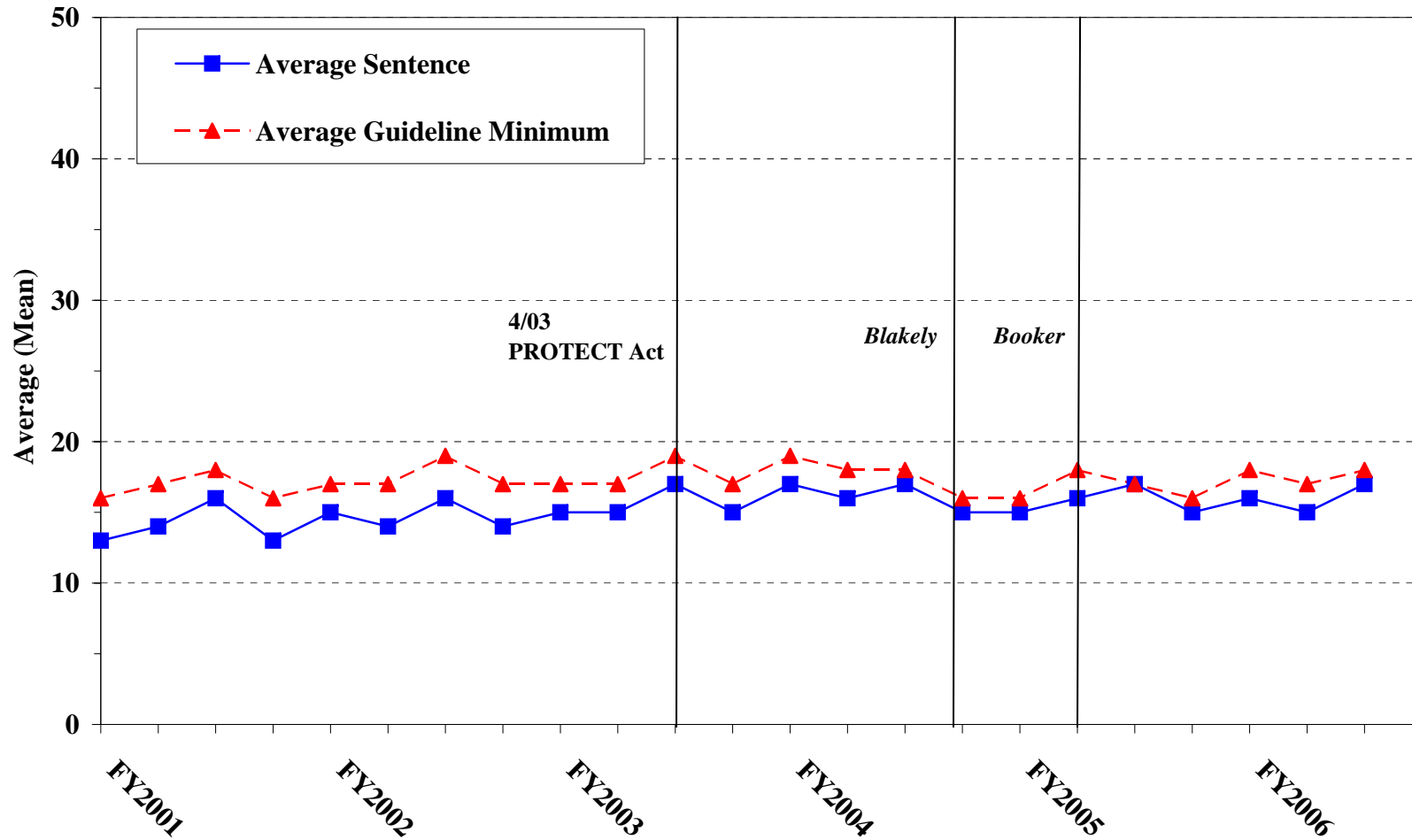


¹Figure includes only cases with a primary sentencing guideline of USSG §2K2.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2001 - 2005 Datafiles, USSCFY01 - USSCFY05, and Preliminary Data from USSCFY06 (October 1, 2005, through June 30, 2006).

Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
 QUARTERLY DATA FOR §2L1.1 OFFENDERS¹
 Fiscal Years 2001 - 2006,
 3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**

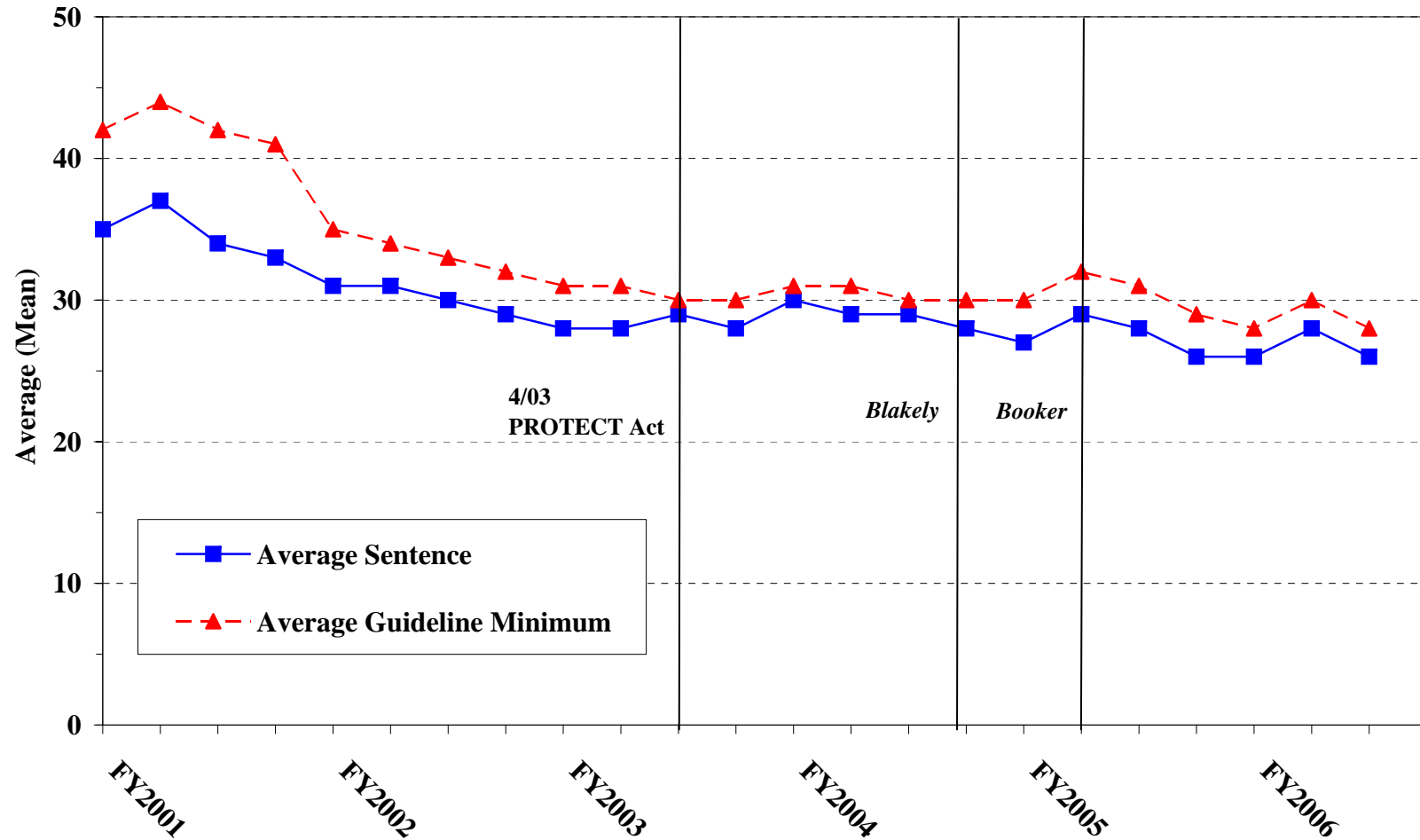


¹Figure includes only cases with a primary sentencing guideline of USSG §2L1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including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

SOURCE: U.S. Sentencing Commission, 2001 - 2005 Datafiles, USSCFY01 - USSCFY05, and Preliminary Data from USSCFY06 (October 1, 2005, through June 30, 2006).

Figure G

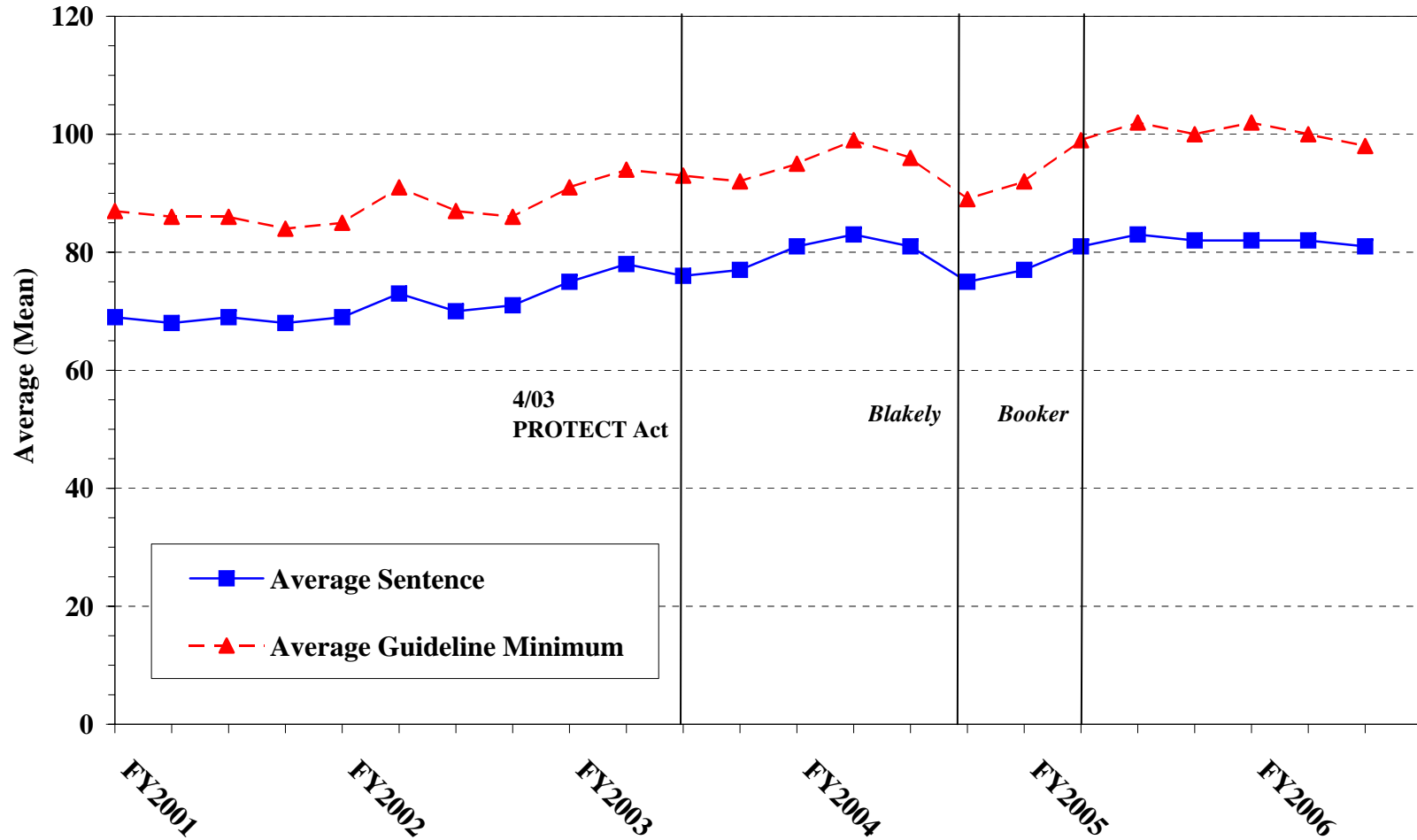
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
 QUARTERLY DATA FOR §2L1.2 OFFENDERS¹
 Fiscal Years 2001 - 2006,
 3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**



¹Figure includes only cases with a primary sentencing guideline of USSG §2L1.1. 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 defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure H

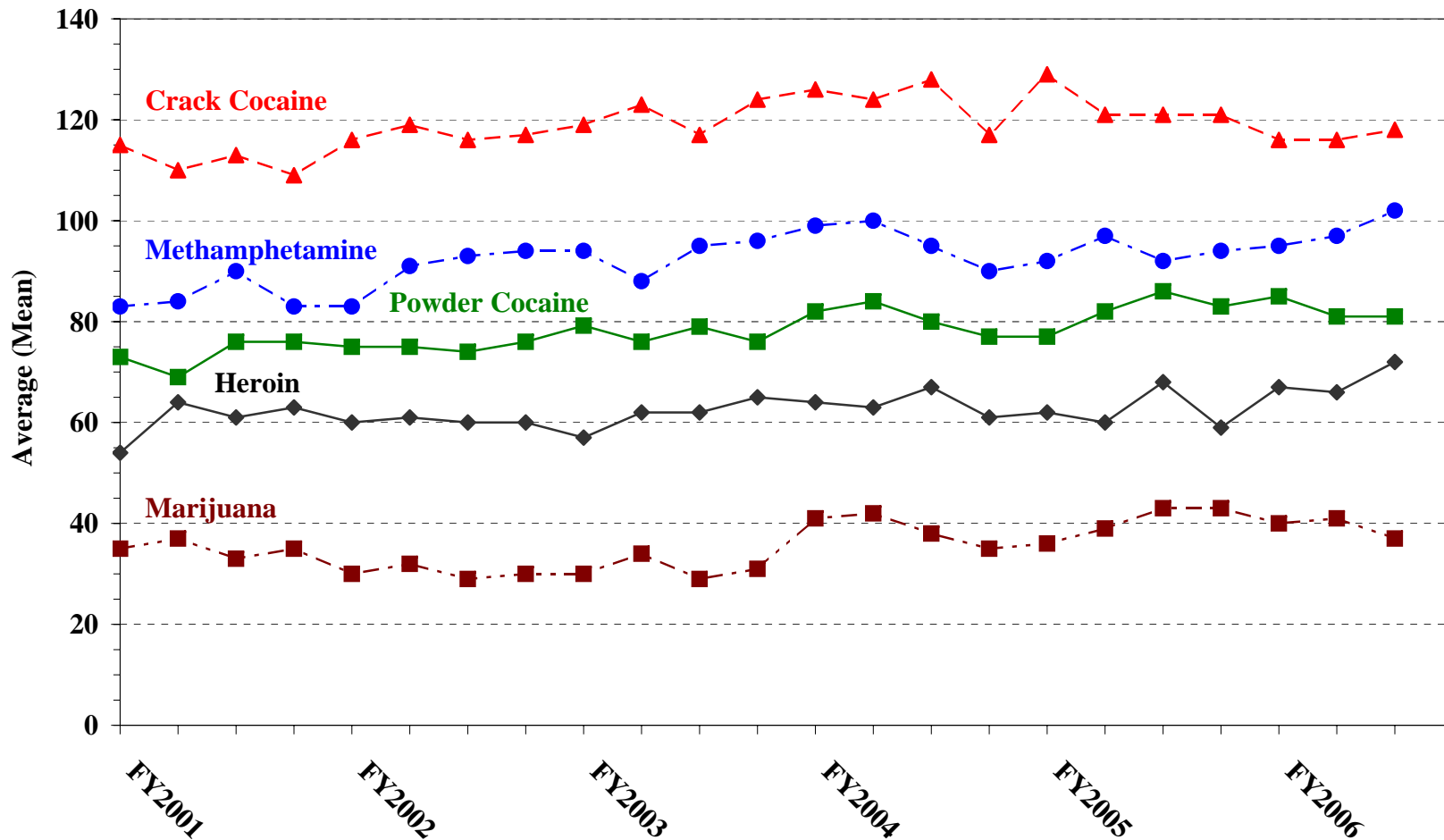
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM
 QUARTERLY DATA FOR §2D1.1 OFFENDERS¹
 Fiscal Years 2001 - 2006,
 3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)**



¹Figure includes only cases with a primary sentencing guideline of USSG §2D1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months respectively. In addition, the information presented in this table includes time of confinement as defined in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this table are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE¹
Fiscal Years 2001 - 2006,
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)



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

SOURCE: U.S. Sentencing Commission, 2001 - 2005 Datafiles, USSCFY01 - USSCFY05, and Preliminary Data from USSCFY06 (October 1, 2005, through June 30, 2006).

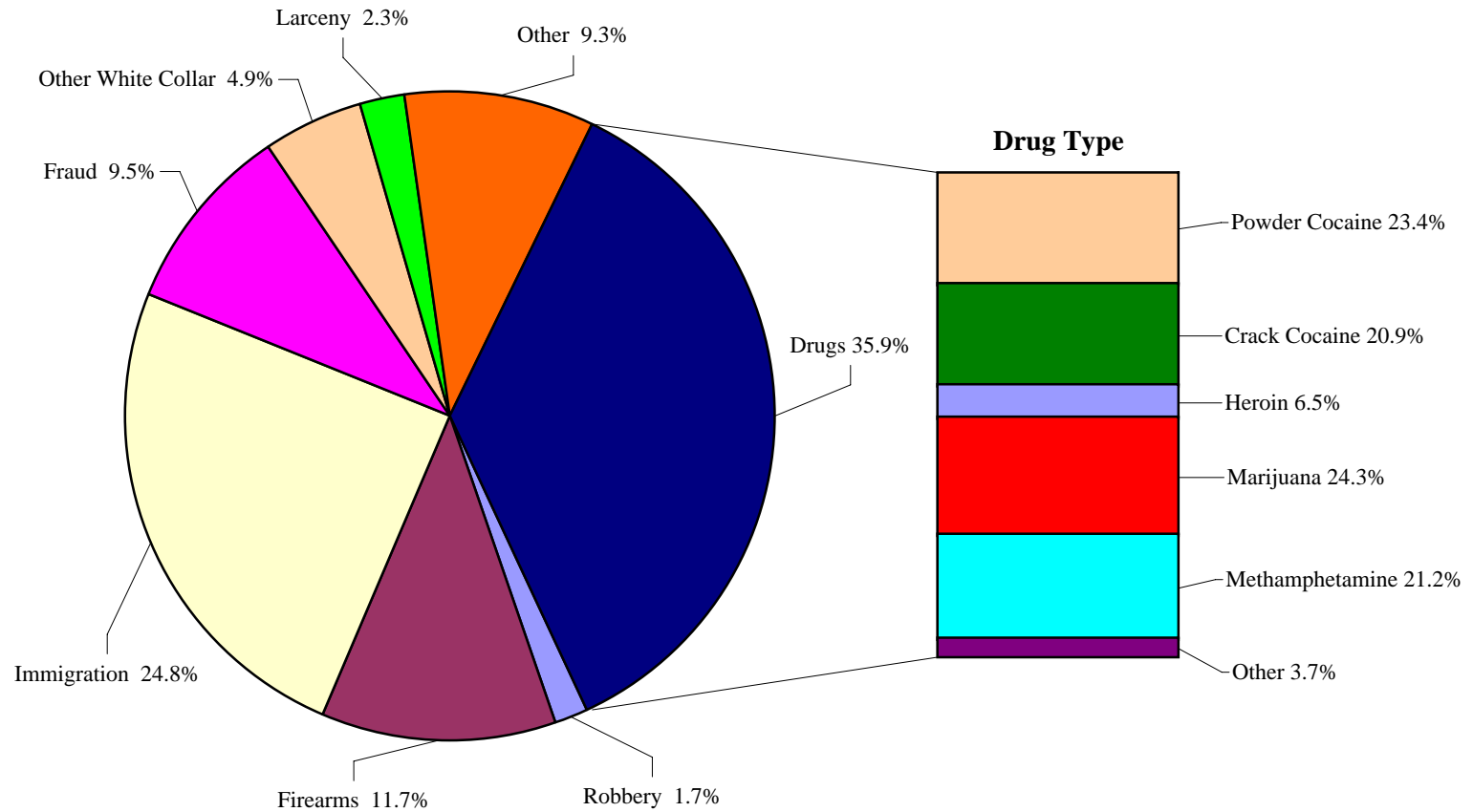
**WITHIN-RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS
IN EACH PRIMARY OFFENSE CATEGORY¹**
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		n	%	n	%	n	%	n	%	n	%
TOTAL	24,401	14,220	58.3	3,835	15.7	1,996	8.2	1,739	7.1	2,611	10.7
Murder	18	3	16.7	4	22.2	0	0.0	1	5.6	10	55.6
Manslaughter	23	7	30.4	1	4.3	1	4.3	2	8.7	12	52.2
Kidnapping/Hostage Taking	11	6	54.5	3	27.3	0	0.0	1	9.1	1	9.1
Sexual Abuse	111	48	43.2	7	6.3	10	9.0	11	9.9	35	31.5
Assault	211	86	40.8	33	15.6	19	9.0	15	7.1	58	27.5
Robbery	459	232	50.5	75	16.3	43	9.4	56	12.2	53	11.5
Arson	15	6	40.0	0	0.0	1	6.7	4	26.7	4	26.7
Drugs - Trafficking	7,862	5,596	71.2	1,002	12.7	482	6.1	314	4.0	468	6.0
Drugs - Communication Facility	63	31	49.2	9	14.3	6	9.5	5	7.9	12	19.0
Drugs - Simple Possession	218	142	65.1	35	16.1	11	5.0	12	5.5	18	8.3
Firearms	3,369	1,889	56.1	442	13.1	315	9.3	230	6.8	493	14.6
Burglary/B&E	24	9	37.5	2	8.3	6	25.0	1	4.2	6	25.0
Auto Theft	26	10	38.5	1	3.8	4	15.4	1	3.8	10	38.5
Larceny	651	448	68.8	61	9.4	44	6.8	34	5.2	64	9.8
Fraud	2,337	1,317	56.4	355	15.2	214	9.2	152	6.5	299	12.8
Embezzlement	262	177	67.6	39	14.9	12	4.6	10	3.8	24	9.2
Forgery/Counterfeiting	531	296	55.7	72	13.6	42	7.9	42	7.9	79	14.9
Bribery	52	36	69.2	8	15.4	2	3.8	1	1.9	5	9.6
Tax	197	128	65.0	24	12.2	13	6.6	3	1.5	29	14.7
Money Laundering	254	156	61.4	41	16.1	14	5.5	7	2.8	36	14.2
Racketeering/Extortion	141	78	55.3	25	17.7	8	5.7	8	5.7	22	15.6
Gambling/Lottery	47	35	74.5	8	17.0	4	8.5	0	0.0	0	0.0
Civil Rights	23	13	56.5	2	8.7	4	17.4	2	8.7	2	8.7
Immigration	6,099	2,609	42.8	1,427	23.4	649	10.6	721	11.8	693	11.4
Pornography/Prostitution	444	272	61.3	48	10.8	25	5.6	40	9.0	59	13.3
Prison Offenses	168	76	45.2	26	15.5	20	11.9	13	7.7	33	19.6
Administration of Justice Offenses	375	229	61.1	35	9.3	30	8.0	32	8.5	49	13.1
Environmental/Wildlife	48	39	81.3	9	18.8	0	0.0	0	0.0	0	0.0
National Defense	8	5	62.5	0	0.0	0	0.0	1	12.5	2	25.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	25	20	80.0	1	4.0	2	8.0	1	4.0	1	4.0
Other Miscellaneous Offenses	329	221	67.2	40	12.2	15	4.6	19	5.8	34	10.3

¹Of the 51,293 cases, 30,622 were sentenced within the applicable guideline range. Of those, 27,173 had complete guideline application information. An additional 1,716 cases were excluded due to several logical criteria. Of the remaining 25,457 cases, 1,056 were excluded due to one or both of the following reasons: missing primary offense category (1) or missing point in range information (1,056). Descriptions of variables used in this table are provided in Appendix A.

Figure J

DISTRIBUTION OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)



¹Of the 51,293 guideline cases, 70 were excluded due to missing primary offense category. An additional 657 of the 18,825 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: Trafficking, Use of a Communication Facility, and Simple Possession. The Non- Fraud White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering, and Tax. Descriptions of variables used in this figure are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

Table 20

GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	Number	Percent
TOTAL	51,223	100.0
Murder	62	0.1
Manslaughter	42	0.1
Kidnapping/Hostage Taking	38	0.1
Sexual Abuse	194	0.4
Assault	427	0.8
Robbery	837	1.6
Arson	41	0.1
Drugs - Trafficking	18,044	35.2
Drugs - Communication Facility	297	0.6
Drugs - Simple Possession	484	0.9
Firearms	5,899	11.5
Burglary/B&E	34	0.1
Auto Theft	45	0.1
Larceny	1,176	2.3
Fraud	4,781	9.3
Embezzlement	418	0.8
Forgery/Counterfeiting	840	1.6
Bribery	120	0.2
Tax	423	0.8
Money Laundering	663	1.3
Racketeering/Extortion	424	0.8
Gambling/Lottery	79	0.2
Civil Rights	50	0.1
Immigration	12,521	24.4
Pornography/Prostitution	906	1.8
Prison Offenses	247	0.5
Administration of Justice Offenses	761	1.5
Environmental/Wildlife	115	0.2
National Defense	24	0.0
Antitrust	10	0.0
Food & Drug	37	0.1
Other Miscellaneous Offenses	1,184	2.3

¹Of the 51,293 cases, 70 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 21

GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	51,211	48,962	95.6	2,249	4.4
Murder	62	40	64.5	22	35.5
Manslaughter	42	38	90.5	4	9.5
Kidnapping/Hostage Taking	38	25	65.8	13	34.2
Sexual Abuse	194	171	88.1	23	11.9
Assault	425	383	90.1	42	9.9
Robbery	837	797	95.2	40	4.8
Arson	41	37	90.2	4	9.8
Drugs - Trafficking	18,044	17,228	95.5	816	4.5
Drugs - Communication Facility	297	296	99.7	1	0.3
Drugs - Simple Possession	483	462	95.7	21	4.3
Firearms	5,898	5,431	92.1	467	7.9
Burglary/B&E	34	33	97.1	1	2.9
Auto Theft	45	41	91.1	4	8.9
Larceny	1,176	1,142	97.1	34	2.9
Fraud	4,780	4,515	94.5	265	5.5
Embezzlement	418	406	97.1	12	2.9
Forgery/Counterfeiting	840	825	98.2	15	1.8
Bribery	120	116	96.7	4	3.3
Tax	423	378	89.4	45	10.6
Money Laundering	663	606	91.4	57	8.6
Racketeering/Extortion	424	386	91.0	38	9.0
Gambling/Lottery	79	79	100.0	0	0.0
Civil Rights	50	43	86.0	7	14.0
Immigration	12,515	12,347	98.7	168	1.3
Pornography/Prostitution	906	867	95.7	39	4.3
Prison Offenses	247	241	97.6	6	2.4
Administration of Justice Offenses	761	727	95.5	34	4.5
Environmental/Wildlife	115	110	95.7	5	4.3
National Defense	24	20	83.3	4	16.7
Antitrust	10	10	100.0	0	0.0
Food & Drug	37	34	91.9	3	8.1
Other Miscellaneous Offenses	1,183	1,128	95.4	55	4.6

¹Of the 51,293 cases, 82 were excluded due to one or both of the following reasons: missing primary offense category (70) or missing information on mode of conviction (76). Descriptions of variables used in this table are provided in Appendix A.

Table 22

AGE, RACE, AND GENDER OF OFFENDERS¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

Gender and Age	White		Black		Hispanic		Other	
	n	%	n	%	n	%	n	%
Males	11,599	100.0	10,003	100.0	18,697	100.0	1,579	100.0
Under 21	298	2.6	326	3.3	893	4.8	88	5.6
21 - 25	1,372	11.8	1,952	19.5	3,320	17.8	284	18.0
26 - 30	1,703	14.7	2,536	25.4	4,230	22.6	292	18.5
31 - 35	1,612	13.9	1,970	19.7	3,753	20.1	247	15.6
36 - 40	1,600	13.8	1,271	12.7	2,732	14.6	225	14.2
41 - 50	2,898	25.0	1,362	13.6	2,845	15.2	300	19.0
Over 50	2,116	18.2	586	5.9	924	4.9	143	9.1
Females	2,448	100.0	1,555	100.0	1,960	100.0	365	100.0
Under 21	77	3.1	47	3.0	126	6.4	15	4.1
21 - 25	358	14.6	264	17.0	364	18.6	51	14.0
26 - 30	378	15.4	311	20.0	401	20.5	61	16.7
31 - 35	365	14.9	258	16.6	323	16.5	61	16.7
36 - 40	349	14.3	240	15.4	306	15.6	50	13.7
41 - 50	592	24.2	317	20.4	320	16.3	83	22.7
Over 50	329	13.4	118	7.6	120	6.1	44	12.1

¹Of the 51,293 cases, 3,087 were excluded due to one or more of the following reasons: missing race (2,556), missing gender (912), or missing age (1,311). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

Table 23

DOCUMENT SUBMISSION RATE OF EACH CIRCUIT AND DISTRICT¹
3rd Quarter 2006 Preliminary Cumulative Data (October 1, 2005, through June 30, 2006)

CIRCUIT District	Number of Cases	Judgment and Commitment Order				Presentence Report						Statement of Reasons			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
TOTAL	51,293	51,085	99.6	208	0.4	48,463	94.5	802	1.6	2,028	4.0	49,113	95.7	2,180	4.3
D.C. CIRCUIT	346	346	100.0	0	0.0	343	99.1	0	0.0	3	0.9	346	100.0	0	0.0
District of Columbia	346	346	100.0	0	0.0	343	99.1	0	0.0	3	0.9	346	100.0	0	0.0
FIRST CIRCUIT	1,186	1,185	99.9	1	0.1	1,134	95.6	9	0.8	43	3.6	1,162	98.0	24	2.0
Maine	154	153	99.4	1	0.6	147	95.5	3	1.9	4	2.6	151	98.1	3	1.9
Massachusetts	370	370	100.0	0	0.0	354	95.7	3	0.8	13	3.5	364	98.4	6	1.6
New Hampshire	157	157	100.0	0	0.0	157	100.0	0	0.0	0	0.0	157	100.0	0	0.0
Puerto Rico	419	419	100.0	0	0.0	390	93.1	3	0.7	26	6.2	412	98.3	7	1.7
Rhode Island	86	86	100.0	0	0.0	86	100.0	0	0.0	0	0.0	78	90.7	8	9.3
SECOND CIRCUIT	3,152	3,149	99.9	3	0.1	3,108	98.6	11	0.3	33	1.0	3,096	98.2	56	1.8
Connecticut	258	257	99.6	1	0.4	255	98.8	3	1.2	0	0.0	257	99.6	1	0.4
New York															
Eastern	828	828	100.0	0	0.0	826	99.8	0	0.0	2	0.2	827	99.9	1	0.1
Northern	253	253	100.0	0	0.0	235	92.9	1	0.4	17	6.7	243	96.0	10	4.0
Southern	1,280	1,279	99.9	1	0.1	1,270	99.2	6	0.5	4	0.3	1,241	97.0	39	3.0
Western	370	369	99.7	1	0.3	360	97.3	1	0.3	9	2.4	365	98.6	5	1.4
Vermont	163	163	100.0	0	0.0	162	99.4	0	0.0	1	0.6	163	100.0	0	0.0
THIRD CIRCUIT	2,179	2,164	99.3	15	0.7	2,134	97.9	13	0.6	32	1.5	2,122	97.4	57	2.6
Delaware	82	82	100.0	0	0.0	82	100.0	0	0.0	0	0.0	80	97.6	2	2.4
New Jersey	678	665	98.1	13	1.9	673	99.3	3	0.4	2	0.3	657	96.9	21	3.1
Pennsylvania															
Eastern	623	623	100.0	0	0.0	614	98.6	5	0.8	4	0.6	600	96.3	23	3.7
Middle	351	351	100.0	0	0.0	343	97.7	0	0.0	8	2.3	351	100.0	0	0.0
Western	347	345	99.4	2	0.6	324	93.4	5	1.4	18	5.2	337	97.1	10	2.9
Virgin Islands	98	98	100.0	0	0.0	98	100.0	0	0.0	0	0.0	97	99.0	1	1.0
FOURTH CIRCUIT	4,625	4,622	99.9	3	0.1	4,352	94.1	57	1.2	216	4.7	4,312	93.2	313	6.8
Maryland	481	481	100.0	0	0.0	459	95.4	13	2.7	9	1.9	452	94.0	29	6.0
North Carolina															
Eastern	418	418	100.0	0	0.0	398	95.2	0	0.0	20	4.8	414	99.0	4	1.0
Middle	257	257	100.0	0	0.0	256	99.6	0	0.0	1	0.4	257	100.0	0	0.0
Western	584	583	99.8	1	0.2	584	100.0	0	0.0	0	0.0	578	99.0	6	1.0
South Carolina	744	744	100.0	0	0.0	736	98.9	2	0.3	6	0.8	737	99.1	7	0.9
Virginia															
Eastern	1,231	1,231	100.0	0	0.0	1,015	82.5	39	3.2	177	14.4	970	78.8	261	21.2
Western	425	424	99.8	1	0.2	422	99.3	0	0.0	3	0.7	420	98.8	5	1.2
West Virginia															
Northern	284	284	100.0	0	0.0	284	100.0	0	0.0	0	0.0	284	100.0	0	0.0
Southern	201	200	99.5	1	0.5	198	98.5	3	1.5	0	0.0	200	99.5	1	0.5

Table 23 (cont.)

CIRCUIT District	Indictment/Information				Plea Agreement ²					
	Received		Not Received		Received		Not Received		No Written Agreement/Trial	
	n	%	n	%	n	%	n	%	n	%
TOTAL	50,360	98.2	933	1.8	37,236	75.2	636	1.3	11,643	23.5
D.C. CIRCUIT	346	100.0	0	0.0	289	84.5	1	0.3	52	15.2
District of Columbia	346	100.0	0	0.0	289	84.5	1	0.3	52	15.2
FIRST CIRCUIT	1,176	99.2	10	0.8	754	66.5	8	0.7	371	32.7
Maine	151	98.1	3	1.9	90	61.2	1	0.7	56	38.1
Massachusetts	368	99.5	2	0.5	157	45.9	5	1.5	180	52.6
New Hampshire	156	99.4	1	0.6	139	90.3	1	0.6	14	9.1
Puerto Rico	416	99.3	3	0.7	298	73.6	1	0.2	106	26.2
Rhode Island	85	98.8	1	1.2	70	82.4	0	0.0	15	17.6
SECOND CIRCUIT	3,121	99.0	31	1.0	2,298	75.8	14	0.5	721	23.8
Connecticut	252	97.7	6	2.3	243	96.0	1	0.4	9	3.6
New York										
Eastern	827	99.9	1	0.1	714	87.8	0	0.0	99	12.2
Northern	252	99.6	1	0.4	185	75.5	3	1.2	57	23.3
Southern	1,261	98.5	19	1.5	657	55.2	9	0.8	524	44.0
Western	366	98.9	4	1.1	344	93.2	1	0.3	24	6.5
Vermont	163	100.0	0	0.0	155	95.1	0	0.0	8	4.9
THIRD CIRCUIT	2,099	96.3	80	3.7	1,741	81.7	14	0.7	375	17.6
Delaware	65	79.3	17	20.7	76	92.7	0	0.0	6	7.3
New Jersey	653	96.3	25	3.7	614	91.5	2	0.3	55	8.2
Pennsylvania										
Eastern	592	95.0	31	5.0	459	74.8	6	1.0	149	24.3
Middle	351	100.0	0	0.0	333	95.7	0	0.0	15	4.3
Western	340	98.0	7	2.0	207	64.1	6	1.9	110	34.1
Virgin Islands	98	100.0	0	0.0	52	56.5	0	0.0	40	43.5
FOURTH CIRCUIT	4,460	96.4	165	3.6	3,564	79.1	34	0.8	906	20.1
Maryland	459	95.4	22	4.6	390	83.2	6	1.3	73	15.6
North Carolina										
Eastern	418	100.0	0	0.0	309	77.6	1	0.3	88	22.1
Middle	257	100.0	0	0.0	225	87.9	0	0.0	31	12.1
Western	581	99.5	3	0.5	450	78.8	1	0.2	120	21.0
South Carolina	741	99.6	3	0.4	548	76.9	4	0.6	161	22.6
Virginia										
Eastern	1,100	89.4	131	10.6	854	71.7	15	1.3	322	27.0
Western	424	99.8	1	0.2	358	85.0	1	0.2	62	14.7
West Virginia										
Northern	282	99.3	2	0.7	255	89.8	4	1.4	25	8.8
Southern	198	98.5	3	1.5	175	87.1	2	1.0	24	11.9

Table 23 (cont.)

CIRCUIT District	Number of Cases	Judgment and Commitment Order				Presentence Report						Statement of Reasons			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	11,139	11,113	99.8	26	0.2	10,348	92.9	39	0.4	752	6.8	11,080	99.5	59	0.5
Louisiana															
Eastern	257	245	95.3	12	4.7	248	96.5	9	3.5	0	0.0	257	100.0	0	0.0
Middle	125	125	100.0	0	0.0	124	99.2	1	0.8	0	0.0	123	98.4	2	1.6
Western	334	329	98.5	5	1.5	323	96.7	2	0.6	9	2.7	328	98.2	6	1.8
Mississippi															
Northern	117	117	100.0	0	0.0	117	100.0	0	0.0	0	0.0	115	98.3	2	1.7
Southern	261	260	99.6	1	0.4	259	99.2	0	0.0	2	0.8	253	96.9	8	3.1
Texas															
Eastern	618	618	100.0	0	0.0	615	99.5	2	0.3	1	0.2	617	99.8	1	0.2
Northern	789	787	99.7	2	0.3	788	99.9	1	0.1	0	0.0	786	99.6	3	0.4
Southern	4,629	4,626	99.9	3	0.1	4,551	98.3	15	0.3	63	1.4	4,617	99.7	12	0.3
Western	4,009	4,006	99.9	3	0.1	3,323	82.9	9	0.2	677	16.9	3,984	99.4	25	0.6
SIXTH CIRCUIT	3,719	3,715	99.9	4	0.1	3,555	95.6	19	0.5	145	3.9	3,647	98.1	72	1.9
Kentucky															
Eastern	414	413	99.8	1	0.2	405	97.8	1	0.2	8	1.9	408	98.6	6	1.4
Western	280	280	100.0	0	0.0	181	64.6	0	0.0	99	35.4	247	88.2	33	11.8
Michigan															
Eastern	599	598	99.8	1	0.2	592	98.8	5	0.8	2	0.3	599	100.0	0	0.0
Western	318	318	100.0	0	0.0	309	97.2	5	1.6	4	1.3	317	99.7	1	0.3
Ohio															
Northern	720	720	100.0	0	0.0	711	98.8	0	0.0	9	1.3	720	100.0	0	0.0
Southern	466	466	100.0	0	0.0	454	97.4	4	0.9	8	1.7	448	96.1	18	3.9
Tennessee															
Eastern	387	385	99.5	2	0.5	383	99.0	3	0.8	1	0.3	383	99.0	4	1.0
Middle	164	164	100.0	0	0.0	151	92.1	1	0.6	12	7.3	154	93.9	10	6.1
Western	371	371	100.0	0	0.0	369	99.5	0	0.0	2	0.5	371	100.0	0	0.0
SEVENTH CIRCUIT	2,175	2,174	100.0	1	0.0	2,158	99.2	13	0.6	4	0.2	2,146	98.7	29	1.3
Illinois															
Central	216	216	100.0	0	0.0	213	98.6	1	0.5	2	0.9	215	99.5	1	0.5
Northern	734	733	99.9	1	0.1	730	99.5	4	0.5	0	0.0	728	99.2	6	0.8
Southern	264	264	100.0	0	0.0	262	99.2	2	0.8	0	0.0	264	100.0	0	0.0
Indiana															
Northern	307	307	100.0	0	0.0	307	100.0	0	0.0	0	0.0	287	93.5	20	6.5
Southern	233	233	100.0	0	0.0	231	99.1	1	0.4	1	0.4	232	99.6	1	0.4
Wisconsin															
Eastern	263	263	100.0	0	0.0	258	98.1	4	1.5	1	0.4	262	99.6	1	0.4
Western	158	158	100.0	0	0.0	157	99.4	1	0.6	0	0.0	158	100.0	0	0.0
EIGHTH CIRCUIT	3,691	3,690	100.0	1	0.0	3,652	98.9	15	0.4	24	0.7	3,648	98.8	43	1.2
Arkansas															
Eastern	256	256	100.0	0	0.0	245	95.7	1	0.4	10	3.9	255	99.6	1	0.4
Western	139	139	100.0	0	0.0	138	99.3	1	0.7	0	0.0	119	85.6	20	14.4
Iowa															
Northern	283	283	100.0	0	0.0	281	99.3	2	0.7	0	0.0	283	100.0	0	0.0
Southern	206	206	100.0	0	0.0	201	97.6	1	0.5	4	1.9	206	100.0	0	0.0
Minnesota	424	424	100.0	0	0.0	419	98.8	0	0.0	5	1.2	422	99.5	2	0.5
Missouri															
Eastern	666	666	100.0	0	0.0	663	99.5	3	0.5	0	0.0	662	99.4	4	0.6
Western	656	656	100.0	0	0.0	650	99.1	2	0.3	4	0.6	646	98.5	10	1.5
Nebraska	548	548	100.0	0	0.0	546	99.6	2	0.4	0	0.0	548	100.0	0	0.0
North Dakota	191	191	100.0	0	0.0	188	98.4	2	1.0	1	0.5	187	97.9	4	2.1
South Dakota	322	321	99.7	1	0.3	321	99.7	1	0.3	0	0.0	320	99.4	2	0.6

Table 23 (cont.)

CIRCUIT District	Indictment/Information				Plea Agreement ²					
	Received		Not	Received	Received		Not Received		No Written Agreement/Trial	
	n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	11,050	99.2	89	0.8	6,651	63.3	94	0.9	3,765	35.8
Louisiana										
Eastern	247	96.1	10	3.9	136	56.7	13	5.4	91	37.9
Middle	124	99.2	1	0.8	86	72.9	0	0.0	32	27.1
Western	331	99.1	3	0.9	284	85.8	2	0.6	45	13.6
Mississippi										
Northern	117	100.0	0	0.0	106	90.6	0	0.0	11	9.4
Southern	247	94.6	14	5.4	210	82.0	6	2.3	40	15.6
Texas										
Eastern	616	99.7	2	0.3	539	88.9	0	0.0	67	11.1
Northern	787	99.7	2	0.3	617	79.4	1	0.1	159	20.5
Southern	4,603	99.4	26	0.6	2,695	60.9	29	0.7	1,701	38.4
Western	3,978	99.2	31	0.8	1,978	54.3	43	1.2	1,619	44.5
SIXTH CIRCUIT	3,684	99.1	35	0.9	2,870	78.6	29	0.8	751	20.6
Kentucky										
Eastern	411	99.3	3	0.7	363	89.2	3	0.7	41	10.1
Western	279	99.6	1	0.4	169	62.1	7	2.6	96	35.3
Michigan										
Eastern	593	99.0	6	1.0	435	74.2	1	0.2	150	25.6
Western	314	98.7	4	1.3	262	83.7	2	0.6	49	15.7
Ohio										
Northern	717	99.6	3	0.4	561	79.5	7	1.0	138	19.5
Southern	460	98.7	6	1.3	419	90.7	5	1.1	38	8.2
Tennessee										
Eastern	378	97.7	9	2.3	250	66.0	2	0.5	127	33.5
Middle	161	98.2	3	1.8	132	82.5	1	0.6	27	16.9
Western	371	100.0	0	0.0	279	76.4	1	0.3	85	23.3
SEVENTH CIRCUIT	2,150	98.9	25	1.1	1,682	78.5	7	0.3	453	21.1
Illinois										
Central	215	99.5	1	0.5	112	54.1	0	0.0	95	45.9
Northern	726	98.9	8	1.1	574	79.6	5	0.7	142	19.7
Southern	263	99.6	1	0.4	174	67.4	0	0.0	84	32.6
Indiana										
Northern	305	99.3	2	0.7	257	84.0	1	0.3	48	15.7
Southern	232	99.6	1	0.4	197	85.3	0	0.0	34	14.7
Wisconsin										
Eastern	259	98.5	4	1.5	232	88.5	1	0.4	29	11.1
Western	150	94.9	8	5.1	136	86.6	0	0.0	21	13.4
EIGHTH CIRCUIT	3,664	99.3	27	0.7	2,946	81.2	13	0.4	668	18.4
Arkansas										
Eastern	251	98.0	5	2.0	195	78.0	3	1.2	52	20.8
Western	138	99.3	1	0.7	116	84.1	2	1.4	20	14.5
Iowa										
Northern	279	98.6	4	1.4	156	58.0	0	0.0	113	42.0
Southern	205	99.5	1	0.5	130	63.7	0	0.0	74	36.3
Minnesota	424	100.0	0	0.0	382	90.1	0	0.0	42	9.9
Missouri										
Eastern	660	99.1	6	0.9	644	97.3	2	0.3	16	2.4
Western	651	99.2	5	0.8	433	67.4	2	0.3	207	32.2
Nebraska	547	99.8	1	0.2	520	95.6	0	0.0	24	4.4
North Dakota	188	98.4	3	1.6	137	76.5	2	1.1	40	22.3
South Dakota	321	99.7	1	0.3	233	74.0	2	0.6	80	25.4

Table 23 (cont.)

CIRCUIT District	Number of Cases	Judgment and Commitment Order				Presentence Report						Statement of Reasons			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	9,798	9,682	98.8	116	1.2	9,030	92.2	327	3.3	441	4.5	8,710	88.9	1,088	11.1
Alaska	102	101	99.0	1	1.0	96	94.1	4	3.9	2	2.0	72	70.6	30	29.4
Arizona	3,184	3,183	100.0	1	0.0	2,954	92.8	7	0.2	223	7.0	2,929	92.0	255	8.0
California															
Central	1,039	976	93.9	63	6.1	946	91.0	84	8.1	9	0.9	522	50.2	517	49.8
Eastern	721	720	99.9	1	0.1	719	99.7	2	0.3	0	0.0	717	99.4	4	0.6
Northern	473	471	99.6	2	0.4	430	90.9	25	5.3	18	3.8	462	97.7	11	2.3
Southern	1,857	1,817	97.8	40	2.2	1,556	83.8	169	9.1	132	7.1	1,658	89.3	199	10.7
Guam	66	66	100.0	0	0.0	65	98.5	0	0.0	1	1.5	65	98.5	1	1.5
Hawaii	333	332	99.7	1	0.3	319	95.8	6	1.8	8	2.4	332	99.7	1	0.3
Idaho	201	201	100.0	0	0.0	199	99.0	0	0.0	2	1.0	200	99.5	1	0.5
Montana	308	308	100.0	0	0.0	307	99.7	1	0.3	0	0.0	306	99.4	2	0.6
Nevada	306	306	100.0	0	0.0	299	97.7	2	0.7	5	1.6	299	97.7	7	2.3
Northern Mariana Islands	10	10	100.0	0	0.0	8	80.0	0	0.0	2	20.0	10	100.0	0	0.0
Oregon	361	359	99.4	2	0.6	355	98.3	1	0.3	5	1.4	334	92.5	27	7.5
Washington															
Eastern	236	232	98.3	4	1.7	225	95.3	5	2.1	6	2.5	230	97.5	6	2.5
Western	601	600	99.8	1	0.2	552	91.8	21	3.5	28	4.7	574	95.5	27	4.5
TENTH CIRCUIT	4,374	4,360	99.7	14	0.3	4,156	95.0	74	1.7	144	3.3	4,225	96.6	149	3.4
Colorado	509	508	99.8	1	0.2	497	97.6	7	1.4	5	1.0	497	97.6	12	2.4
Kansas	500	500	100.0	0	0.0	493	98.6	3	0.6	4	0.8	496	99.2	4	0.8
New Mexico	2,104	2,093	99.5	11	0.5	2,097	99.7	7	0.3	0	0.0	2,084	99.0	20	1.0
Oklahoma															
Eastern	61	61	100.0	0	0.0	60	98.4	1	1.6	0	0.0	61	100.0	0	0.0
Northern	143	143	100.0	0	0.0	141	98.6	1	0.7	1	0.7	142	99.3	1	0.7
Western	279	278	99.6	1	0.4	173	62.0	49	17.6	57	20.4	173	62.0	106	38.0
Utah	624	623	99.8	1	0.2	552	88.5	2	0.3	70	11.2	621	99.5	3	0.5
Wyoming	154	154	100.0	0	0.0	143	92.9	4	2.6	7	4.5	151	98.1	3	1.9
ELEVENTH CIRCUIT	4,909	4,885	99.5	24	0.5	4,493	91.5	225	4.6	191	3.9	4,619	94.1	290	5.9
Alabama															
Middle	178	177	99.4	1	0.6	178	100.0	0	0.0	0	0.0	178	100.0	0	0.0
Northern	380	380	100.0	0	0.0	357	93.9	0	0.0	23	6.1	375	98.7	5	1.3
Southern	264	264	100.0	0	0.0	263	99.6	0	0.0	1	0.4	264	100.0	0	0.0
Florida															
Middle	1,162	1,162	100.0	0	0.0	989	85.1	172	14.8	1	0.1	1,157	99.6	5	0.4
Northern	287	287	100.0	0	0.0	282	98.3	2	0.7	3	1.0	278	96.9	9	3.1
Southern	1,459	1,439	98.6	20	1.4	1,407	96.4	16	1.1	36	2.5	1,344	92.1	115	7.9
Georgia															
Middle	347	346	99.7	1	0.3	300	86.5	1	0.3	46	13.3	294	84.7	53	15.3
Northern	526	524	99.6	2	0.4	520	98.9	4	0.8	2	0.4	511	97.1	15	2.9
Southern	306	306	100.0	0	0.0	197	64.4	30	9.8	79	25.8	218	71.2	88	28.8

Table 23 (cont.)

CIRCUIT District	Indictment/Information				Plea Agreement ²					
	Received		Not	Received	Received		Not Received		No Written Agreement/Trial	
	n	%	n	%	n	%	n	%	n	%
NINTH CIRCUIT	9,592	97.9	206	2.1	8,186	85.0	269	2.8	1,173	12.2
Alaska	100	98.0	2	2.0	57	57.0	1	1.0	42	42.0
Arizona	3,172	99.6	12	0.4	2,911	92.3	14	0.4	229	7.3
California										
Central	940	90.5	99	9.5	708	69.9	107	10.6	198	19.5
Eastern	712	98.8	9	1.2	629	88.7	7	1.0	73	10.3
Northern	467	98.7	6	1.3	384	82.8	6	1.3	74	15.9
Southern	1,802	97.0	55	3.0	1,425	79.1	122	6.8	255	14.2
Guam	66	100.0	0	0.0	51	77.3	0	0.0	15	22.7
Hawaii	329	98.8	4	1.2	224	69.6	2	0.6	96	29.8
Idaho	201	100.0	0	0.0	179	89.5	0	0.0	21	10.5
Montana	307	99.7	1	0.3	264	86.3	0	0.0	42	13.7
Nevada	303	99.0	3	1.0	258	87.8	2	0.7	34	11.6
Northern Mariana Islands	10	100.0	0	0.0	7	70.0	0	0.0	3	30.0
Oregon	356	98.6	5	1.4	336	93.3	2	0.6	22	6.1
Washington										
Eastern	230	97.5	6	2.5	181	79.0	2	0.9	46	20.1
Western	597	99.3	4	0.7	572	95.5	4	0.7	23	3.8
TENTH CIRCUIT	4,303	98.4	71	1.6	3,074	73.7	71	1.7	1,028	24.6
Colorado	497	97.6	12	2.4	478	94.7	4	0.8	23	4.6
Kansas	497	99.4	3	0.6	434	87.3	1	0.2	62	12.5
New Mexico	2,055	97.7	49	2.3	1,263	64.3	46	2.3	654	33.3
Oklahoma										
Eastern	61	100.0	0	0.0	14	24.6	2	3.5	41	71.9
Northern	142	99.3	1	0.7	98	69.5	2	1.4	41	29.1
Western	278	99.6	1	0.4	120	46.3	12	4.6	127	49.0
Utah	620	99.4	4	0.6	540	89.9	2	0.3	59	9.8
Wyoming	153	99.4	1	0.6	127	84.7	2	1.3	21	14.0
ELEVENTH CIRCUIT	4,715	96.0	194	4.0	3,181	68.5	82	1.8	1,380	29.7
Alabama										
Middle	177	99.4	1	0.6	153	86.4	0	0.0	24	13.6
Northern	379	99.7	1	0.3	323	86.4	0	0.0	51	13.6
Southern	264	100.0	0	0.0	200	77.8	0	0.0	57	22.2
Florida										
Middle	991	85.3	171	14.7	565	54.6	45	4.4	424	41.0
Northern	284	99.0	3	1.0	186	67.9	4	1.5	84	30.7
Southern	1,452	99.5	7	0.5	971	68.9	9	0.6	430	30.5
Georgia										
Middle	345	99.4	2	0.6	208	62.7	4	1.2	120	36.1
Northern	522	99.2	4	0.8	395	77.0	3	0.6	115	22.4
Southern	301	98.4	5	1.6	180	66.2	17	6.3	75	27.6

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

²The figures presented in this table regarding Plea Agreement Submission exclude from the analysis 637 cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2006 Datafile, USSCFY06 (October 1, 2005, through June 30, 2006).

Appendix A

Descriptions of Datafiles and Variables

Introduction

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

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

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

Variables

The following section describes the variables used in this report.

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

Above the Guideline Range with Booker/18 U.S.C. § 3553 consist of cases with a sentence above the guideline range with no departure indicated and which cite *U.S. 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 Pre-sentence Report and the date of sentencing as reported in the Judgment of Conviction order.

Average Sentence Length

Using sentencing information obtained from the Judgment of Conviction order, *Average Sentence Length* is reported as the mean and median terms of imprisonment (including any months of alternative confinement as defined in §5C1.1) ordered for cases committed to the Bureau of Prisons. Cases that receive no term of imprisonment (i.e. probation) are also included in the average. Cases for which a term of imprisonment is ordered but the length is indeterminable also are excluded. In most cases for which the exact term is unknown, the Judgment of Conviction order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

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

Below the Guideline Range with Booker/18 U.S.C. § 3553 consist of cases with a sentence below the guideline range with no departure indicated and which cite *U.S. 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.”

Departures Above the Guideline Range; Above Range Departures

Departures Above the Guideline Range consist of cases with departures above the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal Guidelines Manual.

Departures Above the Guideline Range with *Booker*/18 U.S.C. § 3553; Above Range Departures with *Booker*

Departures Above the Guideline Range with Booker/18 U.S.C. § 3553 consist of cases with a sentence above the guideline range which includes both a departure (see Departures Above the Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing above the guideline system.

Departures Below the Guideline Range/Below Range Departures

Departures Below the Guideline Range consist of cases with departures below the guideline range which do not cite as a reason either *U.S. v. Booker*, 18 U.S.C. § 3553, or factors or reasons specifically prohibited in the provisions, policy statements, or commentary of the federal Guidelines Manual.

Departures Below the Guideline Range with *Booker*/18 U.S.C. § 3553; Below Range Departures with *Booker*

Departures Below the Guideline Range with Booker/18 U.S.C. § 3553 consist of cases with a sentence below the guideline range which includes both a departure (see Departures Below the Guideline Range) as well as a sentence outside the guideline system mentioning either *U.S. v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing below the guideline system.

Degree of Decrease

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

Degree of Increase

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

calculating an increase from these values.

District

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment of Conviction order.

Document Submission Rates

Five documents are represented in the document submission rate table: Judgment of Conviction 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.

Drug Offense Guideline

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

Drug Type

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

Education

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

Gender

Gender of the offender is obtained from the Presentence Report or probation office.

Government Sponsored

Government sponsorship of a departure is determined by a yearly case review by USSC staff of both the reasons for departure and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03 and 06/05 have specific check-boxes to indicate the origins of the departure, but cases which do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global

disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with §5K3.1 Early Disposition Program (EDP) departures.

Guideline Offenders Sentenced

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

Guideline Sentencing Range

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the Pre-sentence 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 of Conviction order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Plea* category.

Outside of the Range Attribution Categories

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

Position of Sentence

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each

range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

Primary Offense Category

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

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

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

Manslaughter includes both involuntary and voluntary manslaughter.

Kidnapping/Hostage includes ransom taking and hostage/kidnapping.

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

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

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

Arson also includes damage by explosives.

Drugs: Trafficking includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution – employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

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

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

Firearms includes unlawful possession/transportation of firearms or ammunition;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pornography, Prostitution includes dealing in obscene matter, transportation of minor for prostitution/sex, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography.

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

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

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

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

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

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

Other Miscellaneous Offenses includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; recordkeeping 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 a 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.

Remaining Sentences Above the Range

Remaining Sentences Above the Range consist of cases sentenced above the guideline range that cannot be classified into any of the other three above the range categories. This category includes for example, cases in which no reason is provided for a sentence above the guideline range.

Remaining Sentences Below the Range

Remaining Sentences Below the Range consist of cases sentenced below the guideline range that cannot be classified into any of the other three below the range categories. This category includes for example, cases in which no reason is provided for a sentence below the guideline range.

Type of Guideline Sentence Imposed

Using sentencing information obtained from the Judgment of Conviction 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.

Year

Information on Year is obtained from the Judgment of Conviction 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 FY05 *Sourcebook* Number/Letter

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