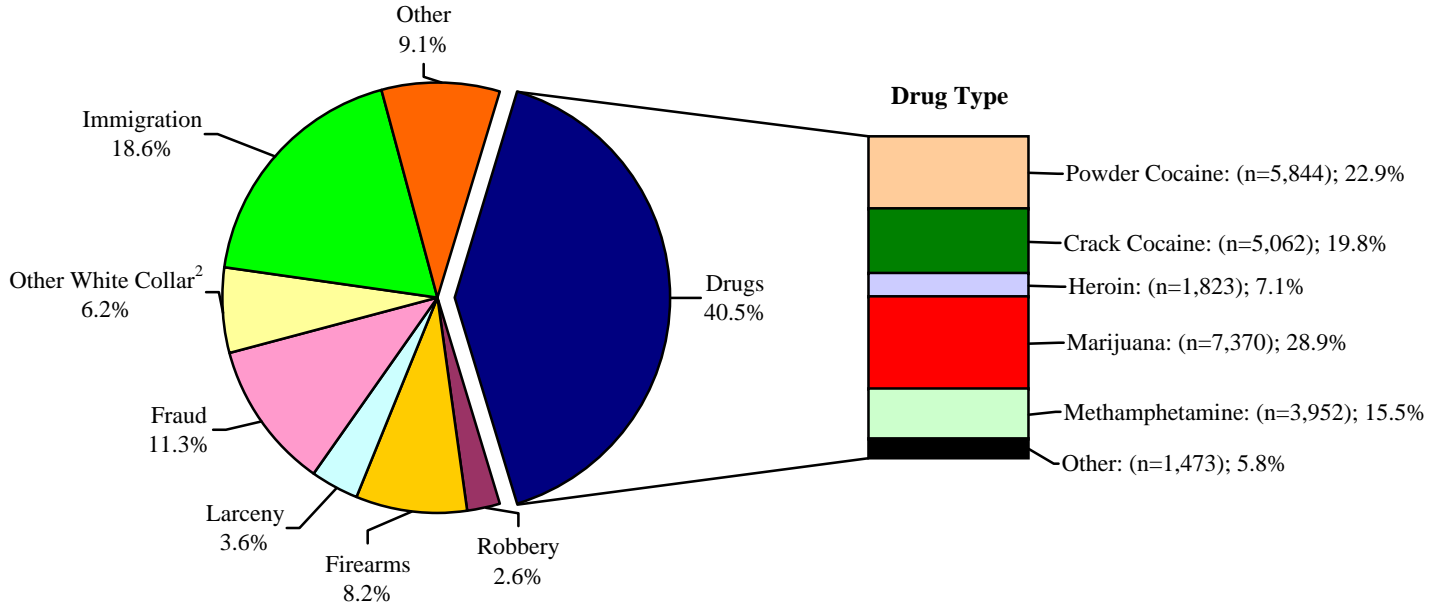


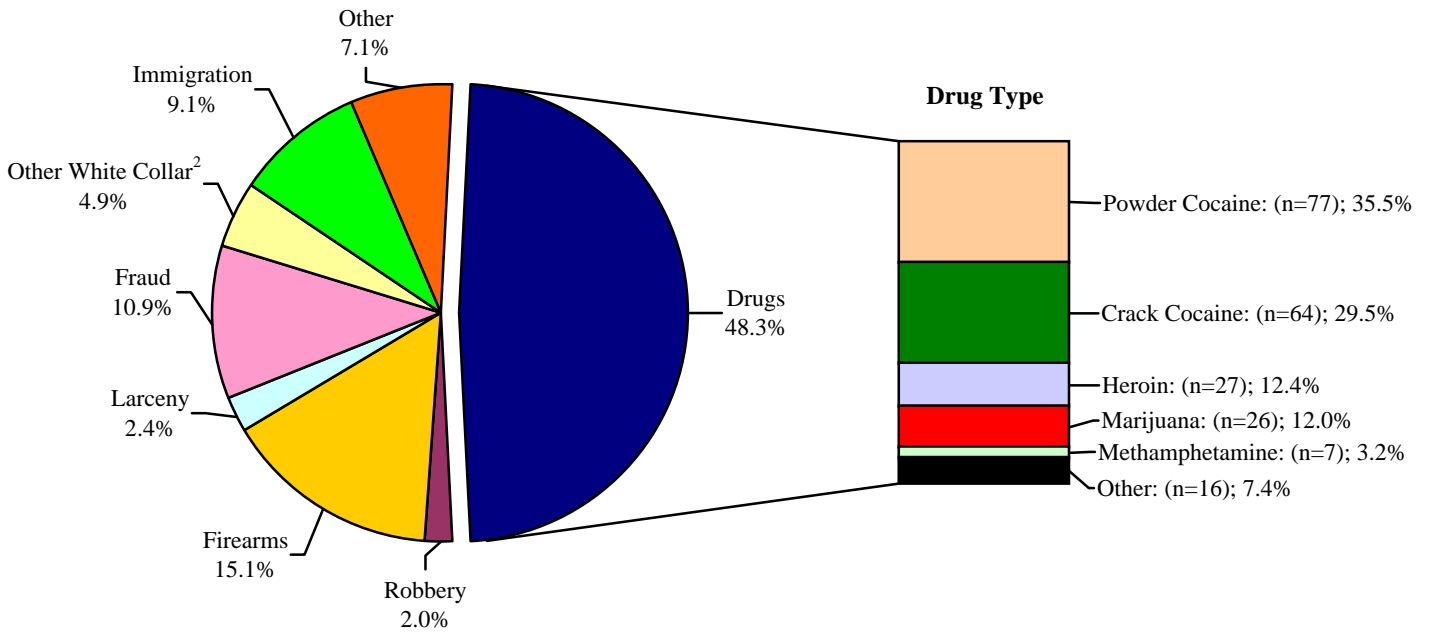
Figure A

DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY¹
Fiscal Year 2002

National



Western New York



¹Of the 64,366 guideline cases, 1,296 cases were excluded due to one of the following reasons: missing primary offense category (393) or missing drug type (903). Of the 451 guideline cases from the District of Western New York, two cases were excluded due to missing drug type.

²The Other White Collar category includes the following offense types: Embezzlement, Forgery/Counterfeiting, Bribery, Money Laundering and Tax.

Table 1

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

PRIMARY OFFENSE	National		Western New York	
	Number	Percent	Number	Percent
TOTAL	63,973	100.0	451	100.0
Murder	84	0.1	1	0.2
Manslaughter	59	0.1	0	0.0
Kidnapping/Hostage Taking	66	0.1	0	0.0
Sexual Abuse	212	0.3	0	0.0
Assault	492	0.8	1	0.2
Robbery	1,632	2.6	9	2.0
Arson	65	0.1	0	0.0
Drugs - Trafficking	25,376	39.7	192	42.6
Drugs - Communication Facility	459	0.7	15	3.3
Drugs - Simple Possession	592	0.9	12	2.7
Firearms	5,180	8.1	68	15.1
Burglary/B&E	43	0.1	0	0.0
Auto Theft	162	0.3	0	0.0
Larceny	2,251	3.5	11	2.4
Fraud	7,108	11.1	49	10.9
Embezzlement	734	1.1	2	0.4
Forgery/Counterfeiting	1,466	2.3	8	1.8
Bribery	168	0.3	0	0.0
Tax	622	1.0	5	1.1
Money Laundering	940	1.5	7	1.6
Racketeering/Extortion	828	1.3	7	1.6
Gambling/Lottery	104	0.2	2	0.4
Civil Rights	93	0.1	1	0.2
Immigration	11,736	18.3	41	9.1
Pornography/Prostitution	665	1.0	7	1.6
Prison Offenses	320	0.5	0	0.0
Administration of Justice Offenses	1,107	1.7	9	2.0
Environmental/Wildlife	140	0.2	0	0.0
National Defense	10	0.0	0	0.0
Antitrust	17	0.0	0	0.0
Food & Drug	91	0.1	0	0.0
Other Miscellaneous Offenses	1,151	1.8	4	0.9

Of the 64,366 guideline cases, 393 cases were excluded due to missing information on primary offense category.

Of the 451 guideline cases from the District of Western New York, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT
Fiscal Year 2002**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
TOTAL	63,996	62,145	97.1	1,851	2.9
D.C. CIRCUIT	420	398	94.8	22	5.2
District of Columbia	420	398	94.8	22	5.2
FIRST CIRCUIT	2,013	1,945	96.6	68	3.4
Maine	218	210	96.3	8	3.7
Massachusetts	619	603	97.4	16	2.6
New Hampshire	130	123	94.6	7	5.4
Puerto Rico	897	867	96.7	30	3.3
Rhode Island	149	142	95.3	7	4.7
SECOND CIRCUIT	4,658	4,511	96.8	147	3.2
Connecticut	332	324	97.6	8	2.4
New York					
Eastern	1,711	1,674	97.8	37	2.2
Northern	391	380	97.2	11	2.8
Southern	1,596	1,523	95.4	73	4.6
Western	451	433	96.0	18	4.0
Vermont	177	177	100.0	0	0.0
THIRD CIRCUIT	2,761	2,656	96.2	105	3.8
Delaware	85	84	98.8	1	1.2
New Jersey	831	817	98.3	14	1.7
Pennsylvania					
Eastern	976	915	93.8	61	6.3
Middle	440	432	98.2	8	1.8
Western	342	332	97.1	10	2.9
Virgin Islands	87	76	87.4	11	12.6
FOURTH CIRCUIT	5,726	5,491	95.9	235	4.1
Maryland	524	487	92.9	37	7.1
North Carolina					
Eastern	603	586	97.2	17	2.8
Middle	445	425	95.5	20	4.5
Western	591	572	96.8	19	3.2
South Carolina	1,018	989	97.2	29	2.8
Virginia					
Eastern	1,615	1,545	95.7	70	4.3
Western	400	378	94.5	22	5.5
West Virginia					
Northern	268	260	97.0	8	3.0
Southern	262	249	95.0	13	5.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
FIFTH CIRCUIT	12,603	12,340	97.9	263	2.1
Louisiana					
Eastern	375	366	97.6	9	2.4
Middle	114	109	95.6	5	4.4
Western	360	347	96.4	13	3.6
Mississippi					
Northern	165	161	97.6	4	2.4
Southern	363	351	96.7	12	3.3
Texas					
Eastern	628	616	98.1	12	1.9
Northern	1,038	1,012	97.5	26	2.5
Southern	4,582	4,488	97.9	94	2.1
Western	4,978	4,890	98.2	88	1.8
SIXTH CIRCUIT	4,731	4,572	96.6	159	3.4
Kentucky					
Eastern	472	460	97.5	12	2.5
Western	437	422	96.6	15	3.4
Michigan					
Eastern	768	733	95.4	35	4.6
Western	390	372	95.4	18	4.6
Ohio					
Northern	868	842	97.0	26	3.0
Southern	392	387	98.7	5	1.3
Tennessee					
Eastern	622	601	96.6	21	3.4
Middle	322	313	97.2	9	2.8
Western	460	442	96.1	18	3.9
SEVENTH CIRCUIT	2,806	2,667	95.0	139	5.0
Illinois					
Central	347	338	97.4	9	2.6
Northern	1,116	1,040	93.2	76	6.8
Southern	293	283	96.6	10	3.4
Indiana					
Northern	404	380	94.1	24	5.9
Southern	239	230	96.2	9	3.8
Wisconsin					
Eastern	283	274	96.8	9	3.2
Western	124	122	98.4	2	1.6
EIGHTH CIRCUIT	3,685	3,541	96.1	144	3.9
Arkansas					
Eastern	245	234	95.5	11	4.5
Western	143	138	96.5	5	3.5
Iowa					
Northern	356	343	96.3	13	3.7
Southern	291	274	94.2	17	5.8
Minnesota	391	371	94.9	20	5.1
Missouri					
Eastern	628	619	98.6	9	1.4
Western	654	622	95.1	32	4.9
Nebraska	528	518	98.1	10	1.9
North Dakota	147	139	94.6	8	5.4
South Dakota	302	283	93.7	19	6.3

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
NINTH CIRCUIT	13,852	13,618	98.3	234	1.7
Alaska	165	154	93.3	11	6.7
Arizona	3,473	3,448	99.3	25	0.7
California					
Central	1,718	1,689	98.3	29	1.7
Eastern	768	748	97.4	20	2.6
Northern	730	715	97.9	15	2.1
Southern	3,878	3,824	98.6	54	1.4
Guam	138	134	97.1	4	2.9
Hawaii	374	361	96.5	13	3.5
Idaho	200	192	96.0	8	4.0
Montana	348	330	94.8	18	5.2
Nevada	606	591	97.5	15	2.5
Northern Mariana Islands	6	6	100.0	0	0.0
Oregon	549	542	98.7	7	1.3
Washington					
Eastern	304	298	98.0	6	2.0
Western	595	586	98.5	9	1.5
TENTH CIRCUIT	4,109	4,028	98.0	81	2.0
Colorado	570	557	97.7	13	2.3
Kansas	514	502	97.7	12	2.3
New Mexico	1,807	1,788	98.9	19	1.1
Oklahoma					
Eastern	83	81	97.6	2	2.4
Northern	153	145	94.8	8	5.2
Western	179	170	95.0	9	5.0
Utah	669	658	98.4	11	1.6
Wyoming	134	127	94.8	7	5.2
ELEVENTH CIRCUIT	6,632	6,378	96.2	254	3.8
Alabama					
Middle	158	147	93.0	11	7.0
Northern	512	504	98.4	8	1.6
Southern	311	302	97.1	9	2.9
Florida					
Middle	1,457	1,391	95.5	66	4.5
Northern	334	315	94.3	19	5.7
Southern	2,434	2,334	95.9	100	4.1
Georgia					
Middle	352	340	96.6	12	3.4
Northern	784	760	96.9	24	3.1
Southern	290	285	98.3	5	1.7

Of the 64,366 guideline cases, 370 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 3

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

PRIMARY OFFENSE	TOTAL	National				Western New York			
		PLEA		TRIAL		PLEA		TRIAL	
		n	%	n	%	n	%	n	%
TOTAL	63,935	62,084	97.1	1,851	2.9	433	96.0	18	4.0
Murder	84	67	79.8	17	20.2	0	0.0	1	100.0
Manslaughter	59	56	94.9	3	5.1	0	--	0	--
Kidnapping/Hostage Taking	64	57	89.1	7	10.9	0	--	0	--
Sexual Abuse	212	202	95.3	10	4.7	0	--	0	--
Assault	492	450	91.5	42	8.5	1	100.0	0	0.0
Robbery	1,631	1,579	96.8	52	3.2	9	100.0	0	0.0
Arson	64	53	82.8	11	17.2	0	--	0	--
Drugs - Trafficking	25,361	24,595	97.0	766	3.0	180	93.8	12	6.3
Drugs - Communication Facility	459	458	99.8	1	0.2	15	100.0	0	0.0
Drugs - Simple Possession	592	583	98.5	9	1.5	12	100.0	0	0.0
Firearms	5,173	4,923	95.2	250	4.8	65	95.6	3	4.4
Burglary/B&E	43	41	95.3	2	4.7	0	--	0	--
Auto Theft	162	153	94.4	9	5.6	0	--	0	--
Larceny	2,250	2,220	98.7	30	1.3	10	90.9	1	9.1
Fraud	7,107	6,880	96.8	227	3.2	49	100.0	0	0.0
Embezzlement	734	729	99.3	5	0.7	1	50.0	1	50.0
Forgery/Counterfeiting	1,466	1,449	98.8	17	1.2	8	100.0	0	0.0
Bribery	168	159	94.6	9	5.4	0	--	0	--
Tax	622	600	96.5	22	3.5	5	100.0	0	0.0
Money Laundering	939	870	92.7	69	7.3	7	100.0	0	0.0
Racketeering/Extortion	828	769	92.9	59	7.1	7	100.0	0	0.0
Gambling/Lottery	104	104	100.0	0	0.0	2	100.0	0	0.0
Civil Rights	93	82	88.2	11	11.8	1	100.0	0	0.0
Immigration	11,730	11,612	99.0	118	1.0	41	100.0	0	0.0
Pornography/Prostitution	664	643	96.8	21	3.2	7	100.0	0	0.0
Prison Offenses	318	313	98.4	5	1.6	0	--	0	--
Administration of Justice Offenses	1,107	1,076	97.2	31	2.8	9	100.0	0	0.0
Environmental/Wildlife	140	131	93.6	9	6.4	0	--	0	--
National Defense	10	8	80.0	2	20.0	0	--	0	--
Antitrust	17	15	88.2	2	11.8	0	--	0	--
Food & Drug	91	91	100.0	0	0.0	0	--	0	--
Other Miscellaneous Offenses	1,151	1,116	97.0	35	3.0	4	100.0	0	0.0

Of the 64,366 guideline cases, 431 cases were excluded due to one or both of the following reasons: missing primary offense category (393) or missing mode of conviction (370).

Of the 451 guideline cases from the District of Western New York, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 4
TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002

National

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	63,292	52,117	82.3	2,253	3.6	3,151	5.0	5,771	9.1
Murder	84	82	97.6	1	1.2	0	0.0	1	1.2
Manslaughter	58	50	86.2	6	10.3	1	1.7	1	1.7
Kidnapping/Hostage Taking	65	63	96.9	1	1.5	1	1.5	0	0.0
Sexual Abuse	206	179	86.9	6	2.9	10	4.9	11	5.3
Assault	483	370	76.6	18	3.7	34	7.0	61	12.6
Robbery	1,620	1,580	97.5	16	1.0	16	1.0	8	0.5
Arson	64	58	90.6	2	3.1	1	1.6	3	4.7
Drugs - Trafficking	25,209	23,568	93.5	560	2.2	455	1.8	626	2.5
Drugs - Communication Facility	456	379	83.1	8	1.8	33	7.2	36	7.9
Drugs - Simple Possession	572	187	32.7	6	1.0	26	4.5	353	61.7
Firearms	5,132	4,575	89.1	166	3.2	152	3.0	239	4.7
Burglary/B&E	43	31	72.1	6	14.0	2	4.7	4	9.3
Auto Theft	161	119	73.9	7	4.3	16	9.9	19	11.8
Larceny	2,206	805	36.5	141	6.4	399	18.1	861	39.0
Fraud	7,012	4,073	58.1	706	10.1	912	13.0	1,321	18.8
Embezzlement	721	274	38.0	120	16.6	98	13.6	229	31.8
Forgery/Counterfeiting	1,446	790	54.6	94	6.5	247	17.1	315	21.8
Bribery	165	65	39.4	17	10.3	25	15.2	58	35.2
Tax	618	261	42.2	72	11.7	125	20.2	160	25.9
Money Laundering	931	699	75.1	36	3.9	77	8.3	119	12.8
Racketeering/Extortion	818	740	90.5	17	2.1	23	2.8	38	4.6
Gambling/Lottery	104	22	21.2	9	8.7	32	30.8	41	39.4
Civil Rights	89	53	59.6	4	4.5	11	12.4	21	23.6
Immigration	11,616	11,093	95.5	86	0.7	120	1.0	317	2.7
Pornography/Prostitution	662	598	90.3	10	1.5	28	4.2	26	3.9
Prison Offenses	316	278	88.0	12	3.8	11	3.5	15	4.7
Administration of Justice Offenses	1,088	636	58.5	59	5.4	125	11.5	268	24.6
Environmental/Wildlife	133	39	29.3	7	5.3	25	18.8	62	46.6
National Defense	10	8	80.0	0	0.0	0	0.0	2	20.0
Antitrust	17	8	47.1	1	5.9	6	35.3	2	11.8
Food & Drug	89	14	15.7	7	7.9	13	14.6	55	61.8
Other Miscellaneous Offenses	1,098	420	38.3	52	4.7	127	11.6	499	45.4

Of the 64,366 guideline cases, 1,074 cases were excluded due to one or more of the following reasons: missing sentencing information (707), missing primary offense category (393), or cases which the defendant received no imprisonment or probation (301)

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

Western New York

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	448	316	70.5	10	2.2	47	10.5	75	16.7
Murder	1	1	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	0	0	--	0	--	0	--	0	--
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	0	0	--	0	--	0	--	0	--
Assault	1	1	100.0	0	0.0	0	0.0	0	0.0
Robbery	9	8	88.9	0	0.0	1	11.1	0	0.0
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	192	149	77.6	4	2.1	18	9.4	21	10.9
Drugs - Communication Facility	15	7	46.7	0	0.0	2	13.3	6	40.0
Drugs - Simple Possession	11	3	27.3	0	0.0	1	9.1	7	63.6
Firearms	68	59	86.8	1	1.5	4	5.9	4	5.9
Burglary/B&E	0	0	--	0	--	0	--	0	--
Auto Theft	0	0	--	0	--	0	--	0	--
Larceny	11	3	27.3	1	9.1	2	18.2	5	45.5
Fraud	48	19	39.6	2	4.2	11	22.9	16	33.3
Embezzlement	2	1	50.0	0	0.0	0	0.0	1	50.0
Forgery/Counterfeiting	8	4	50.0	0	0.0	0	0.0	4	50.0
Bribery	0	0	--	0	--	0	--	0	--
Tax	4	0	0.0	0	0.0	2	50.0	2	50.0
Money Laundering	7	3	42.9	1	14.3	1	14.3	2	28.6
Racketeering/Extortion	7	6	85.7	0	0.0	0	0.0	1	14.3
Gambling/Lottery	2	0	0.0	0	0.0	1	50.0	1	50.0
Civil Rights	1	1	100.0	0	0.0	0	0.0	0	0.0
Immigration	41	37	90.2	0	0.0	2	4.9	2	4.9
Pornography/Prostitution	7	6	85.7	0	0.0	1	14.3	0	0.0
Prison Offenses	0	0	--	0	--	0	--	0	--
Administration of Justice Offenses	9	7	77.8	1	11.1	1	11.1	0	0.0
Environmental/Wildlife	0	0	--	0	--	0	--	0	--
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	0	0	--	0	--	0	--	0	--
Other Miscellaneous Offenses	4	1	25.0	0	0.0	0	0.0	3	75.0

Of the 451 guideline cases from the District of Western New York, three cases were excluded due to one of the following reasons: missing sentencing information (1) or cases in which the defendant received no imprisonment or probation (2).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

PRIMARY OFFENSE	TOTAL	National				Western New York			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	10,936	5,019	45.9	5,917	54.1	17	19.8	69	80.2
Fraud	2,499	988	39.5	1,511	60.5	3	10.7	25	89.3
Larceny	1,426	301	21.1	1,125	78.9	0	0.0	7	100.0
Immigration	2,543	2,234	87.8	309	12.2	6	66.7	3	33.3
Embezzlement	515	210	40.8	305	59.2	1	50.0	1	50.0
Drugs - Trafficking	671	338	50.4	333	49.6	2	22.2	7	77.8
Drugs - Simple Possession	454	120	26.4	334	73.6	0	0.0	7	100.0
Firearms	314	151	48.1	163	51.9	3	50.0	3	50.0
Forgery/Counterfeiting	622	173	27.8	449	72.2	0	0.0	3	100.0
Other Miscellaneous Offenses	1,892	504	26.6	1,388	73.4	2	13.3	13	86.7

Of the 64,366 guideline cases, 53,430 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (53,321), missing sentencing information (707) or missing primary offense category (393).

Of the 451 guideline cases from the District of Western New York, 365 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison alternatives (365) or missing sentencing information (1).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

PRIMARY OFFENSE	National			Western New York		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	54.7	30.0	53,886	59.7	45.0	322
Murder	235.4	180.0	83	--	--	1
Manslaughter	39.6	27.0	56	--	--	0
Kidnapping/Hostage Taking	183.0	126.0	64	--	--	0
Sexual Abuse	62.0	36.0	185	--	--	0
Assault	38.7	27.0	386	--	--	1
Robbery	92.4	71.0	1,595	53.0	49.5	8
Arson	93.0	60.0	60	--	--	0
Drugs - Trafficking	74.3	57.0	24,074	75.1	51.0	151
Drugs - Communication Facility	51.1	48.0	385	26.0	20.0	7
Drugs - Simple Possession	17.8	6.0	183	11.0	9.0	3
Firearms	71.0	45.0	4,736	58.0	52.5	60
Burglary/B&E	21.1	16.0	37	--	--	0
Auto Theft	60.3	24.0	125	--	--	0
Larceny	15.1	12.0	943	19.8	17.0	4
Fraud	19.6	14.0	4,688	18.4	13.5	20
Embezzlement	7.9	4.0	391	--	--	1
Forgery/Counterfeiting	17.4	14.0	879	35.3	34.0	4
Bribery	25.7	12.0	81	--	--	0
Tax	17.3	12.0	330	--	--	0
Money Laundering	47.6	33.0	731	31.4	13.0	4
Racketeering/Extortion	88.2	60.0	755	105.0	81.0	6
Gambling/Lottery	11.9	10.0	31	--	--	0
Civil Rights	42.1	24.0	56	--	--	1
Immigration	25.3	24.0	10,912	30.6	28.5	36
Pornography/Prostitution	53.8	33.0	607	78.2	53.0	6
Prison Offenses	18.6	14.0	287	--	--	0
Administration of Justice Offenses	23.1	15.0	682	41.3	34.5	8
Environmental/Wildlife	10.4	10.0	45	--	--	0
National Defense	149.0	56.5	8	--	--	0
Antitrust	14.3	12.0	9	--	--	0
Food & Drug	20.1	12.0	21	--	--	0
Other Miscellaneous Offenses	17.9	12.0	461	--	--	1

Of the 64,366 guideline cases, 10,480 cases were excluded for one or more of the following reasons: zero months prison ordered (9,373), missing primary offense category (393) or missing or indeterminable sentencing information (1,051).

Of the 451 guideline cases from the District of Western New York, 129 cases were excluded due to one of the following reasons: zero prison months ordered (126) or missing or indeterminable sentencing information (3).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT
Fiscal Year 2002**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	58,684	38,159	65.0	10,203	17.4	9,865	16.8	457	0.8
D.C. CIRCUIT	411	246	59.9	128	31.1	35	8.5	2	0.5
District of Columbia	411	246	59.9	128	31.1	35	8.5	2	0.5
FIRST CIRCUIT	1,813	1,373	75.7	261	14.4	169	9.3	10	0.6
Maine	188	134	71.3	44	23.4	9	4.8	1	0.5
Massachusetts	602	363	60.3	122	20.3	113	18.8	4	0.7
New Hampshire	130	80	61.5	35	26.9	15	11.5	0	0.0
Puerto Rico	758	680	89.7	53	7.0	23	3.0	2	0.3
Rhode Island	135	116	85.9	7	5.2	9	6.7	3	2.2
SECOND CIRCUIT	4,077	2,501	61.3	773	19.0	779	19.1	24	0.6
Connecticut	326	175	53.7	32	9.8	115	35.3	4	1.2
New York									
Eastern	1,383	744	53.8	242	17.5	393	28.4	4	0.3
Northern	359	205	57.1	106	29.5	43	12.0	5	1.4
Southern	1,404	1,046	74.5	223	15.9	130	9.3	5	0.4
Western	434	245	56.5	137	31.6	47	10.8	5	1.2
Vermont	171	86	50.3	33	19.3	51	29.8	1	0.6
THIRD CIRCUIT	2,656	1,564	58.9	858	32.3	209	7.9	25	0.9
Delaware	67	49	73.1	11	16.4	7	10.4	0	0.0
New Jersey	814	490	60.2	241	29.6	78	9.6	5	0.6
Pennsylvania									
Eastern	966	487	50.4	397	41.1	73	7.6	9	0.9
Middle	413	245	59.3	133	32.2	26	6.3	9	2.2
Western	320	237	74.1	63	19.7	20	6.3	0	0.0
Virgin Islands	76	56	73.7	13	17.1	5	6.6	2	2.6
FOURTH CIRCUIT	5,038	3,858	76.6	937	18.6	210	4.2	33	0.7
Maryland	510	286	56.1	161	31.6	57	11.2	6	1.2
North Carolina									
Eastern	569	398	69.9	139	24.4	23	4.0	9	1.6
Middle	423	363	85.8	45	10.6	11	2.6	4	0.9
Western	522	327	62.6	173	33.1	21	4.0	1	0.2
South Carolina	971	711	73.2	229	23.6	28	2.9	3	0.3
Virginia									
Eastern	1,191	1,071	89.9	75	6.3	43	3.6	2	0.2
Western	384	290	75.5	81	21.1	12	3.1	1	0.3
West Virginia									
Northern	260	227	87.3	18	6.9	10	3.8	5	1.9
Southern	208	185	88.9	16	7.7	5	2.4	2	1.0

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	12,231	8,689	71.0	1,635	13.4	1,792	14.7	115	0.9
Louisiana									
Eastern	401	324	80.8	45	11.2	28	7.0	4	1.0
Middle	111	75	67.6	21	18.9	9	8.1	6	5.4
Western	317	257	81.1	42	13.2	15	4.7	3	0.9
Mississippi									
Northern	165	105	63.6	48	29.1	12	7.3	0	0.0
Southern	352	269	76.4	68	19.3	12	3.4	3	0.9
Texas									
Eastern	583	472	81.0	63	10.8	45	7.7	3	0.5
Northern	984	750	76.2	168	17.1	48	4.9	18	1.8
Southern	4,542	3,237	71.3	554	12.2	712	15.7	39	0.9
Western	4,776	3,200	67.0	626	13.1	911	19.1	39	0.8
SIXTH CIRCUIT	4,426	2,959	66.9	1,152	26.0	280	6.3	35	0.8
Kentucky									
Eastern	404	288	71.3	99	24.5	15	3.7	2	0.5
Western	392	303	77.3	68	17.3	18	4.6	3	0.8
Michigan									
Eastern	727	519	71.4	161	22.1	44	6.1	3	0.4
Western	374	217	58.0	113	30.2	33	8.8	11	2.9
Ohio									
Northern	808	510	63.1	206	25.5	86	10.6	6	0.7
Southern	360	213	59.2	113	31.4	31	8.6	3	0.8
Tennessee									
Eastern	613	448	73.1	152	24.8	13	2.1	0	0.0
Middle	305	181	59.3	109	35.7	13	4.3	2	0.7
Western	443	280	63.2	131	29.6	27	6.1	5	1.1
SEVENTH CIRCUIT	2,678	1,855	69.3	584	21.8	218	8.1	21	0.8
Illinois									
Central	324	211	65.1	94	29.0	17	5.2	2	0.6
Northern	1,078	689	63.9	262	24.3	112	10.4	15	1.4
Southern	288	244	84.7	30	10.4	14	4.9	0	0.0
Indiana									
Northern	350	250	71.4	74	21.1	25	7.1	1	0.3
Southern	236	150	63.6	58	24.6	27	11.4	1	0.4
Wisconsin									
Eastern	278	202	72.7	56	20.1	20	7.2	0	0.0
Western	124	109	87.9	10	8.1	3	2.4	2	1.6
EIGHTH CIRCUIT	3,565	2,470	69.3	674	18.9	380	10.7	41	1.2
Arkansas									
Eastern	241	199	82.6	33	13.7	7	2.9	2	0.8
Western	142	108	76.1	28	19.7	6	4.2	0	0.0
Iowa									
Northern	351	233	66.4	83	23.6	28	8.0	7	2.0
Southern	282	184	65.2	56	19.9	41	14.5	1	0.4
Minnesota	363	225	62.0	68	18.7	68	18.7	2	0.6
Missouri									
Eastern	597	455	76.2	106	17.8	35	5.9	1	0.2
Western	636	399	62.7	197	31.0	38	6.0	2	0.3
Nebraska	523	351	67.1	70	13.4	100	19.1	2	0.4
North Dakota	141	101	71.6	17	12.1	17	12.1	6	4.3
South Dakota	289	215	74.4	16	5.5	40	13.8	18	6.2

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	11,733	5,723	48.8	1,385	11.8	4,540	38.7	85	0.7
Alaska	162	108	66.7	32	19.8	18	11.1	4	2.5
Arizona	3,395	1,048	30.9	241	7.1	2,074	61.1	32	0.9
California									
Central	972	734	75.5	114	11.7	120	12.3	4	0.4
Eastern	730	539	73.8	138	18.9	50	6.8	3	0.4
Northern	658	414	62.9	79	12.0	157	23.9	8	1.2
Southern	2,995	1,120	37.4	229	7.6	1,642	54.8	4	0.1
Guam	128	87	68.0	38	29.7	2	1.6	1	0.8
Hawaii	358	195	54.5	131	36.6	32	8.9	0	0.0
Idaho	178	100	56.2	51	28.7	22	12.4	5	2.8
Montana	346	256	74.0	61	17.6	20	5.8	9	2.6
Nevada	559	403	72.1	55	9.8	97	17.4	4	0.7
Northern Mariana Islands	5	2	40.0	3	60.0	0	0.0	0	0.0
Oregon	502	302	60.2	88	17.5	109	21.7	3	0.6
Washington									
Eastern	272	138	50.7	29	10.7	103	37.9	2	0.7
Western	473	277	58.6	96	20.3	94	19.9	6	1.3
TENTH CIRCUIT	3,833	2,551	66.6	421	11.0	839	21.9	22	0.6
Colorado	549	316	57.6	163	29.7	67	12.2	3	0.5
Kansas	493	369	74.8	76	15.4	44	8.9	4	0.8
New Mexico	1,737	1,064	61.3	85	4.9	584	33.6	4	0.2
Oklahoma									
Eastern	80	56	70.0	3	3.8	21	26.3	0	0.0
Northern	151	122	80.8	23	15.2	5	3.3	1	0.7
Western	152	102	67.1	34	22.4	11	7.2	5	3.3
Utah	542	421	77.7	25	4.6	95	17.5	1	0.2
Wyoming	129	101	78.3	12	9.3	12	9.3	4	3.1
ELEVENTH CIRCUIT	6,223	4,370	70.2	1,395	22.4	414	6.7	44	0.7
Alabama									
Middle	149	71	47.7	69	46.3	7	4.7	2	1.3
Northern	500	319	63.8	158	31.6	19	3.8	4	0.8
Southern	304	190	62.5	103	33.9	10	3.3	1	0.3
Florida									
Middle	1,384	803	58.0	467	33.7	103	7.4	11	0.8
Northern	321	221	68.8	82	25.5	14	4.4	4	1.2
Southern	2,212	1,785	80.7	284	12.8	134	6.1	9	0.4
Georgia									
Middle	311	230	74.0	68	21.9	10	3.2	3	1.0
Northern	771	543	70.4	124	16.1	97	12.6	7	0.9
Southern	271	208	76.8	40	14.8	20	7.4	3	1.1

Of the 64,366 guideline cases, 365 cases with no analogous guidelines were excluded from the table. Of the remaining 64,001 cases, 5,317 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Central California (44.0%), Eastern Virginia (24.3%), Southern California (22.8%), Delaware (21.2%), Southern West Virginia (20.0%), Eastern New York (19.7%), Western Washington (18.4%), Utah (18.3%), Northern Mariana Islands (16.7%), Eastern Kentucky (16.5%), Puerto Rico (15.8%), Western Oklahoma (14.1%), Northern Indiana (13.2%), Southern Florida (13.1%), Maine (13.0%), Virgin Islands (12.6%), Southern New York (12.5%), Western North Carolina (12.1%), Western Louisiana (11.9%), Idaho (11.0%), Rhode Island (10.0%), Eastern Washington (9.9%), Northern California (9.7%), Northern New York (8.9%), Middle Georgia (8.8%), Southern Ohio (8.4%), Oregon (7.9%), Guam (7.9%), Nevada (7.6%), Western Kentucky (7.1%), Eastern Texas (7.0%), Northern Ohio (7.0%), Minnesota (6.2%), Western Pennsylvania (6.2%), Central Illinois (5.8%), Southern Georgia (5.6%), Eastern Michigan (5.6%), Middle Pennsylvania (5.3%), Middle Florida (5.1%), and Middle Alabama (5.1%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
Fiscal Year 2002**

National

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	58,423	37,968	65.0	10,170	17.4	9,828	16.8	457	0.8
Robbery	1,522	1,051	69.1	227	14.9	220	14.5	24	1.6
Drugs - Trafficking	23,949	13,398	55.9	6,565	27.4	3,932	16.4	54	0.2
Drugs - Simple Possession	481	458	95.2	17	3.5	4	0.8	2	0.4
Firearms	4,765	3,511	73.7	581	12.2	602	12.6	71	1.5
Larceny	2,038	1,745	85.6	151	7.4	126	6.2	16	0.8
Fraud	6,378	4,539	71.2	1,135	17.8	633	9.9	71	1.1
Embezzlement	672	588	87.5	24	3.6	58	8.6	2	0.3
Forgery/Counterfeiting	1,363	1,094	80.3	159	11.7	97	7.1	13	1.0
Immigration	10,399	6,861	66.0	248	2.4	3,236	31.1	54	0.5
Other Miscellaneous Offenses	6,856	4,723	68.9	1,063	15.5	920	13.4	150	2.2

Western New York

PRIMARY OFFENSE	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
TOTAL	434	245	56.5	137	31.6	47	10.8	5	1.2
Robbery	9	6	66.7	0	0.0	3	33.3	0	0.0
Drugs - Trafficking	191	66	34.6	109	57.1	16	8.4	0	0.0
Drugs - Simple Possession	11	8	72.7	3	27.3	0	0.0	0	0.0
Firearms	57	41	71.9	4	7.0	10	17.5	2	3.5
Larceny	10	8	80.0	1	10.0	0	0.0	1	10.0
Fraud	48	40	83.3	2	4.2	6	12.5	0	0.0
Embezzlement	2	2	100.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	8	3	37.5	3	37.5	1	12.5	1	12.5
Immigration	39	32	82.1	3	7.7	4	10.3	0	0.0
Other Miscellaneous Offenses	59	39	66.1	12	20.3	7	11.9	1	1.7

Of the 64,366 guideline cases, 5,943 cases were excluded due to one or more of the following reasons: no analogous guidelines (365), missing or indeterminable departure information (5,317) or missing primary offense category (393).

Of the 451 guideline cases from the District of Western New York, 17 cases were excluded due to one of the following reasons: no analogous guidelines (11) or missing or indeterminable departure information (6).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2002 Datafile, OPAFY02.