

**Table 8**

**DOCUMENT SUBMISSION RATE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

CIRCUIT District	Number of Cases	Judgment of Conviction Order				Presentence Report						Report on the Sentencing Hearing			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>38,500</b>	<b>38,160</b>	<b>99.1</b>	<b>340</b>	<b>0.9</b>	<b>36,376</b>	<b>94.5</b>	<b>1,354</b>	<b>3.5</b>	<b>770</b>	<b>2.0</b>	<b>36,075</b>	<b>93.7</b>	<b>2,425</b>	<b>6.3</b>
<b>D.C. CIRCUIT</b>	<b>416</b>	<b>385</b>	<b>92.5</b>	<b>31</b>	<b>7.5</b>	<b>405</b>	<b>97.4</b>	<b>10</b>	<b>2.4</b>	<b>1</b>	<b>0.2</b>	<b>393</b>	<b>94.5</b>	<b>23</b>	<b>5.5</b>
District of Columbia	416	385	92.5	31	7.5	405	97.4	10	2.4	1	0.2	393	94.5	23	5.5
<b>FIRST CIRCUIT</b>	<b>1,234</b>	<b>1,227</b>	<b>99.4</b>	<b>7</b>	<b>0.6</b>	<b>1,120</b>	<b>90.8</b>	<b>66</b>	<b>5.3</b>	<b>48</b>	<b>3.9</b>	<b>1,223</b>	<b>99.1</b>	<b>11</b>	<b>0.9</b>
Maine	137	137	100.0	0	0.0	136	99.3	0	0.0	1	0.7	137	100.0	0	0.0
Massachusetts	384	384	100.0	0	0.0	349	90.9	22	5.7	13	3.4	380	99.0	4	1.0
New Hampshire	119	117	98.3	2	1.7	119	100.0	0	0.0	0	0.0	118	99.2	1	0.8
Puerto Rico	481	476	99.0	5	1.0	404	84.0	43	8.9	34	7.1	475	98.8	6	1.2
Rhode Island	113	113	100.0	0	0.0	112	99.1	1	0.9	0	0.0	113	100.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,625</b>	<b>3,615</b>	<b>99.7</b>	<b>10</b>	<b>0.3</b>	<b>3,513</b>	<b>96.9</b>	<b>9</b>	<b>0.2</b>	<b>103</b>	<b>2.8</b>	<b>2,977</b>	<b>82.1</b>	<b>648</b>	<b>17.9</b>
Connecticut	217	214	98.6	3	1.4	216	99.5	0	0.0	1	0.5	215	99.1	2	0.9
New York															
Eastern	1,453	1,449	99.7	4	0.3	1,451	99.9	2	0.1	0	0.0	939	64.6	514	35.4
Northern	441	439	99.5	2	0.5	340	77.1	1	0.2	100	22.7	437	99.1	4	0.9
Southern	1,034	1,033	99.9	1	0.1	1,026	99.2	6	0.6	2	0.2	906	87.6	128	12.4
Western	370	370	100.0	0	0.0	370	100.0	0	0.0	0	0.0	370	100.0	0	0.0
Vermont	110	110	100.0	0	0.0	110	100.0	0	0.0	0	0.0	110	100.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,104</b>	<b>2,091</b>	<b>99.4</b>	<b>13</b>	<b>0.6</b>	<b>2,037</b>	<b>96.8</b>	<b>8</b>	<b>0.4</b>	<b>59</b>	<b>2.8</b>	<b>2,023</b>	<b>96.2</b>	<b>81</b>	<b>3.9</b>
Delaware	67	66	98.5	1	1.5	67	100.0	0	0.0	0	0.0	66	98.5	1	1.5
New Jersey	521	516	99.0	5	1.0	520	99.8	1	0.2	0	0.0	512	98.3	9	1.7
Pennsylvania															
Eastern	762	757	99.3	5	0.7	707	92.8	0	0.0	55	7.2	708	92.9	54	7.1
Middle	300	300	100.0	0	0.0	298	99.3	2	0.7	0	0.0	298	99.3	2	0.7
Western	327	326	99.7	1	0.3	319	97.6	4	1.2	4	1.2	316	96.6	11	3.4
Virgin Islands	127	126	99.2	1	0.8	126	99.2	1	0.8	0	0.0	123	96.9	4	3.2
<b>FOURTH CIRCUIT</b>	<b>4,178</b>	<b>4,110</b>	<b>98.4</b>	<b>68</b>	<b>1.6</b>	<b>4,018</b>	<b>96.2</b>	<b>30</b>	<b>0.7</b>	<b>130</b>	<b>3.1</b>	<b>3,978</b>	<b>95.2</b>	<b>200</b>	<b>4.8</b>
Maryland	397	392	98.7	5	1.3	392	98.7	4	1.0	1	0.3	380	95.7	17	4.3
North Carolina															
Eastern	542	531	98.0	11	2.0	521	96.1	6	1.1	15	2.8	528	97.4	14	2.6
Middle	336	335	99.7	1	0.3	335	99.7	0	0.0	1	0.3	336	100.0	0	0.0
Western	555	522	94.1	33	5.9	536	96.6	13	2.3	6	1.1	519	93.5	36	6.5
South Carolina	711	703	98.9	8	1.1	708	99.6	1	0.1	2	0.3	699	98.3	12	1.7
Virginia															
Eastern	933	925	99.1	8	0.9	828	88.7	1	0.1	104	11.1	814	87.2	119	12.8
Western	352	350	99.4	2	0.6	350	99.4	1	0.3	1	0.3	350	99.4	2	0.6
West Virginia															
Northern	157	157	100.0	0	0.0	156	99.4	1	0.6	0	0.0	157	100.0	0	0.0
Southern	195	195	100.0	0	0.0	192	98.5	3	1.5	0	0.0	195	100.0	0	0.0

**Table 8 (cont.)**

CIRCUIT	Number of Cases	Judgment of Conviction Order				Presentence Report						Report on the Sentencing Hearing			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>5,326</b>	<b>5,286</b>	<b>99.2</b>	<b>40</b>	<b>0.8</b>	<b>5,141</b>	<b>96.5</b>	<b>66</b>	<b>1.2</b>	<b>119</b>	<b>2.2</b>	<b>5,251</b>	<b>98.6</b>	<b>75</b>	<b>1.4</b>
Louisiana															
Eastern	362	357	98.6	5	1.4	323	89.2	39	10.8	0	0.0	356	98.3	6	1.7
Middle	71	71	100.0	0	0.0	71	100.0	0	0.0	0	0.0	70	98.6	1	1.4
Western	257	256	99.6	1	0.4	257	100.0	0	0.0	0	0.0	256	99.6	1	0.4
Mississippi															
Northern	161	161	100.0	0	0.0	160	99.4	1	0.6	0	0.0	161	100.0	0	0.0
Southern	200	199	99.5	1	0.5	196	98.0	2	1.0	2	1.0	199	99.5	1	0.5
Texas															
Eastern	423	417	98.6	6	1.4	423	100.0	0	0.0	0	0.0	418	98.8	5	1.2
Northern	882	876	99.3	6	0.7	873	99.0	7	0.8	2	0.2	871	98.8	11	1.2
Southern	1,492	1,488	99.7	4	0.3	1,476	98.9	0	0.0	16	1.1	1,486	99.6	6	0.4
Western	1,478	1,461	98.9	17	1.2	1,362	92.2	17	1.2	99	6.7	1,434	97.0	44	3.0
<b>SIXTH CIRCUIT</b>	<b>3,806</b>	<b>3,795</b>	<b>99.7</b>	<b>11</b>	<b>0.3</b>	<b>3,733</b>	<b>98.1</b>	<b>11</b>	<b>0.3</b>	<b>62</b>	<b>1.6</b>	<b>3,764</b>	<b>98.9</b>	<b>42</b>	<b>1.1</b>
Kentucky															
Eastern	311	311	100.0	0	0.0	308	99.0	1	0.3	2	0.6	311	100.0	0	0.0
Western	335	333	99.4	2	0.6	280	83.6	2	0.6	53	15.8	329	98.2	6	1.8
Michigan															
Eastern	880	879	99.9	1	0.1	878	99.8	2	0.2	0	0.0	878	99.8	2	0.2
Western	337	337	100.0	0	0.0	336	99.7	1	0.3	0	0.0	335	99.4	2	0.6
Ohio															
Northern	649	648	99.8	1	0.2	647	99.7	1	0.2	1	0.2	647	99.7	2	0.3
Southern	325	322	99.1	3	0.9	323	99.4	0	0.0	2	0.6	317	97.5	8	2.5
Tennessee															
Eastern	402	399	99.3	3	0.7	397	98.8	2	0.5	3	0.7	399	99.3	3	0.7
Middle	194	194	100.0	0	0.0	192	99.0	2	1.0	0	0.0	176	90.7	18	9.3
Western	373	372	99.7	1	0.3	372	99.7	0	0.0	1	0.3	372	99.7	1	0.3
<b>SEVENTH CIRCUIT</b>	<b>1,845</b>	<b>1,842</b>	<b>99.8</b>	<b>3</b>	<b>0.2</b>	<b>1,818</b>	<b>98.5</b>	<b>17</b>	<b>0.9</b>	<b>10</b>	<b>0.5</b>	<b>1,734</b>	<b>94.0</b>	<b>111</b>	<b>6.0</b>
Illinois															
Central	192	192	100.0	0	0.0	188	97.9	4	2.1	0	0.0	191	99.5	1	0.5
Northern	679	679	100.0	0	0.0	672	99.0	4	0.6	3	0.4	586	86.3	93	13.7
Southern	273	271	99.3	2	0.7	270	98.9	2	0.7	1	0.4	268	98.2	5	1.8
Indiana															
Northern	200	199	99.5	1	0.5	197	98.5	3	1.5	0	0.0	194	97.0	6	3.0
Southern	198	198	100.0	0	0.0	190	96.0	3	1.5	5	2.5	194	98.0	4	2.0
Wisconsin															
Eastern	204	204	100.0	0	0.0	202	99.0	1	0.5	1	0.5	202	99.0	2	1.0
Western	99	99	100.0	0	0.0	99	100.0	0	0.0	0	0.0	99	100.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>2,295</b>	<b>2,292</b>	<b>99.9</b>	<b>3</b>	<b>0.1</b>	<b>2,245</b>	<b>97.8</b>	<b>23</b>	<b>1.0</b>	<b>27</b>	<b>1.2</b>	<b>2,279</b>	<b>99.3</b>	<b>16</b>	<b>0.7</b>
Arkansas															
Eastern	248	248	100.0	0	0.0	241	97.2	4	1.6	3	1.2	247	99.6	1	0.4
Western	99	98	99.0	1	1.0	95	96.0	1	1.0	3	3.0	97	98.0	2	2.0
Iowa															
Northern	104	104	100.0	0	0.0	104	100.0	0	0.0	0	0.0	104	100.0	0	0.0
Southern	144	143	99.3	1	0.7	143	99.3	0	0.0	1	0.7	142	98.6	2	1.4
Minnesota	386	386	100.0	0	0.0	383	99.2	1	0.3	2	0.5	384	99.5	2	0.5
Missouri															
Eastern	386	385	99.7	1	0.3	386	100.0	0	0.0	0	0.0	382	99.0	4	1.0
Western	392	392	100.0	0	0.0	391	99.7	1	0.3	0	0.0	392	100.0	0	0.0
Nebraska	176	176	100.0	0	0.0	174	98.9	2	1.1	0	0.0	171	97.2	5	2.8
North Dakota	160	160	100.0	0	0.0	146	91.3	14	8.8	0	0.0	160	100.0	0	0.0
South Dakota	200	200	100.0	0	0.0	182	91.0	0	0.0	18	9.0	200	100.0	0	0.0

Table 8 (cont.)

CIRCUIT	Number of Cases	Judgment of Conviction Order				Presentence Report						Report on the Sentencing Hearing			
		Received		Not Received		Received		Not Received		Waived		Received		Not Received	
		n	%	n	%	n	%	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>7,435</b>	<b>7,329</b>	<b>98.6</b>	<b>106</b>	<b>1.4</b>	<b>6,159</b>	<b>82.8</b>	<b>1,085</b>	<b>14.6</b>	<b>191</b>	<b>2.6</b>	<b>6,280</b>	<b>84.5</b>	<b>1,155</b>	<b>15.5</b>
Alaska	112	103	92.0	9	8.0	111	99.1	0	0.0	1	0.9	89	79.5	23	20.5
Arizona	990	977	98.7	13	1.3	933	94.2	11	1.1	46	4.6	960	97.0	30	3.0
California															
Central	1,217	1,207	99.2	10	0.8	1,208	99.3	7	0.6	2	0.2	488	40.1	729	59.9
Eastern	658	648	98.5	10	1.5	434	66.0	212	32.2	12	1.8	628	95.4	30	4.6
Northern	401	388	96.8	13	3.2	396	98.8	4	1.0	1	0.2	324	80.8	77	19.2
Southern	1,841	1,836	99.7	5	0.3	1,212	65.8	621	33.7	8	0.4	1,642	89.2	199	10.8
Guam	121	121	100.0	0	0.0	89	73.6	24	19.8	8	6.6	120	99.2	1	0.8
Hawaii	228	228	100.0	0	0.0	187	82.0	17	7.5	24	10.5	225	98.7	3	1.3
Idaho	83	82	98.8	1	1.2	83	100.0	0	0.0	0	0.0	82	98.8	1	1.2
Montana	189	188	99.5	1	0.5	182	96.3	1	0.5	6	3.2	189	100.0	0	0.0
Nevada	417	380	91.1	37	8.9	377	90.4	39	9.4	1	0.2	378	90.6	39	9.4
Northern Mariana Islands	8	8	100.0	0	0.0	8	100.0	0	0.0	0	0.0	8	100.0	0	0.0
Oregon	506	505	99.8	1	0.2	363	71.7	142	28.1	1	0.2	496	98.0	10	2.0
Washington															
Eastern	271	269	99.3	2	0.7	184	67.9	7	2.6	80	29.5	262	96.7	9	3.3
Western	393	389	99.0	4	1.0	392	99.7	0	0.0	1	0.3	389	99.0	4	1.0
<b>TENTH CIRCUIT</b>	<b>2,063</b>	<b>2,057</b>	<b>99.7</b>	<b>6</b>	<b>0.3</b>	<b>2,033</b>	<b>98.5</b>	<b>15</b>	<b>0.7</b>	<b>15</b>	<b>0.7</b>	<b>2,054</b>	<b>99.6</b>	<b>9</b>	<b>0.4</b>
Colorado	334	333	99.7	1	0.3	332	99.4	2	0.6	0	0.0	332	99.4	2	0.6
Kansas	326	326	100.0	0	0.0	324	99.4	2	0.6	0	0.0	325	99.7	1	0.3
New Mexico	657	655	99.7	2	0.3	635	96.7	7	1.1	15	2.3	655	99.7	2	0.3
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	170	168	98.8	2	1.2	168	98.8	2	1.2	0	0.0	170	100.0	0	0.0
Western	199	198	99.5	1	0.5	199	100.0	0	0.0	0	0.0	196	98.5	3	1.5
Utah	211	211	100.0	0	0.0	210	99.5	1	0.5	0	0.0	211	100.0	0	0.0
Wyoming	105	105	100.0	0	0.0	105	100.0	0	0.0	0	0.0	104	99.0	1	1.0
<b>ELEVENTH CIRCUIT</b>	<b>4,173</b>	<b>4,131</b>	<b>99.0</b>	<b>42</b>	<b>1.0</b>	<b>4,154</b>	<b>99.5</b>	<b>14</b>	<b>0.3</b>	<b>5</b>	<b>0.1</b>	<b>4,119</b>	<b>98.7</b>	<b>54</b>	<b>1.3</b>
Alabama															
Middle	180	178	98.9	2	1.1	180	100.0	0	0.0	0	0.0	175	97.2	5	2.8
Northern	269	263	97.8	6	2.2	267	99.3	0	0.0	2	0.7	268	99.6	1	0.4
Southern	273	273	100.0	0	0.0	268	98.2	5	1.8	0	0.0	271	99.3	2	0.7
Florida															
Middle	822	820	99.8	2	0.2	819	99.6	2	0.2	1	0.1	819	99.6	3	0.4
Northern	331	327	98.8	4	1.2	327	98.8	4	1.2	0	0.0	324	97.9	7	2.1
Southern	1,226	1,221	99.6	5	0.4	1,224	99.8	1	0.1	1	0.1	1,208	98.5	18	1.5
Georgia															
Middle	330	330	100.0	0	0.0	328	99.4	1	0.3	1	0.3	324	98.2	6	1.8
Northern	534	512	95.9	22	4.1	533	99.8	1	0.2	0	0.0	526	98.5	8	1.5
Southern	208	207	99.5	1	0.5	208	100.0	0	0.0	0	0.0	204	98.1	4	1.9

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<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 9

**GUIDELINE DEFENDANTS BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
<b>District</b>	<b>Number</b>	<b>Percent</b>	<b>District</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>38,500</b>	<b>100.0</b>			
<b>D.C. CIRCUIT</b>	<b>416</b>	<b>1.1</b>	<b>FIFTH CIRCUIT</b>	<b>5,326</b>	<b>13.8</b>
District of Columbia	416	1.1	Louisiana		
<b>FIRST CIRCUIT</b>	<b>1,234</b>	<b>3.2</b>	Eastern	362	0.9
Maine	137	0.4	Middle	71	0.2
Massachusetts	384	1.0	Western	257	0.7
New Hampshire	119	0.3	Mississippi		
Puerto Rico	481	1.2	Northern	161	0.4
Rhode Island	113	0.3	Southern	200	0.5
<b>SECOND CIRCUIT</b>	<b>3,625</b>	<b>9.4</b>	Texas		
Connecticut	217	0.6	Eastern	423	1.1
New York			Northern	882	2.3
Eastern	1,453	3.8	Southern	1,492	3.9
Northern	441	1.1	Western	1,478	3.8
Southern	1,034	2.7	<b>SIXTH CIRCUIT</b>	<b>3,806</b>	<b>9.9</b>
Western	370	1.0	Kentucky		
Vermont	110	0.3	Eastern	311	0.8
<b>THIRD CIRCUIT</b>	<b>2,104</b>	<b>5.5</b>	Western	335	0.9
Delaware	67	0.2	Michigan		
New Jersey	521	1.4	Eastern	880	2.3
Pennsylvania			Western	337	0.9
Eastern	762	2.0	Ohio		
Middle	300	0.8	Northern	649	1.7
Western	327	0.8	Southern	325	0.8
Virgin Islands	127	0.3	Tennessee		
<b>FOURTH CIRCUIT</b>	<b>4,178</b>	<b>10.9</b>	Eastern	402	1.0
Maryland	397	1.0	Middle	194	0.5
North Carolina			Western	373	1.0
Eastern	542	1.4	<b>SEVENTH CIRCUIT</b>	<b>1,845</b>	<b>4.8</b>
Middle	336	0.9	Illinois		
Western	555	1.4	Central	192	0.5
South Carolina	711	1.8	Northern	679	1.8
Virginia			Southern	273	0.7
Eastern	933	2.4	Indiana		
Western	352	0.9	Northern	200	0.5
West Virginia			Southern	198	0.5
Northern	157	0.4	Wisconsin		
Southern	195	0.5	Eastern	204	0.5
			Western	99	0.3

**Table 9 (cont.)**

<b>CIRCUIT</b>			<b>CIRCUIT</b>		
<b>District</b>	<b>Number</b>	<b>Percent</b>	<b>District</b>	<b>Number</b>	<b>Percent</b>
<b>EIGHTH CIRCUIT</b>	<b>2,295</b>	<b>6.0</b>	<b>TENTH CIRCUIT</b>	<b>2,063</b>	<b>5.4</b>
Arkansas			Colorado	334	0.9
Eastern	248	0.6	Kansas	326	0.8
Western	99	0.3	New Mexico	657	1.7
Iowa			Oklahoma		
Northern	104	0.3	Eastern	61	0.2
Southern	144	0.4	Northern	170	0.4
Minnesota	386	1.0	Western	199	0.5
Missouri			Utah	211	0.5
Eastern	386	1.0	Wyoming	105	0.3
Western	392	1.0			
Nebraska	176	0.5	<b>ELEVENTH CIRCUIT</b>	<b>4,173</b>	<b>10.8</b>
North Dakota	160	0.4	Alabama		
South Dakota	200	0.5	Middle	180	0.5
			Northern	269	0.7
<b>NINTH CIRCUIT</b>	<b>7,435</b>	<b>19.3</b>	Southern	273	0.7
Alaska	112	0.3	Florida		
Arizona	990	2.6	Middle	822	2.1
California			Northern	331	0.9
Central	1,217	3.2	Southern	1,226	3.2
Eastern	658	1.7	Georgia		
Northern	401	1.0	Middle	330	0.9
Southern	1,841	4.8	Northern	534	1.4
Guam	121	0.3	Southern	208	0.5
Hawaii	228	0.6			
Idaho	83	0.2			
Montana	189	0.5			
Nevada	417	1.1			
Northern Mariana Islands	8	0.0			
Oregon	506	1.3			
Washington					
Eastern	271	0.7			
Western	393	1.0			

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<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 10**

**DISTRIBUTION OF SENTENCED GUIDELINE DEFENDANTS  
BY PRIMARY OFFENSE CATEGORY<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

<b>PRIMARY OFFENSE</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>38,377</b>	<b>100.0</b>
<b>Murder</b>	85	0.2
<b>Manslaughter</b>	48	0.1
<b>Kidnapping/Hostage-Taking</b>	62	0.2
<b>Sexual Abuse</b>	177	0.5
<b>Assault</b>	390	1.0
<b>Robbery</b>	1,603	4.2
<b>Arson</b>	97	0.3
<b>Drugs - Trafficking</b>	14,183	37.0
<b>Drugs - Communication Facility</b>	332	0.9
<b>Drugs - Simple Possession</b>	773	2.0
<b>Firearms</b>	2,573	6.7
<b>Burglary/B&amp;E</b>	66	0.2
<b>Auto Theft</b>	149	0.4
<b>Larceny</b>	2,492	6.5
<b>Fraud</b>	5,909	15.4
<b>Embezzlement</b>	815	2.1
<b>Forgery/Counterfeiting</b>	790	2.1
<b>Bribery</b>	303	0.8
<b>Tax</b>	744	1.9
<b>Money Laundering</b>	832	2.2
<b>Racketeering/Extortion</b>	414	1.1
<b>Gambling/Lottery</b>	218	0.6
<b>Civil Rights</b>	102	0.3
<b>Immigration</b>	3,170	8.3
<b>Pornography/Prostitution</b>	96	0.3
<b>Prison Offenses</b>	373	1.0
<b>Administration of Justice Offenses</b>	723	1.9
<b>Environmental/Wildlife</b>	127	0.3
<b>National Defense</b>	35	0.1
<b>Antitrust</b>	18	0.0
<b>Food &amp; Drug</b>	60	0.2
<b>Other Miscellaneous Offenses</b>	618	1.6

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<sup>1</sup>Of the 38,500 cases, 123 were excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 11**

**RACE OF DEFENDANT BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,136</b>	<b>14,951</b>	<b>39.2</b>	<b>11,120</b>	<b>29.2</b>	<b>10,430</b>	<b>27.3</b>	<b>1,635</b>	<b>4.3</b>
<b>Murder</b>	<b>85</b>	29	34.1	27	31.8	8	9.4	21	24.7
<b>Manslaughter</b>	<b>48</b>	13	27.1	3	6.3	0	0.0	32	66.7
<b>Kidnapping/Hostage-Taking</b>	<b>62</b>	21	33.9	17	27.4	13	21.0	11	17.7
<b>Sexual Abuse</b>	<b>176</b>	19	10.8	14	8.0	10	5.7	133	75.6
<b>Assault</b>	<b>386</b>	156	40.4	115	29.8	37	9.6	78	20.2
<b>Robbery</b>	<b>1,599</b>	686	42.9	751	47.0	130	8.1	32	2.0
<b>Arson</b>	<b>97</b>	75	77.3	5	5.2	8	8.2	9	9.3
<b>Drugs - Trafficking</b>	<b>14,146</b>	3,770	26.7	5,066	35.8	5,059	35.8	251	1.8
<b>Drugs - Communication Facility</b>	<b>330</b>	98	29.7	99	30.0	131	39.7	2	0.6
<b>Drugs - Simple Possession</b>	<b>764</b>	306	40.1	124	16.2	315	41.2	19	2.5
<b>Firearms</b>	<b>2,570</b>	1,154	44.9	1,035	40.3	308	12.0	73	2.8
<b>Burglary/B&amp;E</b>	<b>66</b>	44	66.7	14	21.2	3	4.5	5	7.6
<b>Auto Theft</b>	<b>149</b>	88	59.1	39	26.2	19	12.8	3	2.0
<b>Larceny</b>	<b>2,460</b>	1,216	49.4	888	36.1	201	8.2	155	6.3
<b>Fraud</b>	<b>5,877</b>	3,555	60.5	1,473	25.1	506	8.6	343	5.8
<b>Embezzlement</b>	<b>810</b>	512	63.2	192	23.7	55	6.8	51	6.3
<b>Forgery/Counterfeiting</b>	<b>786</b>	303	38.6	276	35.1	129	16.4	78	9.9
<b>Bribery</b>	<b>302</b>	179	59.3	52	17.2	49	16.2	22	7.3
<b>Tax</b>	<b>742</b>	607	81.8	50	6.7	50	6.7	35	4.7
<b>Money Laundering</b>	<b>824</b>	364	44.2	130	15.8	300	36.4	30	3.6
<b>Racketeering/Extortion</b>	<b>412</b>	227	55.1	110	26.7	51	12.4	24	5.8
<b>Gambling/Lottery</b>	<b>217</b>	178	82.0	16	7.4	2	0.9	21	9.7
<b>Civil Rights</b>	<b>102</b>	84	82.4	12	11.8	2	2.0	4	3.9
<b>Immigration</b>	<b>3,113</b>	150	4.8	224	7.2	2,653	85.2	86	2.8
<b>Pornography/Prostitution</b>	<b>94</b>	78	83.0	6	6.4	5	5.3	5	5.3
<b>Prison Offenses</b>	<b>365</b>	149	40.8	120	32.9	85	23.3	11	3.0
<b>Administration of Justice Offenses</b>	<b>716</b>	332	46.4	147	20.5	205	28.6	32	4.5
<b>Environmental/Wildlife</b>	<b>121</b>	84	69.4	4	3.3	20	16.5	13	10.7
<b>National Defense</b>	<b>35</b>	11	31.4	1	2.9	16	45.7	7	20.0
<b>Antitrust</b>	<b>18</b>	18	100.0	0	0.0	0	0.0	0	0.0
<b>Food &amp; Drug</b>	<b>60</b>	49	81.7	2	3.3	6	10.0	3	5.0
<b>Other Miscellaneous Offenses</b>	<b>604</b>	396	65.6	108	17.9	54	8.9	46	7.6

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<sup>1</sup>Of the 38,500 cases, 364 were excluded due to one or both of the following reasons: missing primary offense category (123) or missing race (273). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 12**

**GENDER OF DEFENDANT BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,367</b>	<b>32,641</b>	<b>85.1</b>	<b>5,726</b>	<b>14.9</b>
<b>Murder</b>	<b>85</b>	<b>76</b>	<b>89.4</b>	<b>9</b>	<b>10.6</b>
<b>Manslaughter</b>	<b>48</b>	<b>42</b>	<b>87.5</b>	<b>6</b>	<b>12.5</b>
<b>Kidnapping/Hostage-Taking</b>	<b>62</b>	<b>59</b>	<b>95.2</b>	<b>3</b>	<b>4.8</b>
<b>Sexual Abuse</b>	<b>177</b>	<b>174</b>	<b>98.3</b>	<b>3</b>	<b>1.7</b>
<b>Assault</b>	<b>390</b>	<b>361</b>	<b>92.6</b>	<b>29</b>	<b>7.4</b>
<b>Robbery</b>	<b>1,603</b>	<b>1,512</b>	<b>94.3</b>	<b>91</b>	<b>5.7</b>
<b>Arson</b>	<b>97</b>	<b>95</b>	<b>97.9</b>	<b>2</b>	<b>2.1</b>
<b>Drugs - Trafficking</b>	<b>14,183</b>	<b>12,548</b>	<b>88.5</b>	<b>1,635</b>	<b>11.5</b>
<b>Drugs - Communication Facility</b>	<b>332</b>	<b>256</b>	<b>77.1</b>	<b>76</b>	<b>22.9</b>
<b>Drugs - Simple Possession</b>	<b>773</b>	<b>618</b>	<b>79.9</b>	<b>155</b>	<b>20.1</b>
<b>Firearms</b>	<b>2,573</b>	<b>2,477</b>	<b>96.3</b>	<b>96</b>	<b>3.7</b>
<b>Burglary/B&amp;E</b>	<b>66</b>	<b>65</b>	<b>98.5</b>	<b>1</b>	<b>1.5</b>
<b>Auto Theft</b>	<b>149</b>	<b>147</b>	<b>98.7</b>	<b>2</b>	<b>1.3</b>
<b>Larceny</b>	<b>2,490</b>	<b>1,705</b>	<b>68.5</b>	<b>785</b>	<b>31.5</b>
<b>Fraud</b>	<b>5,905</b>	<b>4,588</b>	<b>77.7</b>	<b>1,317</b>	<b>22.3</b>
<b>Embezzlement</b>	<b>815</b>	<b>349</b>	<b>42.8</b>	<b>466</b>	<b>57.2</b>
<b>Forgery/Counterfeiting</b>	<b>790</b>	<b>638</b>	<b>80.8</b>	<b>152</b>	<b>19.2</b>
<b>Bribery</b>	<b>303</b>	<b>270</b>	<b>89.1</b>	<b>33</b>	<b>10.9</b>
<b>Tax</b>	<b>744</b>	<b>644</b>	<b>86.6</b>	<b>100</b>	<b>13.4</b>
<b>Money Laundering</b>	<b>832</b>	<b>669</b>	<b>80.4</b>	<b>163</b>	<b>19.6</b>
<b>Racketeering/Extortion</b>	<b>414</b>	<b>371</b>	<b>89.6</b>	<b>43</b>	<b>10.4</b>
<b>Gambling/Lottery</b>	<b>218</b>	<b>199</b>	<b>91.3</b>	<b>19</b>	<b>8.7</b>
<b>Civil Rights</b>	<b>102</b>	<b>98</b>	<b>96.1</b>	<b>4</b>	<b>3.9</b>
<b>Immigration</b>	<b>3,166</b>	<b>2,959</b>	<b>93.5</b>	<b>207</b>	<b>6.5</b>
<b>Pornography/Prostitution</b>	<b>96</b>	<b>89</b>	<b>92.7</b>	<b>7</b>	<b>7.3</b>
<b>Prison Offenses</b>	<b>373</b>	<b>333</b>	<b>89.3</b>	<b>40</b>	<b>10.7</b>
<b>Administration of Justice Offenses</b>	<b>723</b>	<b>536</b>	<b>74.1</b>	<b>187</b>	<b>25.9</b>
<b>Environmental/Wildlife</b>	<b>127</b>	<b>120</b>	<b>94.5</b>	<b>7</b>	<b>5.5</b>
<b>National Defense</b>	<b>35</b>	<b>33</b>	<b>94.3</b>	<b>2</b>	<b>5.7</b>
<b>Antitrust</b>	<b>18</b>	<b>18</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>
<b>Food &amp; Drug</b>	<b>60</b>	<b>54</b>	<b>90.0</b>	<b>6</b>	<b>10.0</b>
<b>Other Miscellaneous Offenses</b>	<b>618</b>	<b>538</b>	<b>87.1</b>	<b>80</b>	<b>12.9</b>

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<sup>1</sup>Of the 38,500 cases, 133 were excluded due to one or both of the following reasons: missing primary offense category (123) or missing gender (13). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.



**Table 13**

**AGE OF DEFENDANT BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	Under 21		21 to 25		26 to 30		31 to 35		36 to 40		41 to 50		Over 50		Mean	Median
		n	%	n	%	n	%	n	%	n	%	n	%	n	%		
<b>TOTAL</b>	<b>38,208</b>	<b>1,764</b>	<b>4.6</b>	<b>6,767</b>	<b>17.7</b>	<b>7,038</b>	<b>18.4</b>	<b>6,682</b>	<b>17.5</b>	<b>5,294</b>	<b>13.9</b>	<b>6,902</b>	<b>18.1</b>	<b>3,761</b>	<b>9.8</b>	<b>35.0</b>	<b>33.0</b>
Murder	85	9	10.6	21	24.7	15	17.6	12	14.1	6	7.1	15	17.6	7	8.2	33.0	30.0
Manslaughter	48	6	12.5	15	31.3	8	16.7	9	18.8	5	10.4	3	6.3	2	4.2	29.3	26.0
Kidnapping/Hostage-Taking	62	3	4.8	16	25.8	16	25.8	12	19.4	5	8.1	8	12.9	2	3.2	31.5	29.0
Sexual Abuse	177	13	7.3	38	21.5	25	14.1	32	18.1	20	11.3	32	18.1	17	9.6	34.0	32.0
Assault	389	29	7.5	75	19.3	81	20.8	63	16.2	55	14.1	58	14.9	28	7.2	33.4	31.0
Robbery	1,602	176	11.0	372	23.2	286	17.9	287	17.9	233	14.5	195	12.2	53	3.3	31.1	30.0
Arson	97	5	5.2	19	19.6	15	15.5	22	22.7	12	12.4	13	13.4	11	11.3	34.5	33.0
Drugs - Trafficking	14,181	718	5.1	2,910	20.5	2,930	20.7	2,624	18.5	1,941	13.7	2,241	15.8	817	5.8	33.2	31.0
Drugs - Communication Facility	332	12	3.6	56	16.9	64	19.3	57	17.2	55	16.6	60	18.1	28	8.4	34.9	34.0
Drugs - Simple Possession	767	83	10.8	168	21.9	174	22.7	134	17.5	96	12.5	90	11.7	22	2.9	30.8	29.0
Firearms	2,571	144	5.6	547	21.3	480	18.7	466	18.1	353	13.7	423	16.5	158	6.1	33.3	32.0
Burglary/B&E	66	12	18.2	14	21.2	14	21.2	13	19.7	8	12.1	4	6.1	1	1.5	29.1	28.0
Auto Theft	149	15	10.1	27	18.1	23	15.4	21	14.1	19	12.8	21	14.1	23	15.4	34.8	32.0
Larceny	2,485	188	7.6	442	17.8	385	15.5	395	15.9	333	13.4	470	18.9	272	10.9	35.0	33.0
Fraud	5,858	89	1.5	597	10.2	844	14.4	898	15.3	899	15.3	1,451	24.8	1,080	18.4	39.4	38.0
Embezzlement	814	20	2.5	146	17.9	133	16.3	139	17.1	123	15.1	178	21.9	75	9.2	35.7	34.0
Forgery/Counterfeiting	789	31	3.9	177	22.4	167	21.2	120	15.2	105	13.3	116	14.7	73	9.3	33.8	31.0
Bribery	303	0	0.0	14	4.6	17	5.6	31	10.2	40	13.2	94	31.0	107	35.3	46.3	45.0
Tax	744	3	0.4	11	1.5	15	2.0	51	6.9	86	11.6	292	39.2	286	38.4	47.9	48.0
Money Laundering	828	6	0.7	64	7.7	103	12.4	147	17.8	125	15.1	239	28.9	144	17.4	40.0	39.0
Racketeering/Extortion	414	16	3.9	52	12.6	71	17.2	57	13.8	51	12.3	88	21.3	79	19.1	38.8	37.0
Gambling/Lottery	218	0	0.0	2	0.9	9	4.1	21	9.6	32	14.7	63	28.9	91	41.7	48.1	48.0
Civil Rights	102	11	10.8	27	26.5	12	11.8	14	13.7	11	10.8	14	13.7	13	12.7	33.7	31.0
Immigration	3,084	101	3.3	679	22.0	851	27.6	693	22.5	389	12.6	295	9.6	76	2.5	31.2	30.0
Pornography/Prostitution	96	0	0.0	3	3.1	12	12.5	15	15.6	18	18.8	29	30.2	19	19.8	42.0	40.5
Prison Offenses	372	7	1.9	68	18.3	73	19.6	88	23.7	47	12.6	68	18.3	21	5.6	34.2	33.0
Administration of Justice Offenses	723	27	3.7	107	14.8	119	16.5	140	19.4	96	13.3	143	19.8	91	12.6	36.4	34.0
Environmental/Wildlife	124	2	1.6	10	8.1	11	8.9	14	11.3	27	21.8	30	24.2	30	24.2	41.3	40.0
National Defense	35	1	2.9	3	8.6	7	20.0	7	20.0	2	5.7	11	31.4	4	11.4	37.6	35.0
Antitrust	18	0	0.0	0	0.0	0	0.0	0	0.0	1	5.6	5	27.8	12	66.7	52.9	54.0
Food & Drug	60	0	0.0	4	6.7	3	5.0	8	13.3	9	15.0	16	26.7	20	33.3	44.6	43.5
Other Miscellaneous Offenses	615	37	6.0	83	13.5	75	12.2	92	15.0	92	15.0	137	22.3	99	16.1	37.9	37.0

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<sup>1</sup>Of the 38,500 cases, 292 were excluded due to one or both of the following reasons: missing primary offense category (123) or missing date of birth (186). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 14**

**AGE, RACE, AND GENDER OF SENTENCED GUIDELINE DEFENDANTS<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

AGE	TOTAL		WHITE		BLACK		HISPANIC		OTHER	
	Number	Percent	Male	Female	Male	Female	Male	Female	Male	Female
Under 18	4	0.0	0	0	2	0	2	0	0	0
18	204	0.5	39	5	78	7	58	5	12	0
19	607	1.6	114	26	246	15	150	11	39	6
20	932	2.4	192	43	359	35	223	28	45	7
21	1,058	2.8	195	52	402	45	266	25	58	15
22	1,228	3.2	251	58	448	58	312	39	52	10
23	1,366	3.6	238	45	513	93	370	39	60	8
24	1,551	4.1	266	95	568	75	442	45	54	6
25	1,541	4.0	296	83	564	69	429	38	60	2
26	1,411	3.7	261	74	449	103	440	29	47	8
27	1,420	3.7	285	67	414	82	484	35	36	17
28	1,447	3.8	281	66	458	82	460	50	39	11
29	1,369	3.6	289	66	399	82	426	49	46	12
30	1,368	3.6	332	73	374	73	417	47	39	13
31	1,350	3.5	353	91	343	74	388	40	52	9
32	1,386	3.6	376	93	352	70	411	44	35	5
33	1,357	3.6	393	104	318	79	370	43	41	9
34	1,293	3.4	427	94	288	61	336	38	46	3
35	1,279	3.4	398	103	263	79	334	49	48	5
36	1,157	3.0	406	79	241	60	291	34	35	11
37	1,115	2.9	417	86	222	39	271	36	38	6
38	1,053	2.8	403	77	212	43	236	32	43	7
39	1,019	2.7	369	81	196	60	219	44	35	15
40	951	2.5	360	71	203	40	213	25	29	10
41	897	2.4	364	65	179	39	175	28	40	7
42	842	2.2	356	59	134	38	195	30	24	6
43	747	2.0	324	52	118	38	147	24	36	8
44	787	2.1	361	68	130	34	149	17	22	6
45	688	1.8	324	58	107	28	122	17	27	5
46	672	1.8	335	53	106	24	105	19	20	10
47	680	1.8	339	69	85	22	114	23	23	5
48	591	1.6	320	52	63	23	94	11	20	8
49	509	1.3	274	38	76	16	73	13	18	1
50	475	1.2	255	40	63	13	73	9	17	5
51	402	1.1	234	34	42	13	57	7	12	3
52	416	1.1	242	34	42	14	61	9	13	1
53	364	1.0	203	32	39	12	49	12	14	3
54	290	0.8	177	23	27	5	36	10	9	3
55	300	0.8	160	23	28	11	53	8	16	1
56	262	0.7	163	20	31	4	34	2	5	3
57	219	0.6	132	18	12	7	35	5	5	5
58	200	0.5	130	20	16	3	21	5	4	1
59	163	0.4	102	14	21	4	14	3	3	2
60	179	0.5	105	15	22	7	21	4	3	2
61	124	0.3	82	11	5	6	12	1	7	0
62	122	0.3	83	8	8	1	18	1	2	1
63	98	0.3	64	7	9	0	11	5	2	0
64	105	0.3	71	5	10	2	12	2	2	1
65	94	0.2	67	10	5	1	11	0	0	0
Over 65	415	1.1	283	28	35	6	38	7	15	3
<b>TOTAL</b>	<b>38,107</b>	<b>100.0</b>	<b>12,491</b>	<b>2,488</b>	<b>9,325</b>	<b>1,795</b>	<b>9,278</b>	<b>1,097</b>	<b>1,348</b>	<b>285</b>
<b>Percent</b>		<b>100.0</b>	<b>32.8</b>	<b>6.5</b>	<b>24.5</b>	<b>4.7</b>	<b>24.3</b>	<b>2.9</b>	<b>3.5</b>	<b>0.7</b>
<b>Race Column Total</b>			<b>14,979</b>		<b>11,120</b>		<b>10,375</b>		<b>1,633</b>	
			<b>(39.3%)</b>		<b>(29.2%)</b>		<b>(27.2%)</b>		<b>(4.3%)</b>	

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<sup>1</sup>Of the 38,500 cases, 393 were excluded due to one or more of the following reasons: missing age (186), missing race (273), or missing gender (13). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 15**

**EDUCATION OF SENTENCED GUIDELINE DEFENDANTS BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	LESS THAN HIGH SCHOOL GRADUATE		HIGH SCHOOL GRADUATE		SOME COLLEGE		COLLEGE GRADUATE	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>36,925</b>	<b>14,556</b>	<b>39.4</b>	<b>11,978</b>	<b>32.4</b>	<b>7,461</b>	<b>20.2</b>	<b>2,930</b>	<b>7.9</b>
<b>Murder</b>	<b>84</b>	39	46.4	24	28.6	19	22.6	2	2.4
<b>Manslaughter</b>	<b>48</b>	20	41.7	23	47.9	5	10.4	0	0.0
<b>Kidnapping/Hostage-Taking</b>	<b>61</b>	32	52.5	16	26.2	9	14.8	4	6.6
<b>Sexual Abuse</b>	<b>176</b>	85	48.3	65	36.9	23	13.1	3	1.7
<b>Assault</b>	<b>367</b>	155	42.2	136	37.1	55	15.0	21	5.7
<b>Robbery</b>	<b>1,584</b>	641	40.5	625	39.5	298	18.8	20	1.3
<b>Arson</b>	<b>96</b>	31	32.3	41	42.7	19	19.8	5	5.2
<b>Drugs - Trafficking</b>	<b>14,020</b>	6,722	47.9	4,534	32.3	2,292	16.3	472	3.4
<b>Drugs - Communication Facility</b>	<b>325</b>	132	40.6	115	35.4	64	19.7	14	4.3
<b>Drugs - Simple Possession</b>	<b>733</b>	387	52.8	227	31.0	97	13.2	22	3.0
<b>Firearms</b>	<b>2,542</b>	1,074	42.3	1,006	39.6	402	15.8	60	2.4
<b>Burglary/B&amp;E</b>	<b>66</b>	30	45.5	28	42.4	7	10.6	1	1.5
<b>Auto Theft</b>	<b>148</b>	64	43.2	56	37.8	21	14.2	7	4.7
<b>Larceny</b>	<b>2,304</b>	538	23.4	951	41.3	643	27.9	172	7.5
<b>Fraud</b>	<b>5,726</b>	1,116	19.5	1,780	31.1	1,738	30.4	1,092	19.1
<b>Embezzlement</b>	<b>802</b>	51	6.4	318	39.7	327	40.8	106	13.2
<b>Forgery/Counterfeiting</b>	<b>781</b>	268	34.3	239	30.6	223	28.6	51	6.5
<b>Bribery</b>	<b>298</b>	56	18.8	84	28.2	71	23.8	87	29.2
<b>Tax</b>	<b>739</b>	109	14.8	197	26.7	170	23.0	263	35.6
<b>Money Laundering</b>	<b>811</b>	196	24.2	246	30.3	230	28.4	139	17.1
<b>Racketeering/Extortion</b>	<b>410</b>	164	40.0	137	33.4	79	19.3	30	7.3
<b>Gambling/Lottery</b>	<b>217</b>	57	26.3	92	42.4	52	24.0	16	7.4
<b>Civil Rights</b>	<b>102</b>	30	29.4	40	39.2	23	22.5	9	8.8
<b>Immigration</b>	<b>2,533</b>	1,975	78.0	294	11.6	182	7.2	82	3.2
<b>Pornography/Prostitution</b>	<b>93</b>	14	15.1	26	28.0	25	26.9	28	30.1
<b>Prison Offenses</b>	<b>350</b>	127	36.3	171	48.9	41	11.7	11	3.1
<b>Administration of Justice Offenses</b>	<b>701</b>	246	35.1	224	32.0	149	21.3	82	11.7
<b>Environmental/Wildlife</b>	<b>119</b>	35	29.4	40	33.6	28	23.5	16	13.4
<b>National Defense</b>	<b>34</b>	15	44.1	3	8.8	9	26.5	7	20.6
<b>Antitrust</b>	<b>18</b>	1	5.6	5	27.8	1	5.6	11	61.1
<b>Food &amp; Drug</b>	<b>60</b>	10	16.7	12	20.0	17	28.3	21	35.0
<b>Other Miscellaneous Offenses</b>	<b>577</b>	136	23.6	223	38.6	142	24.6	76	13.2

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<sup>1</sup>Of the 38,500 cases, 1,575 were excluded due to one or both of the following reasons: missing primary offense category (123) or missing education information (1,511). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 16**

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>CIRCUIT</b> <b>District</b>	<b>TOTAL</b>	<b>PLEA</b>		<b>TRIAL</b>	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,443</b>	<b>35,319</b>	<b>91.9</b>	<b>3,124</b>	<b>8.1</b>
<b>D.C. CIRCUIT</b>	<b>416</b>	<b>373</b>	<b>89.7</b>	<b>43</b>	<b>10.3</b>
District of Columbia	416	373	89.7	43	10.3
<b>FIRST CIRCUIT</b>	<b>1,233</b>	<b>1,128</b>	<b>91.5</b>	<b>105</b>	<b>8.5</b>
Maine	137	123	89.8	14	10.2
Massachusetts	383	336	87.7	47	12.3
New Hampshire	119	116	97.5	3	2.5
Puerto Rico	481	455	94.6	26	5.4
Rhode Island	113	98	86.7	15	13.3
<b>SECOND CIRCUIT</b>	<b>3,620</b>	<b>3,381</b>	<b>93.4</b>	<b>239</b>	<b>6.6</b>
Connecticut	217	199	91.7	18	8.3
New York					
Eastern	1,450	1,353	93.3	97	6.7
Northern	441	413	93.7	28	6.3
Southern	1,032	957	92.7	75	7.3
Western	370	354	95.7	16	4.3
Vermont	110	105	95.5	5	4.5
<b>THIRD CIRCUIT</b>	<b>2,100</b>	<b>1,920</b>	<b>91.4</b>	<b>180</b>	<b>8.6</b>
Delaware	67	60	89.6	7	10.4
New Jersey	521	496	95.2	25	4.8
Pennsylvania					
Eastern	758	674	88.9	84	11.1
Middle	300	276	92.0	24	8.0
Western	327	291	89.0	36	11.0
Virgin Islands	127	123	96.9	4	3.2
<b>FOURTH CIRCUIT</b>	<b>4,165</b>	<b>3,744</b>	<b>89.9</b>	<b>421</b>	<b>10.1</b>
Maryland	394	356	90.4	38	9.6
North Carolina					
Eastern	542	488	90.0	54	10.0
Middle	336	295	87.8	41	12.2
Western	552	525	95.1	27	4.9
South Carolina	710	680	95.8	30	4.2
Virginia					
Eastern	932	785	84.2	147	15.8
Western	349	300	86.0	49	14.0
West Virginia					
Northern	155	133	85.8	22	14.2
Southern	195	182	93.3	13	6.7

**Table 16 (cont.)**

<b>CIRCUIT</b> District	<b>TOTAL</b>	<b>PLEA</b>		<b>TRIAL</b>	
		Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>5,322</b>	<b>4,892</b>	<b>91.9</b>	<b>430</b>	<b>8.1</b>
Louisiana					
Eastern	362	345	95.3	17	4.7
Middle	71	64	90.1	7	9.9
Western	257	228	88.7	29	11.3
Mississippi					
Northern	160	132	82.5	28	17.5
Southern	200	178	89.0	22	11.0
Texas					
Eastern	422	375	88.9	47	11.1
Northern	881	831	94.3	50	5.7
Southern	1,491	1,362	91.3	129	8.7
Western	1,478	1,377	93.2	101	6.8
<b>SIXTH CIRCUIT</b>	<b>3,806</b>	<b>3,484</b>	<b>91.5</b>	<b>322</b>	<b>8.5</b>
Kentucky					
Eastern	311	277	89.1	34	10.9
Western	335	296	88.4	39	11.6
Michigan					
Eastern	880	822	93.4	58	6.6
Western	337	301	89.3	36	10.7
Ohio					
Northern	649	609	93.8	40	6.2
Southern	325	312	96.0	13	4.0
Tennessee					
Eastern	402	357	88.8	45	11.2
Middle	194	178	91.8	16	8.2
Western	373	332	89.0	41	11.0
<b>SEVENTH CIRCUIT</b>	<b>1,839</b>	<b>1,649</b>	<b>89.7</b>	<b>190</b>	<b>10.3</b>
Illinois					
Central	192	177	92.2	15	7.8
Northern	677	601	88.8	76	11.2
Southern	270	239	88.5	31	11.5
Indiana					
Northern	199	185	93.0	14	7.0
Southern	198	178	89.9	20	10.1
Wisconsin					
Eastern	204	178	87.3	26	12.7
Western	99	91	91.9	8	8.1
<b>EIGHTH CIRCUIT</b>	<b>2,292</b>	<b>2,070</b>	<b>90.3</b>	<b>222</b>	<b>9.7</b>
Arkansas					
Eastern	248	221	89.1	27	10.9
Western	99	87	87.9	12	12.1
Iowa					
Northern	103	93	90.3	10	9.7
Southern	144	120	83.3	24	16.7
Minnesota	386	338	87.6	48	12.4
Missouri					
Eastern	384	345	89.8	39	10.2
Western	392	363	92.6	29	7.4
Nebraska	176	167	94.9	9	5.1
North Dakota	160	154	96.3	6	3.8
South Dakota	200	182	91.0	18	9.0
<b>NINTH CIRCUIT</b>	<b>7,422</b>	<b>7,082</b>	<b>95.4</b>	<b>340</b>	<b>4.6</b>

**Table 16 (cont.)**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
Alaska	112	98	87.5	14	12.5
Arizona	990	960	97.0	30	3.0
California					
Central	1,214	1,169	96.3	45	3.7
Eastern	656	617	94.1	39	5.9
Northern	398	372	93.5	26	6.5
Southern	1,838	1,790	97.4	48	2.6
Guam	121	117	96.7	4	3.3
Hawaii	228	208	91.2	20	8.8
Idaho	83	74	89.2	9	10.8
Montana	188	175	93.1	13	6.9
Nevada	416	381	91.6	35	8.4
Northern Mariana Islands	8	8	100.0	0	0.0
Oregon	506	483	95.5	23	4.5
Washington					
Eastern	271	263	97.0	8	3.0
Western	393	367	93.4	26	6.6
<b>TENTH CIRCUIT</b>	<b>2,062</b>	<b>1,943</b>	<b>94.2</b>	<b>119</b>	<b>5.8</b>
Colorado	334	324	97.0	10	3.0
Kansas	326	295	90.5	31	9.5
New Mexico	656	639	97.4	17	2.6
Oklahoma					
Eastern	61	59	96.7	2	3.3
Northern	170	147	86.5	23	13.5
Western	199	178	89.4	21	10.6
Utah	211	205	97.2	6	2.8
Wyoming	105	96	91.4	9	8.6
<b>ELEVENTH CIRCUIT</b>	<b>4,166</b>	<b>3,653</b>	<b>87.7</b>	<b>513</b>	<b>12.3</b>
Alabama					
Middle	180	145	80.6	35	19.4
Northern	269	252	93.7	17	6.3
Southern	273	233	85.3	40	14.7
Florida					
Middle	820	709	86.5	111	13.5
Northern	329	274	83.3	55	16.7
Southern	1,224	1,063	86.8	161	13.2
Georgia					
Middle	330	310	93.9	20	6.1
Northern	533	488	91.6	45	8.4
Southern	208	179	86.1	29	13.9

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<sup>1</sup>Of the 38,500 cases, 57 were excluded due to missing information on mode of conviction. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 17

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,325</b>	<b>35,208</b>	<b>91.9</b>	<b>3,117</b>	<b>8.1</b>
<b>Murder</b>	<b>84</b>	57	67.9	27	32.1
<b>Manslaughter</b>	<b>48</b>	45	93.8	3	6.3
<b>Kidnapping/Hostage-Taking</b>	<b>62</b>	49	79.0	13	21.0
<b>Sexual Abuse</b>	<b>177</b>	157	88.7	20	11.3
<b>Assault</b>	<b>389</b>	312	80.2	77	19.8
<b>Robbery</b>	<b>1,600</b>	1,437	89.8	163	10.2
<b>Arson</b>	<b>96</b>	84	87.5	12	12.5
<b>Drugs - Trafficking</b>	<b>14,164</b>	12,652	89.3	1,512	10.7
<b>Drugs - Communication Facility</b>	<b>332</b>	326	98.2	6	1.8
<b>Drugs - Simple Possession</b>	<b>770</b>	751	97.5	19	2.5
<b>Firearms</b>	<b>2,568</b>	2,249	87.6	319	12.4
<b>Burglary/B&amp;E</b>	<b>66</b>	64	97.0	2	3.0
<b>Auto Theft</b>	<b>149</b>	142	95.3	7	4.7
<b>Larceny</b>	<b>2,490</b>	2,385	95.8	105	4.2
<b>Fraud</b>	<b>5,905</b>	5,554	94.1	351	5.9
<b>Embezzlement</b>	<b>815</b>	799	98.0	16	2.0
<b>Forgery/Counterfeiting</b>	<b>790</b>	756	95.7	34	4.3
<b>Bribery</b>	<b>302</b>	261	86.4	41	13.6
<b>Tax</b>	<b>742</b>	696	93.8	46	6.2
<b>Money Laundering</b>	<b>832</b>	772	92.8	60	7.2
<b>Racketeering/Extortion</b>	<b>412</b>	345	83.7	67	16.3
<b>Gambling/Lottery</b>	<b>217</b>	212	97.7	5	2.3
<b>Civil Rights</b>	<b>102</b>	93	91.2	9	8.8
<b>Immigration</b>	<b>3,168</b>	3,107	98.1	61	1.9
<b>Pornography/Prostitution</b>	<b>96</b>	89	92.7	7	7.3
<b>Prison Offenses</b>	<b>373</b>	347	93.0	26	7.0
<b>Administration of Justice Offenses</b>	<b>722</b>	677	93.8	45	6.2
<b>Environmental/Wildlife</b>	<b>127</b>	121	95.3	6	4.7
<b>National Defense</b>	<b>35</b>	28	80.0	7	20.0
<b>Antitrust</b>	<b>18</b>	17	94.4	1	5.6
<b>Food &amp; Drug</b>	<b>60</b>	58	96.7	2	3.3
<b>Other Miscellaneous Offenses</b>	<b>614</b>	566	92.2	48	7.8

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<sup>1</sup>Of the 38,500 cases, 175 were excluded due to one or both of the following reasons: missing primary offense category (123) or missing information on mode of conviction (57). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 18**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>38,114</b>	<b>29,982</b>	<b>78.7</b>	<b>28,290</b>	<b>74.2</b>	<b>1,692</b>	<b>4.4</b>	<b>8,132</b>	<b>21.3</b>	<b>2,967</b>	<b>7.8</b>	<b>5,165</b>	<b>13.6</b>
Murder	85	81	95.3	81	95.3	0	0.0	4	4.7	3	3.5	1	1.2
Manslaughter	47	43	91.5	38	80.9	5	10.6	4	8.5	3	6.4	1	2.1
Kidnapping/Hostage-Taking	62	61	98.4	61	98.4	0	0.0	1	1.6	1	1.6	0	0.0
Sexual Abuse	177	166	93.8	160	90.4	6	3.4	11	6.2	5	2.8	6	3.4
Assault	388	318	82.0	306	78.9	12	3.1	70	18.0	25	6.4	45	11.6
Robbery	1,594	1,573	98.7	1,530	96.0	43	2.7	21	1.3	8	0.5	13	0.8
Arson	97	85	87.6	83	85.6	2	2.1	12	12.4	7	7.2	5	5.2
Drugs - Trafficking	14,116	13,381	94.8	13,126	93.0	255	1.8	735	5.2	346	2.5	389	2.8
Drugs - Communication Facility	331	270	81.6	257	77.6	13	3.9	61	18.4	20	6.0	41	12.4
Drugs - Simple Possession	759	393	51.8	363	47.8	30	4.0	366	48.2	61	8.0	305	40.2
Firearms	2,566	2,352	91.7	2,258	88.0	94	3.7	214	8.3	95	3.7	119	4.6
Burglary/B&E	66	59	89.4	57	86.4	2	3.0	7	10.6	6	9.1	1	1.5
Auto Theft	147	109	74.2	105	71.4	4	2.7	38	25.9	17	11.6	21	14.3
Larceny	2,443	945	38.7	798	32.7	147	6.0	1,498	61.3	429	17.6	1,069	43.8
Fraud	5,864	3,646	62.2	3,090	52.7	556	9.5	2,218	37.8	911	15.5	1,307	22.3
Embezzlement	809	457	56.5	282	34.9	175	21.6	352	43.5	106	13.1	246	30.4
Forgery/Counterfeiting	787	442	56.2	401	51.0	41	5.2	345	43.8	115	14.6	230	29.2
Bribery	302	180	59.6	146	48.3	34	11.3	122	40.4	59	19.5	63	20.9
Tax	737	266	36.1	207	28.1	59	8.0	471	63.9	260	35.3	211	28.6
Money Laundering	831	612	73.6	572	68.8	40	4.8	219	26.4	83	10.0	136	16.4
Racketeering/Extortion	413	372	90.1	363	87.9	9	2.2	41	9.9	19	4.6	22	5.3
Gambling/Lottery	217	54	24.9	40	18.4	14	6.5	163	75.1	80	36.9	83	38.2
Civil Rights	102	55	53.9	54	52.9	1	1.0	47	46.1	15	14.7	32	31.4
Immigration	3,160	2,863	90.6	2,819	89.2	44	1.4	297	9.4	59	1.9	238	7.5
Pornography/Prostitution	95	73	76.8	70	73.7	3	3.2	22	23.2	9	9.5	13	13.7
Prison Offenses	373	349	93.6	328	87.9	21	5.6	24	6.4	8	2.1	16	4.3
Administration of Justice Offenses	717	473	66.0	433	60.4	40	5.6	244	34.0	87	12.1	157	21.9
Environmental/Wildlife	114	36	31.6	27	23.7	9	7.9	78	68.4	20	17.5	58	50.9
National Defense	35	31	88.6	29	82.9	2	5.7	4	11.4	1	2.9	3	8.6
Antitrust	18	12	66.7	12	66.7	0	0.0	6	33.3	4	22.2	2	11.1
Food & Drug	60	14	23.3	12	20.0	2	3.3	46	76.7	11	18.3	35	58.3
Other Miscellaneous Offenses	602	211	35.1	182	30.2	29	4.8	391	65.0	94	15.6	297	49.3

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<sup>1</sup>Of the 38,500 cases, 386 were excluded due to one or more of the following reasons: the defendant received neither imprisonment nor probation (113), missing primary offense category (123), or missing sentencing information (152). Descriptions of variables used in this table are provided in Appendix A.

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



Table 19

**AVERAGE LENGTH OF IMPRISONMENT BY  
PRIMARY OFFENSE AND CRIMINAL HISTORY CATEGORIES<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	CRIMINAL HISTORY CATEGORY											
	TOTAL			I			II			III		
	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n
<b>TOTAL</b>	<b>63.2</b>	<b>33.0</b>	<b>29,649</b>	<b>48.4</b>	<b>27.0</b>	<b>14,818</b>	<b>63.7</b>	<b>36.0</b>	<b>3,379</b>	<b>66.5</b>	<b>37.0</b>	<b>4,202</b>
<b>Murder</b>	253.2	210.0	81	224.0	186.0	38	282.4	300.0	13	231.8	168.0	13
<b>Manslaughter</b>	45.7	41.0	43	43.7	41.0	31	29.8	24.0	5	63.0	63.0	1
<b>Kidnapping/Hostage-Taking</b>	183.3	130.0	61	116.6	63.0	33	223.7	174.0	6	208.0	188.0	8
<b>Sexual Abuse</b>	81.4	38.5	166	63.0	33.0	116	140.8	110.0	17	108.1	68.0	25
<b>Assault</b>	55.2	33.0	314	43.8	24.0	93	81.8	30.0	32	65.5	33.0	61
<b>Robbery</b>	108.5	78.0	1,570	74.7	51.0	463	103.4	65.0	175	91.8	66.0	241
<b>Arson</b>	58.7	34.0	85	46.9	28.5	46	75.2	33.0	13	69.9	31.0	13
<b>Drugs - Trafficking</b>	89.7	60.0	13,362	70.5	50.0	7,476	87.9	63.0	1,773	100.5	70.0	1,935
<b>Drugs - Communication Facility</b>	38.2	41.0	269	35.0	36.5	152	40.1	48.0	29	44.5	48.0	40
<b>Drugs - Simple Possession</b>	12.1	6.0	389	6.6	6.0	204	7.3	6.0	55	16.7	6.0	55
<b>Firearms</b>	80.3	46.0	2,175	40.0	18.0	502	36.3	24.0	231	43.8	33.0	345
<b>Burglary/B&amp;E</b>	33.5	24.0	59	25.5	15.0	11	17.4	15.0	8	21.4	18.0	11
<b>Auto Theft</b>	23.2	18.0	109	20.2	12.0	34	17.8	15.0	14	22.2	18.0	26
<b>Larceny</b>	13.6	10.0	943	11.1	6.0	449	12.2	8.0	118	12.0	8.0	150
<b>Fraud</b>	18.3	12.0	3,638	16.2	12.0	2,262	17.6	14.0	388	18.7	14.0	444
<b>Embezzlement</b>	7.6	5.0	454	7.3	4.0	411	7.7	5.0	21	10.4	12.0	15
<b>Forgery/Counterfeiting</b>	14.4	12.0	442	11.5	10.0	211	10.8	9.0	59	15.8	12.0	51
<b>Bribery</b>	18.4	12.0	180	18.7	12.0	159	14.0	10.0	9	16.7	10.0	9
<b>Tax</b>	15.0	12.0	266	13.6	12.0	195	16.8	12.0	37	17.3	12.0	24
<b>Money Laundering</b>	40.0	33.0	609	37.3	30.0	484	42.3	37.0	55	44.1	41.0	45
<b>Racketeering/Extortion</b>	83.6	57.0	370	60.2	41.0	219	61.6	48.0	45	100.9	60.0	49
<b>Gambling/Lottery</b>	15.1	12.0	54	16.2	12.0	35	12.8	12.0	9	12.5	10.5	6
<b>Civil Rights</b>	43.7	27.0	55	33.1	21.0	35	38.7	20.0	3	31.7	25.5	10
<b>Immigration</b>	21.7	21.0	2,817	6.3	4.0	666	14.6	8.0	179	22.0	21.0	441
<b>Pornography/Prostitution</b>	41.3	24.0	73	37.9	21.0	55	59.1	60.0	9	42.0	35.0	6
<b>Prison Offenses</b>	22.1	18.0	348	21.2	13.0	25	6.5	4.0	4	11.3	10.0	59
<b>Administration of Justice Offenses</b>	21.0	18.0	468	19.3	15.0	264	21.9	18.0	51	21.7	19.0	86
<b>Environmental/Wildlife</b>	13.4	8.5	36	10.4	8.5	26	9.5	9.5	2	14.2	6.0	5
<b>National Defense</b>	20.8	15.0	31	20.1	15.0	29	52.0	52.0	1	10.0	10.0	1
<b>Antitrust</b>	9.2	7.0	12	9.2	7.0	12	--	--	0	--	--	0
<b>Food &amp; Drug</b>	32.6	14.0	14	17.6	11.5	10	122.0	122.0	2	12.0	12.0	1
<b>Other Miscellaneous Offenses</b>	20.0	12.0	156	20.3	9.5	72	10.6	8.0	16	13.1	10.0	26

Table 19 (cont.)

PRIMARY OFFENSE	CRIMINAL HISTORY CATEGORY											
	IV			V			VI (non-career offender)			VI (career offender) <sup>2</sup>		
	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n	Mean Mths	Median Mths	n
<b>TOTAL</b>	<b>69.7</b>	<b>41.0</b>	<b>2,482</b>	<b>71.6</b>	<b>37.0</b>	<b>1,503</b>	<b>88.8</b>	<b>50.0</b>	<b>2,385</b>	<b>193.7</b>	<b>168.0</b>	<b>880</b>
<b>Murder</b>	386.6	470.0	5	263.5	263.5	2	333.9	360.0	7	172.7	60.0	3
<b>Manslaughter</b>	42.0	42.0	2	--	--	0	64.0	36.0	3	120.0	120.0	1
<b>Kidnapping/Hostage-Taking</b>	295.0	300.0	4	505	505.0	2	244.8	245.0	6	334.0	334.0	2
<b>Sexual Abuse</b>	178.0	144.0	3	62.7	40.0	3	60.0	60.0	1	327.0	327.0	1
<b>Assault</b>	40.5	32.0	34	37.7	27.0	24	54.4	42.0	39	71.8	60.0	31
<b>Robbery</b>	92.4	71.0	163	104.5	92.0	97	118.4	92.0	183	196.6	168.0	248
<b>Arson</b>	51.1	37.0	7	134	134.0	2	79.5	79.5	2	80.0	80.0	2
<b>Drugs - Trafficking</b>	116.6	84.0	851	134.2	103.0	412	162.5	120.0	380	196.4	170.0	535
<b>Drugs - Communication Facility</b>	36.9	31.5	20	43.8	44.5	8	51.1	48.0	14	35.0	39.0	6
<b>Drugs - Simple Possession</b>	19.9	7.0	32	26.4	10.0	21	38.3	12.0	22	--	--	0
<b>Firearms</b>	68.6	50.0	328	88.5	70.0	204	151.5	120.0	538	330.3	322.0	27
<b>Burglary/B&amp;E</b>	23.6	22.5	8	54.3	45.0	6	31.7	30.0	14	360.0	360.0	1
<b>Auto Theft</b>	24.7	24.0	14	36	35.0	5	30.8	24.0	16	--	--	0
<b>Larceny</b>	16.2	12.0	74	18.9	15.5	54	22.9	18.0	97	120.0	120.0	1
<b>Fraud</b>	22.6	18.0	206	27.9	24.0	123	32.0	27.0	215	--	--	0
<b>Embezzlement</b>	16.8	17.5	4	--	--	0	29.7	41.0	3	--	--	0
<b>Forgery/Counterfeiting</b>	14.0	12.0	48	23	18.0	32	26.2	18.0	41	--	--	0
<b>Bribery</b>	23.0	21.0	3	--	--	0	--	--	0	--	--	0
<b>Tax</b>	46.4	46.0	5	16	14.5	4	18.0	18.0	1	--	--	0
<b>Money Laundering</b>	88.0	72.0	11	59.2	56.0	6	78.4	72.5	8	--	--	0
<b>Racketeering/Extortion</b>	205.5	108.0	23	116.3	60.0	8	153.7	60.0	18	199.3	180.5	8
<b>Gambling/Lottery</b>	10.0	10.0	2	24.0	24.0	1	12.0	12.0	1	--	--	0
<b>Civil Rights</b>	54.0	54.0	1	53	60.0	3	60.0	60.0	1	270.0	270.0	2
<b>Immigration</b>	26.6	24.0	509	28.2	24.0	387	31.6	24.0	635	--	--	0
<b>Pornography/Prostitution</b>	49.0	57.0	3	--	--	0	--	--	0	--	--	0
<b>Prison Offenses</b>	17.5	18.0	74	20.8	21.0	70	29.8	27.0	108	63.5	37.0	8
<b>Administration of Justice Offenses</b>	22.8	15.0	35	21.2	21.5	14	27.3	33.0	15	82.7	86.0	3
<b>Environmental/Wildlife</b>	9.0	9.0	2	105	105.0	1	--	--	0	--	--	0
<b>National Defense</b>	--	--	0	--	--	0	--	--	0	--	--	0
<b>Antitrust</b>	--	--	0	--	--	0	--	--	0	--	--	0
<b>Food &amp; Drug</b>	24.0	24.0	1	--	--	0	--	--	0	--	--	0
<b>Other Miscellaneous Offenses</b>	28.5	21.0	10	20.6	19.5	14	29.1	24.0	17	88.0	88.0	1

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<sup>1</sup>Of the 38,500 cases, 8,306 with zero months prison ordered were excluded. In addition, 545 cases were excluded due to one or more of the following reasons: missing primary offense category (63), missing criminal history category (284), or missing or indeterminable sentencing information (225). The information presented in this table does not include any time of confinement as defined in USSG §5C1.1. Descriptions of variables in this table are provided in Appendix A.

<sup>2</sup>Career offender information is based on the recommendation of the probation officer in the PSR if information from the sentencing court was missing or unavailable. As a result, the number of career offenders represented here is higher than the number reported in Tables 27 and 28.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 20**

**FINES AND RESTITUTION BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	NO FINE OR RESTITUTION ORDERED		RESTITUTION ORDERED/NO FINE		FINE ORDERED/NO RESTITUTION		BOTH FINE AND RESTITUTION ORDERED		AMOUNT OF PAYMENT ORDERED			
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Total	Mean	Median	Sum
<b>TOTAL</b>	<b>38,246</b>	<b>23,528</b>	<b>61.5</b>	<b>6,943</b>	<b>18.2</b>	<b>6,773</b>	<b>17.7</b>	<b>1,002</b>	<b>2.6</b>	<b>14,224</b>	<b>\$111,598</b>	<b>\$3,852</b>	<b>\$1,587,364,609</b>
Murder	85	47	55.3	19	22.4	11	12.9	8	9.4	36	15,342	4,626	552,298
Manslaughter	42	30	71.4	12	28.6	5	11.9	0	0.0	17	5,550	4,530	94,353
Kidnapping/Hostage-Taking	62	40	64.5	7	11.3	11	17.7	4	6.5	21	18,503	5,000	388,552
Sexual Abuse	177	118	66.7	23	13.0	30	16.9	6	3.4	59	3,670	1,143	216,531
Assault	390	272	69.7	53	13.6	60	15.4	5	1.3	117	5,125	1,650	599,561
Robbery	1,595	604	37.9	865	54.2	55	3.4	71	4.5	933	14,667	3,104	13,683,923
Arson	97	38	39.2	46	47.4	7	7.2	6	6.2	54	151,481	16,601	8,179,946
Drugs - Trafficking	14,118	11,594	82.1	101	0.7	2,406	17.0	17	0.1	2,508	14,987	2,000	37,586,290
Drugs - Communication Facility	331	280	84.6	0	0.0	51	15.4	0	0.0	49	2,941	1,600	144,130
Drugs - Simple Possession	767	515	67.1	3	0.4	246	32.1	3	0.4	252	1,314	1,000	331,003
Firearms	2,569	1,907	74.2	156	6.1	490	19.1	16	0.6	645	6,550	2,000	4,224,867
Burglary/B&E	66	14	21.2	44	66.7	4	6.1	4	6.1	50	2,933	1,372	146,644
Auto Theft	148	53	35.8	64	43.2	22	14.9	9	6.1	93	112,451	4,000	10,457,940
Larceny	2,485	660	26.6	1,076	43.3	564	22.7	185	7.4	1,760	137,899	2,330	242,702,648
Fraud	5,894	1,517	25.7	3,212	54.5	782	13.3	383	6.5	4,159	262,375	10,100	1,091,217,393
Embezzlement	811	168	20.7	519	64.0	74	9.1	50	6.2	628	57,399	8,029	36,046,826
Forgery/Counterfeiting	790	353	44.7	279	35.3	106	13.4	52	6.6	418	9,052	1,595	3,783,750
Bribery	303	123	40.6	46	15.2	121	39.9	13	4.3	177	37,429	5,000	6,624,948
Tax	741	251	33.9	105	14.2	312	42.1	73	9.9	466	65,719	9,465	30,624,895
Money Laundering	832	515	61.9	73	8.8	231	27.8	13	1.6	308	201,755	5,000	62,140,517
Racketeering/Extortion	414	248	59.9	54	13.0	104	25.1	8	1.9	161	135,649	7,500	21,839,551
Gambling/Lottery	218	101	46.3	2	0.9	114	52.3	1	0.5	117	17,652	3,000	2,065,310
Civil Rights	102	38	37.3	25	24.5	36	35.3	3	2.9	61	3,323	1,000	202,687
Immigration	3,164	2,871	90.7	11	0.3	279	8.8	3	0.1	284	3,255	1,000	924,407
Pornography/Prostitution	95	59	62.1	5	5.3	31	32.6	0	0.0	35	8,032	4,000	281,136
Prison Offenses	373	321	86.1	6	1.6	46	12.3	0	0.0	52	1,807	1,000	93,964
Administration of Justice Offenses	717	483	67.4	41	5.7	177	24.7	16	2.2	231	21,356	2,000	4,933,295
Environmental/Wildlife	127	43	33.9	5	3.9	67	52.8	12	9.4	81	3,562	1,700	288,497
National Defense	35	25	71.4	1	2.9	9	25.7	0	0.0	10	10,003	4,000	100,030
Antitrust	18	2	11.1	0	0.0	15	83.3	1	5.6	16	44,406	22,500	710,500
Food & Drug	60	26	43.3	1	1.7	33	55.0	0	0.0	34	12,278	5,000	417,438
Other Miscellaneous Offenses	615	212	34.5	89	14.5	274	44.6	40	6.5	392	14,696	1,000	5,760,779

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<sup>1</sup>Of the 38,500 cases, 254 were excluded due to one or both of the following reasons: missing primary offense category (123) or missing information on type of economic sanction for cases in which orders were made (135). The total number of cases (14,224) used to calculate amounts of payment ordered is less than the total number of cases receiving fines and/or restitution (14,718) because of the exclusion of cases for which a fine and/or restitution was ordered but the amount was not specified and where a fine and/or restitution was not ordered. Fine information includes either fines and/or cost of supervision. Descriptions of variables used in this table are provided in Appendix A.

**Table 21**

**SENTENCING ZONE BY TYPE OF SENTENCE IMPOSED<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

SENTENCING ZONE	TOTAL	Prison		Prison/Community Split Sentence <sup>2</sup>		Probation and Confinement		Probation Only	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>32,756</b>	24,480	74.7	1,524	4.7	2,591	7.9	4,161	12.7
<b>Zone A (Sentence Min 0 Months)</b>	<b>4,193</b>	906	21.6	44	1.0	329	7.8	2,914	69.5
<b>Zone B (Sentence Min 1 - 6 Months)</b>	<b>3,342</b>	1,194	35.7	276	8.3	1,503	45.0	369	11.0
<b>Zone C (Sentence Min 8 - 10 Months)</b>	<b>2,256</b>	1,070	47.4	728	32.3	231	10.2	227	10.1
<b>Zone D (Sentence Min 12+ Months)</b>	<b>22,965</b>	21,310	92.8	476	2.1	528	2.3	651	2.8

<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information for 32,855 cases. Of these, 99 were excluded due to one or more of the following reasons: missing zone (1), missing sentencing information (36), or cases in which defendant received no imprisonment or probation (62). The zones indicated above correspond to the offense levels and criminal history categories established by the court and do not indicate the impact of mandatory minimums or statutory maximums constricting the sentence. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Prison/Community Split sentence includes all cases in which defendants received prison and conditions of confinement as defined in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 22

**CHAPTER TWO GUIDELINE APPLIED<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2A1.1	113	0.3	165	0.4	2D1.13	0	0.0	0	0.0
2A1.2	30	0.1	36	0.1	2D2.1	587	1.6	630	1.6
2A1.3	22	0.1	22	0.1	2D2.2	17	0.0	24	0.1
2A1.4	29	0.1	37	0.1	2D2.3	1	0.0	1	0.0
2A1.5	16	0.0	25	0.1	2D3.1	2	0.0	2	0.0
2A2.1	41	0.1	63	0.2	2D3.2	3	0.0	4	0.0
2A2.2	155	0.4	221	0.5	2D3.3	0	0.0	0	0.0
2A2.3	19	0.1	24	0.1	2D3.4	0	0.0	0	0.0
2A2.4	98	0.3	120	0.3	2D3.5	0	0.0	0	0.0
2A3.1	109	0.3	145	0.4	2E1.1	43	0.1	53	0.1
2A3.2	29	0.1	38	0.1	2E1.2	24	0.1	33	0.1
2A3.3	3	0.0	6	0.0	2E1.3	3	0.0	6	0.0
2A3.4	61	0.2	80	0.2	2E1.4	15	0.0	20	0.0
2A4.1	54	0.1	82	0.2	2E1.5	0	0.0	0	0.0
2A4.2	0	0.0	0	0.0	2E2.1	39	0.1	62	0.2
2A5.1	1	0.0	1	0.0	2E3.1	206	0.6	221	0.5
2A5.2	7	0.0	7	0.0	2E3.2	1	0.0	1	0.0
2A5.3	0	0.0	0	0.0	2E3.3	0	0.0	0	0.0
2A6.1	93	0.3	133	0.3	2E4.1	0	0.0	0	0.0
2B1.1	3,142	8.5	3,254	8.1	2E5.1	23	0.1	27	0.1
2B1.2	10	0.0	11	0.0	2E5.2	0	0.0	1	0.0
2B1.3	77	0.2	81	0.2	2E5.3	8	0.0	90	0.2
2B2.1	78	0.2	102	0.3	2E5.4	0	0.0	0	0.0
2B2.2	1	0.0	1	0.0	2E5.5	0	0.0	0	0.0
2B2.3	4	0.0	4	0.0	2E5.6	0	0.0	0	0.0
2B3.1	1,650	4.5	2,801	6.9	2F1.1	6,019	16.3	6,339	15.7
2B3.2	52	0.1	93	0.2	2F1.2	6	0.0	10	0.0
2B3.3	6	0.0	6	0.0	2G1.1	11	0.0	26	0.1
2B4.1	68	0.2	79	0.2	2G1.2	6	0.0	12	0.0
2B5.1	409	1.1	430	1.1	2G2.1	14	0.0	34	0.1
2B5.2	0	0.0	0	0.0	2G2.2	40	0.1	50	0.1
2B5.3	87	0.2	90	0.2	2G2.3	0	0.0	0	0.0
2B5.4	5	0.0	5	0.0	2G2.4	15	0.0	17	0.0
2B6.1	70	0.2	75	0.2	2G2.5	0	0.0	0	0.0
2C1.1	202	0.5	220	0.5	2G3.1	6	0.0	12	0.0
2C1.2	35	0.1	37	0.1	2G3.2	0	0.0	0	0.0
2C1.3	10	0.0	10	0.0	2H1.1	27	0.1	32	0.1
2C1.4	6	0.0	6	0.0	2H1.2	3	0.0	5	0.0
2C1.5	0	0.0	0	0.0	2H1.3	17	0.0	24	0.1
2C1.6	0	0.0	0	0.0	2H1.4	20	0.1	25	0.1
2C1.7	20	0.1	26	0.1	2H1.5	0	0.0	0	0.0
2D1.1	14,245	38.6	14,419	35.7	2H2.1	3	0.0	4	0.0
2D1.2	224	0.6	236	0.6	2H3.1	6	0.0	6	0.0
2D1.3	0	0.0	0	0.0	2H3.2	3	0.0	3	0.0
2D1.4	0	0.0	0	0.0	2H3.3	7	0.0	7	0.0
2D1.5	76	0.2	93	0.2	2H4.1	0	0.0	0	0.0
2D1.6	0	0.0	0	0.0	2J1.1	0	0.0	0	0.0
2D1.7	12	0.0	12	0.0	2J1.2	82	0.2	104	0.3
2D1.8	58	0.2	62	0.2	2J1.3	63	0.2	78	0.2
2D1.9	0	0.0	0	0.0	2J1.4	12	0.0	14	0.0
2D1.10	4	0.0	4	0.0	2J1.5	1	0.0	1	0.0
2D1.11	52	0.1	55	0.1	2J1.6	87	0.2	107	0.3
2D1.12	1	0.0	1	0.0	2J1.7	47	0.1	53	0.1

Table 22 (cont.)

Guideline	As Primary Guideline		As Any Guideline		Guideline	As Primary Guideline		As Any Guideline	
	n	%	n	%		n	%	n	%
2J1.8	0	0.0	0	0.0	2M6.2	3	0.0	3	0.0
2J1.9	0	0.0	0	0.0	2N1.1	4	0.0	4	0.0
2K1.1	11	0.0	11	0.0	2N1.2	2	0.0	2	0.0
2K1.2	0	0.0	0	0.0	2N1.3	1	0.0	1	0.0
2K1.3	25	0.1	35	0.1	2N2.1	31	0.1	34	0.1
2K1.4	107	0.3	126	0.3	2N3.1	2	0.0	2	0.0
2K1.5	5	0.0	6	0.0	2P1.1	250	0.7	274	0.7
2K1.6	0	0.0	0	0.0	2P1.2	118	0.3	134	0.3
2K1.7	0	0.0	0	0.0	2P1.3	1	0.0	1	0.0
2K2.1	2,230	6.0	2,461	6.1	2P1.4	0	0.0	0	0.0
2K2.2	22	0.1	22	0.1	2Q1.1	0	0.0	0	0.0
2K2.3	2	0.0	2	0.0	2Q1.2	51	0.1	52	0.1
2K2.4	0	0.0	0	0.0	2Q1.3	35	0.1	35	0.1
2K2.5	16	0.0	16	0.0	2Q1.4	0	0.0	0	0.0
2K3.1	0	0.0	0	0.0	2Q1.5	0	0.0	0	0.0
2K3.2	0	0.0	0	0.0	2Q1.6	0	0.0	0	0.0
2L1.1	511	1.4	532	1.3	2Q2.1	115	0.3	117	0.3
2L1.2	1,620	4.4	1,646	4.1	2Q2.2	2	0.0	2	0.0
2L1.3	0	0.0	0	0.0	2R1.1	19	0.1	20	0.0
2L2.1	176	0.5	185	0.5	2S1.1	548	1.5	737	1.8
2L2.2	354	1.0	402	1.0	2S1.2	101	0.3	128	0.3
2L2.3	0	0.0	0	0.0	2S1.3	213	0.6	250	0.6
2L2.4	1	0.0	2	0.0	2S1.4	3	0.0	4	0.0
2L2.5	0	0.0	0	0.0	2T1.1	405	1.1	517	1.3
2M1.1	0	0.0	0	0.0	2T1.2	104	0.3	109	0.3
2M2.1	0	0.0	0	0.0	2T1.3	146	0.4	169	0.4
2M2.2	0	0.0	0	0.0	2T1.4	55	0.1	62	0.2
2M2.3	0	0.0	0	0.0	2T1.5	17	0.0	19	0.0
2M2.4	0	0.0	0	0.0	2T1.6	5	0.0	5	0.0
2M3.1	0	0.0	0	0.0	2T1.7	0	0.0	0	0.0
2M3.2	0	0.0	0	0.0	2T1.8	0	0.0	0	0.0
2M3.3	0	0.0	0	0.0	2T1.9	23	0.1	28	0.1
2M3.4	0	0.0	0	0.0	2T2.1	2	0.0	2	0.0
2M3.5	0	0.0	0	0.0	2T2.2	0	0.0	0	0.0
2M3.6	0	0.0	0	0.0	2T3.1	34	0.1	37	0.1
2M3.7	0	0.0	0	0.0	2T3.2	1	0.0	1	0.0
2M3.8	0	0.0	0	0.0	2T4.1	0	0.0	0	0.0
2M3.9	0	0.0	0	0.0	2X1.1	65	0.2	73	0.2
2M4.1	0	0.0	0	0.0	2X2.1	0	0.0	0	0.0
2M5.1	7	0.0	8	0.0	2X3.1	119	0.3	139	0.3
2M5.2	27	0.1	32	0.1	2X4.1	338	0.9	346	0.9
2M6.1	0	0.0	0	0.0	2X5.1	0	0.0	0	0.0

Total number of guidelines applied: 40,349  
 Total number of cases: 36,878

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<sup>1</sup>Of the 38,500 cases, 1,622 were excluded due to missing information on guideline applied. For cases in which a cross reference was used, the primary guideline is shown. The primary guideline is the guideline that most fully explains the sentence, and may be either the only guideline applied or, when a cross-reference is used, the guideline that most fully explains the sentence. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 23

**CHAPTER THREE GUIDELINE APPLICATION INFORMATION<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

**All Cases**

<b>VICTIM-RELATED</b>	Number	Percent
<b>Vulnerable Victim (§3A1.1)</b>		
Vulnerable victim involved	303	0.9
No vulnerable victim involved	32,548	99.1
TOTAL	32,851	100.0
<b>Official Victim (§3A1.2)</b>		
Official victim involved	139	0.4
No official victim involved	32,712	99.6
TOTAL	32,851	100.0
<b>Restraint of Victim (§3A1.3)</b>		
Offense involved restraint of victim	48	0.1
Offense did not involve restraint of victim	32,803	99.9
TOTAL	32,851	100.0
<b>ROLE IN THE OFFENSE</b>	Number	Percent
<b>Aggravating Role (§3B1.1)</b>		
Organizer or leader	847	2.6
Manager or supervisor	517	1.6
Lesser organizer, leader, manager or supervisor	1,068	3.3
No aggravating role	30,419	92.6
TOTAL	32,851	100.0
<b>Mitigating Role (§3B1.2)</b>		
Minimal participant	1,059	3.2
Less than minor role but not minimal	298	0.9
Minor participant	2,352	7.2
No mitigating role	29,142	88.7
TOTAL	32,851	100.0
<b>Abuse of Position of Trust or Use of Special Skill (§3B1.3)</b>		
Defendant abused position of trust or used special skill	1,179	3.6
Defendant did not abuse position of trust or use special skill	31,672	96.4
TOTAL	32,851	100.0

**Table 23 (cont.)**

<b>OBSTRUCTION</b>	Number	Percent
<b>Obstruction of Justice (§3C1.1)</b>		
Defendant obstructed justice	1,557	4.7
Defendant did not obstruct justice	31,294	95.3
TOTAL	32,851	100.0
<b>Reckless Endangerment During Flight (§3C1.2)</b>		
Offense involved reckless endangerment during flight	109	0.3
Offense did not involve reckless endangerment during flight	32,259	98.2
Offense committed before adjustment added to guidelines	483	1.5
TOTAL	32,851	100.0
<b>ACCEPTANCE OF RESPONSIBILITY</b>	Number	Percent
<b>Acceptance of Responsibility (§3E1.1)</b>		
Defendant accepted responsibility (-3)	15,669	47.7
Defendant accepted responsibility (-2)	12,821	39.0
Defendant did not accept responsibility	4,365	13.3
TOTAL	32,855	100.0

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<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information for 32,855. Of these 32,855 cases, four were excluded from the table due to missing Chapter Three adjustment information. Additional descriptions of each guideline adjustment can be found in USSG Chapter Three.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.



Table 24

**ACCEPTANCE OF RESPONSIBILITY REDUCTION BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

**All Cases**

PRIMARY OFFENSE	TOTAL	ACCEPTANCE RECEIVED (-3)		ACCEPTANCE RECEIVED (-2)		ACCEPTANCE NOT RECEIVED	
		Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>32,801</b>	<b>15,658</b>	<b>47.7</b>	<b>12,784</b>	<b>39.0</b>	<b>4,359</b>	<b>13.3</b>
<b>Murder</b>	<b>78</b>	<b>39</b>	<b>50.0</b>	<b>9</b>	<b>11.5</b>	<b>30</b>	<b>38.5</b>
<b>Manslaughter</b>	<b>45</b>	<b>17</b>	<b>37.8</b>	<b>20</b>	<b>44.4</b>	<b>8</b>	<b>17.8</b>
<b>Kidnapping/Hostage-Taking</b>	<b>57</b>	<b>28</b>	<b>49.1</b>	<b>12</b>	<b>21.1</b>	<b>17</b>	<b>29.8</b>
<b>Sexual Abuse</b>	<b>163</b>	<b>88</b>	<b>54.0</b>	<b>42</b>	<b>25.8</b>	<b>33</b>	<b>20.2</b>
<b>Assault</b>	<b>333</b>	<b>95</b>	<b>28.5</b>	<b>157</b>	<b>47.1</b>	<b>81</b>	<b>24.3</b>
<b>Robbery</b>	<b>1,409</b>	<b>1,135</b>	<b>80.6</b>	<b>70</b>	<b>5.0</b>	<b>204</b>	<b>14.5</b>
<b>Arson</b>	<b>85</b>	<b>54</b>	<b>63.5</b>	<b>12</b>	<b>14.1</b>	<b>19</b>	<b>22.4</b>
<b>Drugs - Trafficking</b>	<b>12,885</b>	<b>9,429</b>	<b>73.2</b>	<b>1,447</b>	<b>11.2</b>	<b>2,009</b>	<b>15.6</b>
<b>Drugs - Communication Facility</b>	<b>274</b>	<b>174</b>	<b>63.5</b>	<b>64</b>	<b>23.4</b>	<b>36</b>	<b>13.1</b>
<b>Drugs - Simple Possession</b>	<b>495</b>	<b>38</b>	<b>7.7</b>	<b>412</b>	<b>83.2</b>	<b>45</b>	<b>9.1</b>
<b>Firearms</b>	<b>2,183</b>	<b>1,254</b>	<b>57.4</b>	<b>483</b>	<b>22.1</b>	<b>446</b>	<b>20.4</b>
<b>Burglary/B&amp;E</b>	<b>64</b>	<b>13</b>	<b>20.3</b>	<b>43</b>	<b>67.2</b>	<b>8</b>	<b>12.5</b>
<b>Auto Theft</b>	<b>135</b>	<b>33</b>	<b>24.4</b>	<b>89</b>	<b>65.9</b>	<b>13</b>	<b>9.6</b>
<b>Larceny</b>	<b>2,047</b>	<b>153</b>	<b>7.5</b>	<b>1,698</b>	<b>83.0</b>	<b>196</b>	<b>9.6</b>
<b>Fraud</b>	<b>5,002</b>	<b>1,038</b>	<b>20.8</b>	<b>3,429</b>	<b>68.6</b>	<b>535</b>	<b>10.7</b>
<b>Embezzlement</b>	<b>700</b>	<b>88</b>	<b>12.6</b>	<b>580</b>	<b>82.9</b>	<b>32</b>	<b>4.6</b>
<b>Forgery/Counterfeiting</b>	<b>682</b>	<b>74</b>	<b>10.9</b>	<b>549</b>	<b>80.5</b>	<b>59</b>	<b>8.7</b>
<b>Bribery</b>	<b>260</b>	<b>46</b>	<b>17.7</b>	<b>170</b>	<b>65.4</b>	<b>44</b>	<b>16.9</b>
<b>Tax</b>	<b>623</b>	<b>39</b>	<b>6.3</b>	<b>520</b>	<b>83.5</b>	<b>64</b>	<b>10.3</b>
<b>Money Laundering</b>	<b>715</b>	<b>418</b>	<b>58.5</b>	<b>218</b>	<b>30.5</b>	<b>79</b>	<b>11.0</b>
<b>Racketeering/Extortion</b>	<b>353</b>	<b>221</b>	<b>62.6</b>	<b>54</b>	<b>15.3</b>	<b>78</b>	<b>22.1</b>
<b>Gambling/Lottery</b>	<b>210</b>	<b>21</b>	<b>10.0</b>	<b>182</b>	<b>86.7</b>	<b>7</b>	<b>3.3</b>
<b>Civil Rights</b>	<b>97</b>	<b>27</b>	<b>27.8</b>	<b>54</b>	<b>55.7</b>	<b>16</b>	<b>16.5</b>
<b>Immigration</b>	<b>2,240</b>	<b>813</b>	<b>36.3</b>	<b>1,318</b>	<b>58.8</b>	<b>109</b>	<b>4.9</b>
<b>Pornography/Prostitution</b>	<b>84</b>	<b>48</b>	<b>57.1</b>	<b>27</b>	<b>32.1</b>	<b>9</b>	<b>10.7</b>
<b>Prison Offenses</b>	<b>339</b>	<b>15</b>	<b>4.4</b>	<b>282</b>	<b>83.2</b>	<b>42</b>	<b>12.4</b>
<b>Administration of Justice Offenses</b>	<b>650</b>	<b>199</b>	<b>30.6</b>	<b>379</b>	<b>58.3</b>	<b>72</b>	<b>11.1</b>
<b>Environmental/Wildlife</b>	<b>106</b>	<b>7</b>	<b>6.6</b>	<b>90</b>	<b>84.9</b>	<b>9</b>	<b>8.5</b>
<b>National Defense</b>	<b>28</b>	<b>9</b>	<b>32.1</b>	<b>15</b>	<b>53.6</b>	<b>4</b>	<b>14.3</b>
<b>Antitrust</b>	<b>16</b>	<b>5</b>	<b>31.3</b>	<b>10</b>	<b>62.5</b>	<b>1</b>	<b>6.3</b>
<b>Food &amp; Drug</b>	<b>48</b>	<b>8</b>	<b>16.7</b>	<b>35</b>	<b>72.9</b>	<b>5</b>	<b>10.4</b>
<b>Other Miscellaneous Offenses</b>	<b>395</b>	<b>32</b>	<b>8.1</b>	<b>314</b>	<b>79.5</b>	<b>49</b>	<b>12.4</b>

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<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information for 32,855. Of these, 54 were excluded due to missing primary offense category. Descriptions of variables used in this table are provided in Appendix A. A description of the acceptance of responsibility adjustment can be found in USSG §3E1.1.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 25**

**CHAPTER FOUR GUIDELINE APPLICATION INFORMATION<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

**All Cases**

<b>Number of Prior Countable Sentences Greater Than 13 months (§4A1.1(a))</b>	<b>Number</b>	<b>Percent</b>
0	25,588	78.0
1	3,488	10.6
2	1,764	5.4
3	927	2.8
4 or more	1,037	3.2
Missing	51	—
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

  

<b>Number of Prior Countable Sentences of 60 Days or Greater (§4A1.1(b))</b>	<b>Number</b>	<b>Percent</b>
0	27,233	83.0
1	3,378	10.3
2	1,220	3.7
3	519	1.6
4 or more	454	1.4
Missing	51	—
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

  

<b>Number of Prior Countable Sentences of Less Than 60 Days (§4A1.1(c))</b>	<b>Number</b>	<b>Percent</b>
0	19,266	55.6
1	6,938	20.0
2	3,210	9.3
3	1,604	4.6
4 or more	1,785	5.2
Missing	52	—
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

  

<b>Commission of Offense While Under Criminal Justice Sentence (§4A1.1(d))</b>	<b>Number</b>	<b>Percent</b>
Additional points given for commission of instant offense while under criminal justice sentence	8,352	25.5
No additional criminal history points given	24,453	74.5
Missing	50	—
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

**Table 25 (cont.)**

<b>Commission of Offense Within Two Years of Prior Countable Conviction (§4A1.1(e))</b>		
	Number	Percent
Additional points given for commission of instant offense within two years of certain prior countable convictions	4,785	14.6
No additional criminal history points given	28,020	85.4
Missing	50	—
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

  

<b>Total Criminal History Points</b>		
	Number	Percent
0	15,515	47.2
1	3,313	10.1
2	1,339	4.1
3	2,214	6.7
4	1,476	4.5
5	1,201	3.7
6	1,469	4.5
7	774	2.4
8	809	2.5
9	785	2.4
10	561	1.7
11	476	1.4
12	503	1.5
13 or more	2,420	7.4
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

  

<b>Career Offender (§4B1.1)</b>		
	Number	Percent
Defendant found to be career offender	821	2.5
Defendant found not to be career offender	31,987	97.5
Missing	47	—
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

  

<b>Armed Career Criminal (§4B1.4)</b>		
	Number	Percent
Defendant found to be armed career criminal	265	0.8
Defendant found not to be armed career criminal	32,058	97.7
Offense committed before adjustment was added to guidelines	486	1.5
Missing	46	—
<b>TOTAL</b>	<b>32,855</b>	<b>100.0</b>

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<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information for 32,855. Additional descriptions of each guideline adjustment can be found in USSG Chapter Four.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 26

**CAREER OFFENDER/ARMED CAREER CRIMINAL ADJUSTMENTS  
BY PRIMARY OFFENSE CATEGORY<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	CAREER OFFENDER		ARMED CAREER CRIMINAL	
	Adjustment Given		Adjustment Given	
	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>820</b>	<b>100.0</b>	<b>265</b>	<b>100.0</b>
<b>Murder</b>	3	0.4	0	0.0
<b>Sexual Abuse</b>	1	0.1	0	0.0
<b>Assault</b>	31	3.8	2	0.8
<b>Robbery</b>	226	27.6	5	1.9
<b>Arson</b>	2	0.2	0	0.0
<b>Drugs - Trafficking</b>	501	61.1	12	4.5
<b>Firearms</b>	26	3.2	246	92.8
<b>Racketeering/Extortion</b>	7	0.9	0	0.0
<b>Other Miscellaneous Offenses</b>	23	2.8	0	0.0

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<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information for 32,855. Of these, 54 were excluded due to missing primary offense category, 47 were excluded due to missing career offender information, and 46 were excluded due to missing armed career criminal information. Descriptions of variables used in this table are provided in Appendix A. A description of career offender and armed career criminal adjustments can be found in USSG §4B1.1 and §4B1.4.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 27**  
**OFFENSE LEVEL BY CRIMINAL HISTORY CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

**All Cases**

OFFENSE LEVEL	TOTAL			CRIMINAL HISTORY CATEGORY					
	Number	Percent	Cumulative Percent	I	II	III	IV	V	VI
1	11	0.0	0.0	7	1	0	1	2	0
2	409	1.2	1.2	282	57	30	17	13	10
3	153	0.5	1.7	102	22	14	4	1	10
4	1,186	3.6	5.3	831	104	108	49	44	50
5	374	1.1	6.4	270	37	30	19	7	11
6	1,128	3.4	9.8	699	133	144	54	47	51
7	1,097	3.3	13.1	693	99	121	67	45	72
8	1,299	4.0	17.1	981	121	96	42	18	41
9	1,200	3.7	20.8	855	116	110	49	26	44
10	2,237	6.8	27.6	1,369	184	217	153	120	194
11	1,010	3.1	30.7	623	79	104	69	45	90
12	1,365	4.2	34.9	881	153	148	79	44	60
13	1,726	5.3	40.2	1,186	170	165	89	46	70
14	636	1.9	42.1	407	74	75	24	21	35
15	1,029	3.1	45.2	662	125	129	50	31	32
16	524	1.6	46.8	332	59	65	24	16	28
17	1,093	3.3	50.1	584	120	167	94	43	85
18	386	1.2	51.3	214	55	50	28	20	19
19	1,070	3.3	54.6	614	119	154	75	42	66
20	476	1.5	56.1	269	56	61	45	19	26
21	1,921	5.9	62.0	663	153	275	294	195	341
22	501	1.5	63.5	244	46	76	53	25	57
23	1,881	5.7	69.2	1,080	233	285	139	71	73
24	550	1.7	70.9	265	71	80	55	28	51
25	1,227	3.7	74.6	708	159	187	70	42	61
26	520	1.6	76.2	292	58	74	34	22	40
27	843	2.6	78.8	482	102	125	78	20	36
28	409	1.2	80.0	240	49	61	22	17	20
29	1,358	4.1	84.1	675	144	179	78	46	236
30	445	1.4	85.5	196	60	42	33	23	91
31	1,163	3.6	89.0	526	138	145	63	34	257
32	454	1.4	90.4	204	67	61	26	12	84
33	642	2.0	92.4	323	89	97	44	28	61
34	595	1.8	94.2	202	51	65	28	10	239
35	490	1.5	95.7	232	60	93	37	20	48
36	276	0.8	96.5	133	42	53	20	13	15
37	252	0.8	97.3	97	31	37	18	4	65
38	266	0.8	98.1	145	27	36	24	11	23
39	131	0.4	98.5	59	18	19	10	8	17
40	183	0.6	99.1	94	20	28	12	8	21
41	73	0.2	99.3	28	9	16	10	3	7
42	97	0.3	99.6	39	13	16	9	9	11
43	79	0.2	99.8	27	10	13	10	4	15
TOTAL	32,765	—	—	18,815	3,534	4,051	2,199	1,303	2,863
Percent	—	100.0	100.0	57.4	10.8	12.4	6.7	4.0	8.7

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<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information on 32,855. Of these, 90 were excluded due to missing offense level. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 28****GUIDELINE SENTENCING RANGE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)****All Cases**

<b>FINAL GUIDELINE RANGE</b>	<b>Number</b>	<b>Percent</b>	<b>Cumulative Percent</b>
0-6	4,253	12.9	12.9
1-7	183	0.6	13.5
2-8	307	0.9	14.4
3-9	10	0.0	14.4
4-10	1,160	3.5	17.9
6-12	1,691	5.1	23.0
8-14	984	3.0	26.0
9-15	58	0.2	26.2
10-16	1,220	3.7	29.9
12-18	1,588	4.8	34.7
15-21	969	3.0	37.6
18-24	1,038	3.2	40.8
21-27	773	2.4	43.2
24-30	1,102	3.4	46.6
27-33	555	1.7	48.3
30-37	993	3.0	51.3
33-41	551	1.7	53.0
37-46	1,034	3.1	56.1
41-51	534	1.6	57.7
46-57	1,546	4.7	62.4
51-63	723	2.2	64.6
57-71	1,421	4.3	68.9
63-78	671	2.0	70.9
70-87	1,085	3.3	74.2
77-96	421	1.3	75.5
78-97	415	1.3	76.8
84-105	198	0.6	77.4
87-108	849	2.6	80.0
92-115	136	0.4	80.4
97-121	401	1.2	81.6
100-125	172	0.5	82.1
108-135	765	2.3	84.4
110-137	104	0.3	84.7
120-150	60	0.2	84.9
121-151	463	1.4	86.3
130-162	52	0.2	86.5
135-168	567	1.7	88.2
140-175	66	0.2	88.4
151-188	674	2.1	90.5
168-210	532	1.6	92.1
188-235	571	1.7	93.8
210-262	371	1.1	94.9
235-293	337	1.0	95.9
262-327	402	1.2	97.1
292-365	227	0.7	97.8
324-405	109	0.3	98.1
360-Life	347	1.1	99.2
Life	165	0.5	100.0
<b>TOTAL</b>	<b>32,853</b>	<b>100.0</b>	<b>—</b>

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<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information on 32,855. Of these 32,855 cases, two were missing information for guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Tables 29-30**  
**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD AND DOWNWARD DEPARTURES**  
**(October 1, 1994, through September 30, 1995)**

**Table 29**

<u>REASONS FOR UPWARD DEPARTURES<sup>1</sup></u>	<u>Number</u>	<u>Percent</u>
Criminal history category does not reflect seriousness	124	39.2
Risk of future conduct based on prior conduct or record	42	13.3
Extreme conduct	23	7.3
General aggravating circumstances	20	6.3
Pursuant to plea agreement	19	6.0
Nature or seriousness of the offense	19	6.0
Weapons/dangerous instrumentalities	17	5.4
Dangerous or inhumane treatment	13	4.1
Large number of aliens	10	3.2
Extreme psychological injury	9	2.8
Physical injury	8	2.5
Guideline factors do not reflect offense seriousness	7	2.2
Public welfare	7	2.2
Drug amount or drug purity	6	1.9
Several persons injured	6	1.9
Further obstruction of justice	6	1.9
Property damage or loss	6	1.9
Disruption of governmental function	5	1.6
Propensity for violence	5	1.6
Mule/Role in the offense	5	1.6
Death	4	1.3
Monetary value does not reflect extent of harm	3	0.9
Criminal purpose	2	0.6
Due to stipulations	2	0.6
Counseling, treatment, or mental health program	2	0.6
Other	27	8.5

**Table 30**

<u>REASONS FOR DOWNWARD DEPARTURES<sup>2</sup></u>	<u>Number</u>	<u>Percent</u>
Pursuant to plea agreement	641	22.9
Criminal history overrepresents defendant's involvement	424	15.1
General mitigating circumstances	338	12.1
Offense behavior was an isolated incident	298	10.6
Family ties and responsibilities	286	10.2
Physical condition	211	7.5
Deportation	198	7.1
Diminished capacity	153	5.5
Age	88	3.1
Mental and emotional conditions	67	2.4
Acceptance of responsibility	66	2.4
Coercion and duress	61	2.2
Mule/Role in the offense	53	1.9
Rehabilitation	39	1.4
Dollar amount	35	1.3
Voluntary Disclosure (§5K2.16)	35	1.3
To put defendant's sentence in line with codefendant	28	1.0
No prior record/First offender	26	0.9
Previous employment record	26	0.9
Community ties	26	0.9
Due to stipulations	26	0.9
Not representative of the heartland	26	0.9
Restitution	24	0.9
Convictions on related counts	23	0.8
Deterrence	21	0.8
Other	362	12.9

<sup>1</sup>Of the 38,500 cases, 335 were recorded as upward departures. Information on departure reasons was available in 316 of these cases which cited 399 reasons for upward departure. Courts often provided more than one reason for departure; consequently, the percentages across all reasons for departure may add up to more than 100 percent. The "Other" category includes all reasons provided less than two times among relevant cases.

<sup>2</sup>Of the 38,500 cases, 3,110 were recorded as downward departures. Information on departure reasons was available in 2,984 of these cases which cited 3,221 reasons for downward departure. Courts often provided more than one reason for departure; consequently, the percentages across all reasons for departure may add up to more than 100 percent. The "Other" category includes all reasons provided less than 12 times among relevant cases. Cases in which substantial assistance was given as a reason for a downward departure were not included in this table. Descriptions of variables used in this tables are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 31

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>36,975</b>	<b>26,259</b>	<b>71.0</b>	<b>7,271</b>	<b>19.7</b>	<b>3,110</b>	<b>8.4</b>	<b>335</b>	<b>0.9</b>
<b>DC CIRCUIT</b>	<b>408</b>	<b>283</b>	<b>69.4</b>	<b>80</b>	<b>19.6</b>	<b>38</b>	<b>9.3</b>	<b>7</b>	<b>1.7</b>
District of Columbia	408	283	69.4	80	19.6	38	9.3	7	1.7
<b>FIRST CIRCUIT</b>	<b>1,223</b>	<b>890</b>	<b>72.8</b>	<b>215</b>	<b>17.6</b>	<b>98</b>	<b>8.0</b>	<b>20</b>	<b>1.6</b>
Maine	137	99	72.3	32	23.4	3	2.2	3	2.2
Massachusetts	381	253	66.4	62	16.3	53	13.9	13	3.4
New Hampshire	118	51	43.2	64	54.2	1	0.8	2	1.7
Puerto Rico	475	382	80.4	57	12.0	34	7.2	2	0.4
Rhode Island	112	105	93.8	0	0.0	7	6.3	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,268</b>	<b>2,079</b>	<b>63.6</b>	<b>641</b>	<b>19.6</b>	<b>528</b>	<b>16.2</b>	<b>20</b>	<b>0.6</b>
Connecticut	215	113	52.6	32	14.9	64	29.8	6	2.8
New York									
Eastern	1,144	633	55.3	226	19.8	283	24.7	2	0.2
Northern	437	287	65.7	111	25.4	37	8.5	2	0.5
Southern	993	710	71.5	179	18.0	99	10.0	5	0.5
Western	370	262	70.8	73	19.7	33	8.9	2	0.5
Vermont	109	74	67.9	20	18.3	12	11.0	3	2.8
<b>THIRD CIRCUIT</b>	<b>2,036</b>	<b>1,273</b>	<b>62.5</b>	<b>621</b>	<b>30.5</b>	<b>121</b>	<b>5.9</b>	<b>21</b>	<b>1.0</b>
Delaware	65	52	80.0	10	15.4	3	4.6	0	0.0
New Jersey	519	334	64.4	149	28.7	29	5.6	7	1.3
Pennsylvania									
Eastern	709	364	51.3	298	42.0	44	6.2	3	0.4
Middle	295	188	63.7	87	29.5	18	6.1	2	0.7
Western	322	225	69.9	67	20.8	26	8.1	4	1.2
Virgin Islands	126	110	87.3	10	7.9	1	0.8	5	4.0
<b>FOURTH CIRCUIT</b>	<b>4,038</b>	<b>2,847</b>	<b>70.5</b>	<b>989</b>	<b>24.5</b>	<b>157</b>	<b>3.9</b>	<b>45</b>	<b>1.1</b>
Maryland	391	231	59.1	105	26.9	48	12.3	7	1.8
North Carolina									
Eastern	529	334	63.1	171	32.3	17	3.2	7	1.3
Middle	336	240	71.4	79	23.5	9	2.7	8	2.4
Western	515	258	50.1	242	47.0	14	2.7	1	0.2
South Carolina	687	488	71.0	181	26.3	16	2.3	2	0.3
Virginia									
Eastern	885	801	90.5	53	6.0	26	2.9	5	0.6
Western	348	207	59.5	117	33.6	16	4.6	8	2.3
West Virginia									
Northern	157	121	77.1	28	17.8	5	3.2	3	1.9
Southern	190	167	87.9	13	6.8	6	3.2	4	2.1



**Table 31 (cont.)**

CIRCUIT	District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE	
			n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>		<b>5,234</b>	<b>3,909</b>	<b>74.7</b>	<b>1,000</b>	<b>19.1</b>	<b>266</b>	<b>5.1</b>	<b>59</b>	<b>1.1</b>
	Louisiana									
	Eastern	359	280	78.0	65	18.1	13	3.6	1	0.3
	Middle	71	55	77.5	9	12.7	6	8.5	1	1.4
	Western	255	225	88.2	22	8.6	5	2.0	3	1.2
	Mississippi									
	Northern	160	100	62.5	49	30.6	8	5.0	3	1.9
	Southern	197	155	78.7	36	18.3	4	2.0	2	1.0
	Texas									
	Eastern	419	335	80.0	49	11.7	27	6.4	8	1.9
	Northern	865	650	75.1	162	18.7	45	5.2	8	0.9
	Southern	1,484	1,102	74.3	315	21.2	58	3.9	9	0.6
	Western	1,424	1,007	70.7	293	20.6	100	7.0	24	1.7
<b>SIXTH CIRCUIT</b>		<b>3,727</b>	<b>2,730</b>	<b>73.2</b>	<b>792</b>	<b>21.3</b>	<b>180</b>	<b>4.8</b>	<b>25</b>	<b>0.7</b>
	Kentucky									
	Eastern	310	244	78.7	59	19.0	6	1.9	1	0.3
	Western	312	278	89.1	22	7.1	11	3.5	1	0.3
	Michigan									
	Eastern	873	584	66.9	218	25.0	65	7.4	6	0.7
	Western	334	252	75.4	75	22.5	6	1.8	1	0.3
	Ohio									
	Northern	644	496	77.0	101	15.7	46	7.1	1	0.2
	Southern	320	222	69.4	81	25.3	14	4.4	3	0.9
	Tennessee									
	Eastern	398	252	63.3	133	33.4	10	2.5	3	0.8
	Middle	166	133	80.1	26	15.7	6	3.6	1	0.6
	Western	370	269	72.7	77	20.8	16	4.3	8	2.2
<b>SEVENTH CIRCUIT</b>		<b>1,773</b>	<b>1,409</b>	<b>79.5</b>	<b>302</b>	<b>17.0</b>	<b>50</b>	<b>2.8</b>	<b>12</b>	<b>0.7</b>
	Illinois									
	Central	192	131	68.2	55	28.6	3	1.6	3	1.6
	Northern	629	485	77.1	115	18.3	24	3.8	5	0.8
	Southern	270	223	82.6	39	14.4	8	3.0	0	0.0
	Indiana									
	Northern	191	153	80.1	34	17.8	3	1.6	1	0.5
	Southern	192	149	77.6	37	19.3	6	3.1	0	0.0
	Wisconsin									
	Eastern	200	176	88.0	18	9.0	4	2.0	2	1.0
	Western	99	92	92.9	4	4.0	2	2.0	1	1.0
<b>EIGHTH CIRCUIT</b>		<b>2,277</b>	<b>1,658</b>	<b>72.8</b>	<b>472</b>	<b>20.7</b>	<b>127</b>	<b>5.6</b>	<b>20</b>	<b>0.9</b>
	Arkansas									
	Eastern	248	194	78.2	39	15.7	14	5.6	1	0.4
	Western	98	91	92.9	4	4.1	2	2.0	1	1.0
	Iowa									
	Northern	104	81	77.9	18	17.3	3	2.9	2	1.9
	Southern	142	93	65.5	39	27.5	9	6.3	1	0.7
	Minnesota	380	247	65.0	90	23.7	36	9.5	7	1.8
	Missouri									
	Eastern	379	296	78.1	70	18.5	13	3.4	0	0.0
	Western	392	253	64.5	126	32.1	11	2.8	2	0.5
	Nebraska	174	114	65.5	49	28.2	10	5.7	1	0.6
	North Dakota	160	117	73.1	26	16.3	16	10.0	1	0.6
	South Dakota	200	172	86.0	11	5.5	13	6.5	4	2.0

**Table 31 (cont.)**

CIRCUIT	District	SENTENCED WITHIN GUIDELINE RANGE		SUBSTANTIAL ASSISTANCE DEPARTURE		OTHER DOWNWARD DEPARTURE		UPWARD DEPARTURE		
		TOTAL	n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>		<b>6,828</b>	<b>4,653</b>	<b>68.1</b>	<b>971</b>	<b>14.2</b>	<b>1,148</b>	<b>16.8</b>	<b>56</b>	<b>0.8</b>
	Alaska	100	65	65.0	14	14.0	21	21.0	0	0.0
	Arizona	973	442	45.4	121	12.4	404	41.5	6	0.6
	California									
	Central	888	793	89.3	57	6.4	34	3.8	4	0.5
	Eastern	635	486	76.5	82	12.9	65	10.2	2	0.3
	Northern	370	270	73.0	51	13.8	43	11.6	6	1.6
	Southern	1,740	1,085	62.4	272	15.6	366	21.0	17	1.0
	Guam	121	104	86.0	15	12.4	0	0.0	2	1.7
	Hawaii	224	160	71.4	51	22.8	13	5.8	0	0.0
	Idaho	81	58	71.6	18	22.2	3	3.7	2	2.5
	Montana	184	118	64.1	41	22.3	24	13.0	1	0.5
	Nevada	414	291	70.3	71	17.2	47	11.4	5	1.2
	Northern Mariana Islands	8	4	50.0	4	50.0	0	0.0	0	0.0
	Oregon	442	326	73.8	62	14.0	51	11.5	3	0.7
	Washington									
	Eastern	262	193	73.7	23	8.8	44	16.8	2	0.8
	Western	386	258	66.8	89	23.1	33	8.5	6	1.6
<b>TENTH CIRCUIT</b>		<b>2,033</b>	<b>1,550</b>	<b>76.2</b>	<b>247</b>	<b>12.2</b>	<b>222</b>	<b>10.9</b>	<b>14</b>	<b>0.7</b>
	Colorado	331	219	66.2	76	23.0	36	10.9	0	0.0
	Kansas	321	259	80.7	40	12.5	20	6.2	2	0.6
	New Mexico	650	496	76.3	32	4.9	119	18.3	3	0.5
	Oklahoma									
	Eastern	60	53	88.3	3	5.0	3	5.0	1	1.7
	Northern	167	145	86.8	15	9.0	5	3.0	2	1.2
	Western	191	165	86.4	20	10.5	4	2.1	2	1.0
	Utah	208	142	68.3	35	16.8	28	13.5	3	1.4
	Wyoming	105	71	67.6	26	24.8	7	6.7	1	1.0
<b>ELEVENTH CIRCUIT</b>		<b>4,130</b>	<b>2,978</b>	<b>72.1</b>	<b>941</b>	<b>22.8</b>	<b>175</b>	<b>4.2</b>	<b>36</b>	<b>0.9</b>
	Alabama									
	Middle	170	140	82.4	24	14.1	4	2.4	2	1.2
	Northern	267	199	74.5	57	21.3	10	3.7	1	0.4
	Southern	269	178	66.2	80	29.7	7	2.6	4	1.5
	Florida									
	Middle	821	511	62.2	268	32.6	40	4.9	2	0.2
	Northern	328	198	60.4	118	36.0	8	2.4	4	1.2
	Southern	1,213	972	80.1	168	13.9	67	5.5	6	0.5
	Georgia									
	Middle	325	238	73.2	71	21.8	8	2.5	8	2.5
	Northern	531	403	75.9	104	19.6	20	3.8	4	0.8
	Southern	206	139	67.5	51	24.8	11	5.3	5	2.4

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<sup>4</sup>Of the 38,500 cases, 253 with no analogous guidelines were excluded from the table. Of the remaining 38,247 cases, 1,272 were excluded due to missing departure information. Districts for which the departure information is missing in five percent or more of the cases received included: Central California (26.9%), Eastern New York (21.3%), Oregon (9.6%), Northern California (7.5%), Northern Illinois (7.4%), Eastern Pennsylvania (7.0%), Alaska (6.5%), Western North Carolina (5.7%), and Southern California (5.4%). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 32**

**POSITION OF SENTENCE RELATIVE TO GUIDELINE RANGE BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	DOWNWARD DEPARTURE		SUBSTANTIAL ASSISTANCE DEPARTURE		FIRST QUARTER of RANGE		SECOND QUARTER of RANGE		THIRD QUARTER of RANGE		FOURTH QUARTER of RANGE		UPWARD DEPARTURE	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>31,593</b>	<b>3,102</b>	<b>9.8</b>	<b>7,263</b>	<b>23.0</b>	<b>13,932</b>	<b>44.1</b>	<b>2,922</b>	<b>9.2</b>	<b>1,108</b>	<b>3.5</b>	<b>2,933</b>	<b>9.3</b>	<b>333</b>	<b>1.1</b>
Murder	56	10	17.9	12	21.4	13	23.2	2	3.6	2	3.6	9	16.1	8	14.3
Manslaughter	43	5	11.6	0	0.0	11	25.6	7	16.3	3	7.0	12	27.9	5	11.6
Kidnapping/Hostage-Taking	48	9	18.8	11	22.9	9	18.8	3	6.3	0	0.0	12	25.0	4	8.3
Sexual Abuse	162	40	24.7	2	1.2	55	34.0	19	11.7	8	4.9	31	19.1	7	4.3
Assault	312	41	13.1	8	2.6	127	40.7	35	11.2	12	3.8	76	24.4	13	4.2
Robbery	1,380	164	11.9	196	14.2	522	37.8	153	11.1	88	6.4	218	15.8	39	2.8
Arson	80	16	20.0	16	20.0	26	32.5	5	6.3	2	2.5	10	12.5	5	6.3
Drugs - Trafficking	12,452	1,207	9.7	4,627	37.2	4,911	39.4	793	6.4	285	2.3	600	4.8	29	0.2
Drugs - Communication Facility	196	35	17.9	70	35.7	46	23.5	20	10.2	2	1.0	19	9.7	4	2.0
Drugs - Simple Possession	467	10	2.1	18	3.9	310	66.4	30	6.4	15	3.2	72	15.4	12	2.6
Firearms	2,122	225	10.6	306	14.4	815	38.4	272	12.8	124	5.8	331	15.6	49	2.3
Burglary/B&E	64	4	6.3	5	7.8	24	37.5	8	12.5	2	3.1	20	31.3	1	1.6
Auto Theft	134	16	11.9	27	20.1	47	35.1	18	13.4	5	3.7	19	14.2	2	1.5
Larceny	2,026	90	4.4	147	7.3	1,304	64.4	187	9.2	74	3.7	196	9.7	28	1.4
Fraud	4,989	381	7.6	850	17.0	2,356	47.2	591	11.8	174	3.5	588	11.8	49	1.0
Embezzlement	695	79	11.4	43	6.2	470	67.6	52	7.5	25	3.6	25	3.6	1	0.1
Forgery/Counterfeiting	674	31	4.6	83	12.3	359	53.3	83	12.3	38	5.6	74	11.0	6	0.9
Bribery	259	23	8.9	61	23.6	116	44.8	28	10.8	7	2.7	19	7.3	5	1.9
Tax	610	45	7.4	75	12.3	328	53.8	82	13.4	28	4.6	49	8.0	3	0.5
Money Laundering	714	66	9.2	237	33.2	298	41.7	42	5.9	21	2.9	47	6.6	3	0.4
Racketeering/Extortion	303	34	11.2	97	32.0	96	31.7	30	9.9	16	5.3	24	7.9	6	2.0
Gambling/Lottery	205	12	5.9	67	32.7	107	52.2	8	3.9	4	2.0	7	3.4	0	0.0
Civil Rights	93	6	6.5	14	15.1	44	47.3	13	14.0	4	4.3	10	10.8	2	2.2
Immigration	1,883	402	21.3	65	3.5	701	37.2	278	14.8	119	6.3	285	15.1	33	1.8
Pornography/Prostitution	85	15	17.6	13	15.3	28	32.9	9	10.6	6	7.1	12	14.1	2	2.4
Prison Offenses	332	26	7.8	17	5.1	155	46.7	54	16.3	11	3.3	65	19.6	4	1.2
Administration of Justice Offenses	622	58	9.3	103	16.6	309	49.7	58	9.3	20	3.2	68	10.9	6	1.0
Environmental/Wildlife	105	6	5.7	16	15.2	74	70.5	7	6.7	1	1.0	1	1.0	0	0.0
National Defense	29	7	24.1	5	17.2	13	44.8	1	3.4	2	6.9	1	3.4	0	0.0
Antitrust	17	0	0.0	8	47.1	5	29.4	3	17.6	1	5.9	0	0.0	0	0.0
Food & Drug	46	3	6.5	8	17.4	30	65.2	4	8.7	0	0.0	1	2.2	0	0.0
Other Miscellaneous Offenses	390	36	9.2	56	14.4	223	57.2	27	6.9	9	2.3	32	8.2	7	1.8

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<sup>1</sup>Of the 38,500 cases, the Commission received complete guideline application information for data in this table for 33,504. Of these, 139 were excluded due to one or more of the following reasons: missing primary offense category (61), missing sentencing information (36), missing guideline range information (14), missing departure information (26), or missing statutory information (13). Additionally, 1,772 cases were excluded due to several logical criteria other than missing information. This table includes sentences with conditions of confinement as defined in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 33**

**COUNTRY OF CITIZENSHIP OF SENTENCED NON-U.S. CITIZENS<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>COUNTRY OF CITIZENSHIP</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	<b>8,904</b>	<b>100.0</b>
<b>Mexico</b>	4,543	51.0
<b>Colombia</b>	924	10.4
<b>Dominican Republic</b>	462	5.2
<b>Nigeria</b>	322	3.6
<b>Jamaica</b>	318	3.6
<b>Cuba</b>	280	3.1
<b>Canada</b>	184	2.1
<b>Vietnam</b>	99	1.1
<b>El Salvador</b>	92	1.0
<b>China</b>	89	1.0
<b>Haiti</b>	73	0.8
<b>Great Britain</b>	73	0.8
<b>Philippines</b>	69	0.8
<b>Honduras</b>	67	0.8
<b>Guatemala</b>	64	0.7
<b>Pakistan</b>	64	0.7
<b>Guyana</b>	60	0.7
<b>Ecuador</b>	53	0.6
<b>Korea</b>	51	0.6
<b>Other</b>	1,017	11.4

<sup>1</sup>Of the 38,500 cases, 29,596 were excluded due to one or more of the following reasons: the defendant was a U.S. citizen (28,569), missing citizenship information (736), or missing country of origin for non-U.S. citizens (291). Only countries contributing 50 or more defendants are listed; other countries are collapsed into the category "Other." Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 34

**DEMOGRAPHIC AND OFFENSE INFORMATION BY CITIZENSHIP STATUS<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

	TOTAL	PERCENT	U.S. Citizen		Non-U.S. Citizen	
			Number	Percent	Number	Percent
<b>TOTAL</b>	<b>37,764</b>	<b>100.0</b>	<b>28,569</b>	<b>75.7</b>	<b>9,195</b>	<b>24.3</b>
<b>GENDER</b>						
Male	32,172	85.2	23,834	83.4	8,338	90.7
Female	5,586	14.8	4,735	16.6	851	9.3
<b>RACE</b>						
White	14,841	39.4	14,210	49.8	631	6.9
Black	10,990	29.2	10,011	35.1	979	10.7
Hispanic	10,267	27.2	3,254	11.4	7,013	76.6
Other	1,600	4.2	1,067	3.7	533	5.8
<b>EDUCATION</b>						
Less than High School	14,553	39.4	9,195	32.4	5,358	62.8
High School	11,983	32.4	10,381	36.5	1,602	18.8
Some College	7,466	20.2	6,384	22.5	1,082	12.7
College Graduate	2,943	8.0	2,450	8.6	493	5.8
<b>MODE OF CONVICTION</b>						
Plea	34,618	91.8	25,943	90.9	8,675	94.4
Trial	3,098	8.2	2,587	9.1	511	5.6
<b>ROLE IN THE OFFENSE</b>						
No Role Adjustment	29,855	81.1	23,427	83.1	6,428	74.7
Mitigating Role	4,109	11.2	2,501	8.9	1,608	18.7
Aggravating Role	2,829	7.7	2,259	8.0	570	6.6
<b>WEAPON</b>						
No Weapon Adjustment	33,576	88.9	24,840	86.9	8,736	95.0
Weapon Adjustment <sup>2</sup>	4,188	11.1	3,729	13.1	459	5.0
<b>MANDATORY MINIMUM</b>						
No	26,821	71.1	20,303	71.1	6,518	71.0
Yes <sup>3</sup>	10,926	28.9	8,260	28.9	2,666	29.0

<sup>1</sup>Of the 38,500 cases, 736 were excluded due to missing information on citizenship. Additionally, the total for each characteristic may add to less than the overall total due to missing information for that variable. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Includes a guideline adjustment for weapon possession or a conviction under 18 U.S.C. § 924(c).

<sup>3</sup>Includes mandatory minimums for either drug offenses, weapons violations, or both.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

Table 35

**CITIZENSHIP STATUS OF DEFENDANT BY PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	TOTAL	U.S. Citizen		Non-U.S. Citizen	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>37,687</b>	<b>28,510</b>	<b>75.6</b>	<b>9,177</b>	<b>24.4</b>
<b>Murder</b>	<b>85</b>	79	92.9	6	7.1
<b>Manslaughter</b>	<b>48</b>	47	97.9	1	2.1
<b>Kidnapping/Hostage-Taking</b>	<b>62</b>	43	69.4	19	30.6
<b>Sexual Abuse</b>	<b>176</b>	172	97.7	4	2.3
<b>Assault</b>	<b>373</b>	349	93.6	24	6.4
<b>Robbery</b>	<b>1,597</b>	1,538	96.3	59	3.7
<b>Arson</b>	<b>96</b>	83	86.5	13	13.5
<b>Drugs - Trafficking</b>	<b>14,098</b>	10,224	72.5	3,874	27.5
<b>Drugs - Communication Facility</b>	<b>330</b>	239	72.4	91	27.6
<b>Drugs - Simple Possession</b>	<b>738</b>	523	70.9	215	29.1
<b>Firearms</b>	<b>2,561</b>	2,393	93.4	168	6.6
<b>Burglary/B&amp;E</b>	<b>66</b>	64	97.0	2	3.0
<b>Auto Theft</b>	<b>149</b>	142	95.3	7	4.7
<b>Larceny</b>	<b>2,312</b>	2,157	93.3	155	6.7
<b>Fraud</b>	<b>5,828</b>	5,044	86.5	784	13.5
<b>Embezzlement</b>	<b>805</b>	773	96.0	32	4.0
<b>Forgery/Counterfeiting</b>	<b>783</b>	588	75.1	195	24.9
<b>Bribery</b>	<b>299</b>	252	84.3	47	15.7
<b>Tax</b>	<b>742</b>	704	94.9	38	5.1
<b>Money Laundering</b>	<b>815</b>	572	70.2	243	29.8
<b>Racketeering/Extortion</b>	<b>411</b>	360	87.6	51	12.4
<b>Gambling/Lottery</b>	<b>217</b>	208	95.9	9	4.1
<b>Civil Rights</b>	<b>102</b>	100	98.0	2	2.0
<b>Immigration</b>	<b>3,030</b>	168	5.5	2,862	94.5
<b>Pornography/Prostitution</b>	<b>94</b>	85	90.4	9	9.6
<b>Prison Offenses</b>	<b>355</b>	321	90.4	34	9.6
<b>Administration of Justice Offenses</b>	<b>703</b>	559	79.5	144	20.5
<b>Environmental/Wildlife</b>	<b>119</b>	106	89.1	13	10.9
<b>National Defense</b>	<b>35</b>	9	25.7	26	74.3
<b>Antitrust</b>	<b>18</b>	16	88.9	2	11.1
<b>Food &amp; Drug</b>	<b>60</b>	60	100.0	0	0.0
<b>Other Miscellaneous Offenses</b>	<b>580</b>	532	91.7	48	8.3

<sup>1</sup>Of the 38,500 cases, 813 were excluded due to one or both of the following reasons: missing primary offense category (123) or missing citizenship information (736). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 36**

**AVERAGE IMPRISONMENT BY CITIZENSHIP STATUS OF DEFENDANT  
FOR SELECT OFFENSES<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

<b>PRIMARY OFFENSE</b>	<b>TOTAL</b>	<b>U.S. Citizen</b>			<b>Non-U.S. Citizen</b>		
		Number	Mean	Median	Number	Mean	Median
<b>TOTAL</b>	<b>29,622</b>	<b>21,396</b>	<b>69.5</b>	<b>37.0</b>	<b>8,226</b>	<b>47.4</b>	<b>24.0</b>
<b>Kidnapping/Hostage Taking</b>	61	42	222.8	174.0	19	96.1	63.0
<b>Drugs - Trafficking</b>	13,291	9,486	95.8	63.0	3,805	74.2	57.0
<b>Drugs - Communication Facility</b>	267	182	37.1	38.5	85	40.8	46.0
<b>Drugs - Simple Possession</b>	382	219	15.3	6.0	163	7.8	6.0
<b>Money Laundering</b>	607	422	43.2	33.0	185	32.8	26.0
<b>Immigration</b>	2,722	88	14.5	11.0	2,634	22.5	24.0
<b>National Defense</b>	31	6	21.2	15.0	25	20.8	15.0

<sup>1</sup>Of the 38,500 cases, 8,306 with zero months prison ordered were excluded. In addition, 572 cases were excluded due to one or more of the following reasons: missing imprisonment information (225), missing primary offense category (63), or missing citizenship information (381). Only offenses for which aliens represented 25 percent or more of the defendants sentenced are included. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 37**

**GUIDELINE OF SENTENCED DRUG DEFENDANTS BY DRUG TYPE<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

DRUG TYPE	TOTAL	2D1.1 Drug Trafficking		2D1.2 Protected Locations		2D1.5 Continuing Criminal Enterprise		2D1.8 Rent/Manage Drug Establishment		2D2.1 Simple Possession	
		n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>15,179</b>	<b>14,234</b>	<b>93.8</b>	<b>224</b>	<b>1.5</b>	<b>76</b>	<b>0.5</b>	<b>58</b>	<b>0.4</b>	<b>587</b>	<b>3.9</b>
<b>Powder Cocaine</b>	<b>4,454</b>	4,299	96.5	37	0.8	27	0.6	15	0.3	76	1.7
<b>Crack Cocaine</b>	<b>3,771</b>	3,567	94.6	126	3.3	26	0.7	20	0.5	32	0.8
<b>Heroin</b>	<b>1,427</b>	1,377	96.5	15	1.1	8	0.6	1	0.1	26	1.8
<b>Marijuana</b>	<b>4,040</b>	3,601	89.1	27	0.7	12	0.3	10	0.2	390	9.7
<b>Methamphetamine</b>	<b>1,117</b>	1,049	93.9	12	1.1	3	0.3	11	1.0	42	3.8
<b>LSD</b>	<b>82</b>	78	95.1	1	1.2	0	0.0	0	0.0	3	3.7
<b>Other</b>	<b>288</b>	263	91.3	6	2.1	0	0.0	1	0.3	18	6.3

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<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 15,190 cases, 11 were excluded due to missing information on drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.



**Table 38**

**RACE OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>DRUG TYPE</b>	<b>TOTAL</b>	<b>WHITE</b>		<b>BLACK</b>		<b>HISPANIC</b>		<b>OTHER</b>	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>15,168</b>	<b>4,102</b>	<b>27.0</b>	<b>5,313</b>	<b>35.0</b>	<b>5,481</b>	<b>36.1</b>	<b>272</b>	<b>1.8</b>
<b>Powder Cocaine</b>	<b>4,450</b>	977	22.0	1,274	28.6	2,166	48.7	33	0.7
<b>Crack Cocaine</b>	<b>3,766</b>	168	4.5	3,330	88.4	245	6.5	23	0.6
<b>Heroin</b>	<b>1,426</b>	172	12.1	447	31.3	730	51.2	77	5.4
<b>Marijuana</b>	<b>4,040</b>	1,725	42.7	200	5.0	2,054	50.8	61	1.5
<b>Methamphetamine</b>	<b>1,116</b>	807	72.3	14	1.3	255	22.8	40	3.6
<b>LSD</b>	<b>82</b>	74	90.2	4	4.9	0	0.0	4	4.9
<b>Other</b>	<b>288</b>	179	62.2	44	15.3	31	10.8	34	11.8

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<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 15,190 cases, 11 cases were excluded due to missing information on defendant's race, and 11 due to missing information on drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 39****GENDER OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

<b>DRUG TYPE</b>	<b>TOTAL</b>	<b>MALE</b>		<b>FEMALE</b>	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>15,179</b>	<b>13,320</b>	<b>87.8</b>	<b>1,859</b>	<b>12.2</b>
<b>Powder Cocaine</b>	<b>4,454</b>	3,913	87.9	541	12.1
<b>Crack Cocaine</b>	<b>3,771</b>	3,371	89.4	400	10.6
<b>Heroin</b>	<b>1,427</b>	1,147	80.4	280	19.6
<b>Marijuana</b>	<b>4,040</b>	3,641	90.1	399	9.9
<b>Methamphetamine</b>	<b>1,117</b>	931	83.3	186	16.7
<b>LSD</b>	<b>82</b>	74	90.2	8	9.8
<b>Other</b>	<b>288</b>	243	84.4	45	15.6

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<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 15,190 cases, 11 were excluded due to missing information on drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 40****CITIZENSHIP OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

<b>DRUG TYPE</b>	<b>TOTAL</b>	<b>U.S. Citizen</b>		<b>Non-U.S. Citizen</b>	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>15,143</b>	<b>10,976</b>	<b>72.5</b>	<b>4,167</b>	<b>27.5</b>
<b>Powder Cocaine</b>	<b>4,438</b>	2,895	65.2	1,543	34.8
<b>Crack Cocaine</b>	<b>3,765</b>	3,507	93.1	258	6.9
<b>Heroin</b>	<b>1,421</b>	640	45.0	781	55.0
<b>Marijuana</b>	<b>4,033</b>	2,703	67.0	1,330	33.0
<b>Methamphetamine</b>	<b>1,116</b>	902	80.8	214	19.2
<b>LSD</b>	<b>82</b>	77	93.9	5	6.1
<b>Other</b>	<b>288</b>	252	87.5	36	12.5

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<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Of these 15,190 cases, 47 were excluded due to one or both of the following reasons: missing information on citizenship (37) or missing information on drug type (11). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 41**

**CRIMINAL HISTORY CATEGORY OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

DRUG TYPE	TOTAL	CRIMINAL HISTORY CATEGORY											
		I		II		III		IV		V		VI	
		n	%	n	%	n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>15,179</b>	<b>8,775</b>	<b>57.8</b>	<b>1,985</b>	<b>13.1</b>	<b>2,109</b>	<b>13.9</b>	<b>909</b>	<b>6.0</b>	<b>453</b>	<b>3.0</b>	<b>948</b>	<b>6.2</b>
<b>Powder Cocaine</b>	<b>4,454</b>	2,869	64.4	561	12.6	526	11.8	211	4.7	81	1.8	206	4.6
<b>Crack Cocaine</b>	<b>3,771</b>	1,405	37.3	561	14.9	752	19.9	390	10.3	219	5.8	444	11.8
<b>Heroin</b>	<b>1,427</b>	1,035	72.5	114	8.0	121	8.5	46	3.2	27	1.9	84	5.9
<b>Marijuana</b>	<b>4,040</b>	2,684	66.4	547	13.5	487	12.1	154	3.8	63	1.6	105	2.6
<b>Methamphetamine</b>	<b>1,117</b>	561	50.2	159	14.2	177	15.8	81	7.3	50	4.5	89	8.0
<b>LSD</b>	<b>82</b>	49	59.8	13	15.9	10	12.2	6	7.3	1	1.2	3	3.7
<b>Other</b>	<b>288</b>	172	59.7	30	10.4	36	12.5	21	7.3	12	4.2	17	5.9

<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 11 cases were excluded due to missing information on drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 42**

**MODE OF CONVICTION OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

DRUG TYPE	TOTAL	PLEA		TRIAL	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>15,158</b>	<b>13,638</b>	<b>90.0</b>	<b>1,520</b>	<b>10.0</b>
<b>Powder Cocaine</b>	<b>4,449</b>	3,971	89.3	478	10.7
<b>Crack Cocaine</b>	<b>3,762</b>	3,201	85.1	561	14.9
<b>Heroin</b>	<b>1,425</b>	1,331	93.4	94	6.6
<b>Marijuana</b>	<b>4,035</b>	3,790	93.9	245	6.1
<b>Methamphetamine</b>	<b>1,117</b>	1,002	89.7	115	10.3
<b>LSD</b>	<b>82</b>	76	92.7	6	7.3
<b>Other</b>	<b>288</b>	267	92.7	21	7.3

)))))))))

<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 21 cases were excluded due to missing information on mode of conviction and 11 due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 43**

**WEAPON INVOLVEMENT OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

DRUG TYPE	TOTAL	No Weapon Involved		Weapon Involved <sup>2</sup>	
		Number	Percent	Number	Percent
<b>TOTAL</b>	<b>15,179</b>	<b>12,591</b>	<b>83.0</b>	<b>2,588</b>	<b>17.1</b>
<b>Powder Cocaine</b>	<b>4,454</b>	3,830	86.0	624	14.0
<b>Crack Cocaine</b>	<b>3,771</b>	2,612	69.3	1,159	30.7
<b>Heroin</b>	<b>1,427</b>	1,300	91.1	127	8.9
<b>Marijuana</b>	<b>4,040</b>	3,679	91.1	361	8.9
<b>Methamphetamine</b>	<b>1,117</b>	837	74.9	280	25.1
<b>LSD</b>	<b>82</b>	75	91.5	7	8.5
<b>Other</b>	<b>288</b>	258	89.6	30	10.4

)))))))))

<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 11 cases were excluded due to missing information on drug type. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Includes an adjustment for weapon possession under §2D1.1(b)(1) or a conviction under 18 U.S.C. § 924(c).

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 44**

**ROLE ADJUSTMENT OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

DRUG TYPE	TOTAL	No Role Adjustment		Mitigating Role Adjustment		Aggravating Role Adjustment	
		Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>13,673</b>	<b>9,712</b>	<b>71.0</b>	<b>2,748</b>	<b>20.1</b>	<b>1,213</b>	<b>8.9</b>
<b>Powder Cocaine</b>	<b>3,968</b>	2,745	69.2	851	21.4	372	9.4
<b>Crack Cocaine</b>	<b>3,539</b>	2,835	80.1	332	9.4	372	10.5
<b>Heroin</b>	<b>1,217</b>	664	54.6	476	39.1	77	6.3
<b>Marijuana</b>	<b>3,609</b>	2,407	66.7	912	25.3	290	8.0
<b>Methamphetamine</b>	<b>1,013</b>	785	77.5	151	14.9	77	7.6
<b>LSD</b>	<b>73</b>	63	86.3	2	2.7	8	11.0
<b>Other</b>	<b>254</b>	213	83.9	24	9.4	17	6.7

))))))))))

<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 1,506 cases were excluded due to incomplete guideline application information and 11 due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 45**

**ACCEPTANCE OF RESPONSIBILITY OF DRUG DEFENDANT BY DRUG TYPE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

DRUG TYPE	TOTAL	No Acceptance Adjustment		2-level Adjustment		3-level Adjustment	
		Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>13,670</b>	<b>2,091</b>	<b>15.3</b>	<b>1,925</b>	<b>14.1</b>	<b>9,657</b>	<b>70.6</b>
<b>Powder Cocaine</b>	<b>3,968</b>	621	15.7	541	13.6	2,806	70.8
<b>Crack Cocaine</b>	<b>3,539</b>	755	21.3	302	8.5	2,482	70.1
<b>Heroin</b>	<b>1,217</b>	122	10.0	134	11.0	961	79.0
<b>Marijuana</b>	<b>3,609</b>	388	10.8	751	20.8	2,470	68.5
<b>Methamphetamine</b>	<b>1,013</b>	166	16.4	102	10.1	745	73.5
<b>LSD</b>	<b>73</b>	9	12.3	13	17.8	51	69.9
<b>Other</b>	<b>254</b>	30	11.8	82	32.3	142	55.9

))))))))))

<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 1,506 cases were excluded due to incomplete guideline application information and 11 due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 46**

**DEPARTURE STATUS OF DRUG DEFENDANTS BY DRUG TYPE<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>DRUG TYPE</b>	<b>TOTAL</b>	<b>Sentenced Within Guideline Range</b>		<b>Substantial Assistance Departure</b>		<b>Other Downward Departure</b>		<b>Upward Departure</b>	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>14,744</b>	<b>8,749</b>	<b>59.3</b>	<b>4,709</b>	<b>31.9</b>	<b>1,241</b>	<b>8.4</b>	<b>45</b>	<b>0.3</b>
<b>Powder Cocaine</b>	<b>4,262</b>	2,470	58.0	1,480	34.7	301	7.1	11	0.3
<b>Crack Cocaine</b>	<b>3,720</b>	2,291	61.6	1,252	33.7	174	4.7	3	0.1
<b>Heroin</b>	<b>1,334</b>	754	56.5	340	25.5	228	17.1	12	0.9
<b>Marijuana</b>	<b>3,973</b>	2,443	61.5	1,059	26.7	455	11.5	16	0.4
<b>Methamphetamine</b>	<b>1,099</b>	577	52.5	460	41.9	60	5.5	2	0.2
<b>LSD</b>	<b>77</b>	39	50.6	33	42.9	5	6.5	0	0.0
<b>Other</b>	<b>279</b>	175	62.7	85	30.5	18	6.5	1	0.4

<sup>1</sup>Of the 38,500 cases, 15,282 were sentenced under USSG Chapter Two, Part D (drugs). Of these, 15,190 were sentenced under §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession). Additionally, 435 cases were excluded due to missing departure information and 11 due to missing drug type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Datafile, MONFY95.

**Table 47****DISTRIBUTION OF SENTENCED ORGANIZATIONAL DEFENDANTS  
BY PRIMARY OFFENSE CATEGORY<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

<b>Primary Offense</b>	<b>Number</b>	<b>Percent</b>
<b>TOTAL</b>	108	100.0
Antitrust	8	7.4
Bribery	2	1.9
Copyright/Trademark Infringement	1	0.9
Environmental (Waste Discharge)	20	18.5
Environmental (Wildlife)	2	1.9
Embezzlement	1	0.9
Export Violations	1	0.9
Food & Drug	5	4.6
Fraud	42	38.9
Larceny	2	1.9
Money Laundering	6	5.6
Racketeering	3	2.8
Tax	14	13.0
Other	1	0.9

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<sup>1</sup>Of the 111 cases sentenced pursuant to Chapter Eight, three cases were excluded due to missing primary offense category. Descriptions of variables used in this table are provided in Appendix A. A description of organizational sanctions can be found in the introductory commentary to USSG Chapter Eight.

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1995.

**Table 48**

**ORGANIZATIONS SENTENCED UNDER CHAPTER EIGHT: CULPABILITY FACTORS<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

<b>Involvement in or Tolerance of Criminal Activity</b>	Number	Percent
Involvement/Tolerance in an organization of 200+ employees	8	9.9
Involvement in an organization of 50+ employees	4	4.9
Involvement in an organization of ten or more employees	36	44.4
No involvement in an organization of fewer than ten employees	33	40.7
TOTAL	81	100.0

  

<b>Prior History</b>	Number	Percent
One similar criminal/two similar administrative violations within five years	1	1.2
One similar criminal/two similar administrative violations within ten years	0	0.0
Organization had no prior record	80	98.8
TOTAL	81	100.0

  

<b>Violation of an Order</b>	Number	Percent
Organization did violate an order	1	1.2
Organization did not violate an order	80	98.8
TOTAL	81	100.0

  

<b>Obstruction of Justice</b>	Number	Percent
Organization obstructed justice	3	3.7
Organization did not obstruct justice	78	96.3
TOTAL	81	100.0

  

<b>Effective Program to Prevent and Detect Violations of Law</b>	Number	Percent
Organization did not have an effective program	81	100.0
TOTAL	81	100.0

  

<b>Self-Reporting, Cooperation, and Acceptance of Responsibility</b>	Number	Percent
Self-reported offense	3	3.7
Cooperated with investigation	50	61.7
Accepted responsibility	18	22.2
Organization did not self-report, cooperate, or accept responsibility	10	12.3
TOTAL	81	100.0

<sup>1</sup>Of the 111 cases sentenced pursuant to Chapter Eight, 30 were excluded due to one or both of the following reasons: missing data describing culpability factors (2) or fine guidelines not applicable (28). Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight culpability factors can be found in USSG §8C2.5.

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1995.



**Table 49**  
**FINES IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**ON SENTENCED ORGANIZATIONS<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>Primary Offense</b>	<b>Total</b>	<b>Number</b>	<b>Percent</b>	<b>Mean</b>	<b>Median</b>
TOTAL	108	85	78.7	\$242,892	\$30,000
Antitrust	8	7	87.5	\$1,397,268	\$460,000
Bribery	2	2	100.0	\$54,000	--
Copyright/Trademark Infringement	1	1	100.0	\$24,000	--
Environmental (Waste Discharge)	20	17	85.0	\$106,433	\$50,000
Environmental (Wildlife)	2	2	100.0	\$5,250	--
Embezzlement	1	1	100.0	\$25,000	--
Export Violations	1	1	100.0	\$50,000	--
Food & Drug	5	5	100.0	\$137,500	\$60,000
Fraud	42	32	76.2	\$144,120	\$15,649
Larceny	2	2	100.0	\$28,028	--
Money Laundering	6	2	33.3	\$517,500	--
Racketeering	3	1	33.3	\$2,266,711	--
Tax	14	11	78.6	\$52,545	\$52,545
Other	1	1	100.0	\$3,000	--

<sup>1</sup>Of the 111 cases sentenced pursuant to Chapter Eight, three cases were excluded due to missing primary offense category. Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight fine provisions can be found in USSG §8C3.1.

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1995.

**Table 50**  
**RESTITUTION IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**ON SENTENCED ORGANIZATIONS<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>Primary Offense</b>	<b>Total</b>	<b>Number</b>	<b>Percent</b>	<b>Mean</b>	<b>Median</b>
TOTAL	108	35	32.4	\$232,988	\$27,912
Antitrust	8	1	12.5	\$200,000	--
Bribery	2	0	0.0	--	--
Copyright/Trademark Infringement	1	0	0.0	--	--
Environmental (Waste Discharge)	20	5	25.0	\$132,378	\$30,000
Environmental (Wildlife)	2	0	0.0	--	--
Embezzlement	1	1	100.0	\$27,912	--
Export Violations	1	0	0.0	--	--
Food & Drug	5	0	0.0	--	--
Fraud	42	19	45.2	\$191,245	\$11,356
Larceny	2	1	50.0	\$20,070	--
Money Laundering	6	2	33.3	\$697,209	--
Racketeering	3	0	0.0	--	--
Tax	14	6	42.9	\$369,439	\$102,500
Other	1	0	0.0	--	--

<sup>1</sup>Of the 111 cases sentenced pursuant to Chapter Eight, three cases were excluded due to missing primary offense category. Descriptions of variables used in this table are provided in Appendix A. A description of Chapter Eight restitution provisions can be found in USSG §8B1.1.

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1995.

**Table 51**

**FINES IMPOSED BY VOLUME OF COMMERCE ON SENTENCED ORGANIZATIONS  
UNDER THE ANTITRUST GUIDELINE<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

<b>Volume of Commerce</b>	<b>Total</b>	<b>Number</b>	<b>Percent</b>	<b>Mean</b>	<b>Median</b>
TOTAL	4	4	100.0	\$229,375	\$6,250
Less than \$400,000	1	1	100.0	\$7,500	--
More than \$400,000	0	0	0.0	--	--
More than \$1,000,000	1	1	100.0	\$5,000	--
More than \$2,500,000	0	0	0.0	--	--
More than \$6,250,000	2	2	100.0	\$452,500	--
More than \$15,000,000	0	0	0.0	--	--
More than \$37,500,000	0	0	0.0	--	--

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<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A. A description of fine imposed by volume of commerce can be found in USSG §2R1.1 (1987).

SOURCE: U.S. Sentencing Commission, Organizational Defendants, 1995.

Table 52

**TYPE OF APPEAL BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>6,659</b>	<b>100.0</b>	<b>2,600</b>	<b>39.0</b>	<b>1,714</b>	<b>25.7</b>	<b>2,345</b>	<b>35.2</b>
<b>D.C. CIRCUIT</b>	<b>178</b>	<b>2.7</b>	<b>25</b>	<b>14.0</b>	<b>47</b>	<b>26.4</b>	<b>106</b>	<b>59.6</b>
District of Columbia	178	2.7	25	14.0	47	26.4	106	59.6
<b>FIRST CIRCUIT</b>	<b>218</b>	<b>3.3</b>	<b>88</b>	<b>40.4</b>	<b>53</b>	<b>24.3</b>	<b>77</b>	<b>35.3</b>
Maine	19	0.3	15	79.0	2	10.5	2	10.5
Massachusetts	86	1.3	32	37.2	23	26.7	31	36.1
New Hampshire	18	0.3	9	50.0	3	16.7	6	33.3
Puerto Rico	62	0.9	22	35.5	10	16.1	30	48.4
Rhode Island	33	0.5	10	30.3	15	45.4	8	24.2
<b>SECOND CIRCUIT</b>	<b>133</b>	<b>2.0</b>	<b>65</b>	<b>48.9</b>	<b>46</b>	<b>34.6</b>	<b>22</b>	<b>16.5</b>
Connecticut	19	0.3	15	79.0	2	10.5	2	10.5
New York								
Eastern	48	0.7	14	29.2	25	52.1	9	18.8
Northern	14	0.2	9	64.3	5	35.7	0	0.0
Southern	39	0.6	16	41.0	13	33.3	10	25.6
Western	5	0.1	4	80.0	0	0.0	1	20.0
Vermont	8	0.1	7	87.5	1	12.5	0	0.0
<b>THIRD CIRCUIT</b>	<b>447</b>	<b>6.7</b>	<b>193</b>	<b>43.2</b>	<b>101</b>	<b>22.6</b>	<b>153</b>	<b>34.2</b>
Delaware	21	0.3	11	52.4	3	14.3	7	33.3
New Jersey	104	1.6	53	51.0	27	26.0	24	23.1
Pennsylvania								
Eastern	156	2.3	61	39.1	44	28.2	51	32.7
Middle	55	0.8	31	56.4	12	21.8	12	21.8
Western	54	0.8	28	51.8	10	18.5	16	29.6
Virgin Islands	57	0.9	9	15.8	5	8.8	43	75.4
<b>FOURTH CIRCUIT</b>	<b>815</b>	<b>12.2</b>	<b>267</b>	<b>32.8</b>	<b>252</b>	<b>30.9</b>	<b>296</b>	<b>36.3</b>
Maryland	90	1.4	28	31.1	25	27.8	37	41.1
North Carolina								
Eastern	92	1.4	34	37.0	24	26.1	34	37.0
Middle	97	1.5	33	34.0	43	44.3	21	21.6
Western	72	1.1	28	38.9	23	31.9	21	29.2
South Carolina	78	1.2	21	26.9	28	35.9	29	37.2
Virginia								
Eastern	199	3.0	41	20.6	63	31.7	95	47.7
Western	103	1.5	46	44.7	22	21.4	35	34.0
West Virginia								
Northern	38	0.6	16	42.1	10	26.3	12	31.6
Southern	46	0.7	20	43.5	14	30.4	12	26.1

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>800</b>	<b>12.0</b>	<b>279</b>	<b>34.9</b>	<b>197</b>	<b>24.6</b>	<b>324</b>	<b>40.5</b>
Louisiana								
Eastern	56	0.8	23	41.1	15	26.8	18	32.1
Middle	5	0.1	2	40.0	0	0.0	3	60.0
Western	36	0.5	12	33.3	11	30.6	13	36.1
Mississippi								
Northern	29	0.4	10	34.5	7	24.1	12	41.4
Southern	26	0.4	4	15.4	3	11.5	19	73.1
Texas								
Eastern	88	1.3	35	40.0	15	17.0	38	43.2
Northern	196	2.9	71	36.2	62	31.6	63	32.1
Southern	245	3.7	80	32.6	55	22.4	110	44.9
Western	119	1.8	42	35.3	29	24.4	48	40.3
<b>SIXTH CIRCUIT</b>	<b>659</b>	<b>9.9</b>	<b>282</b>	<b>42.8</b>	<b>164</b>	<b>24.9</b>	<b>213</b>	<b>32.3</b>
Kentucky								
Eastern	51	0.8	23	45.1	13	25.5	15	29.4
Western	31	0.5	12	38.7	12	38.7	7	22.6
Michigan								
Eastern	148	2.2	62	41.9	33	22.3	53	35.8
Western	64	1.0	32	50.0	14	21.9	18	28.1
Ohio								
Northern	86	1.3	28	32.6	24	27.9	34	39.5
Southern	72	1.1	38	52.8	16	22.2	18	25.0
Tennessee								
Eastern	67	1.0	28	41.8	13	19.4	26	38.8
Middle	39	0.6	17	43.6	10	25.6	12	30.8
Western	101	1.5	42	41.6	29	28.7	30	29.7
<b>SEVENTH CIRCUIT</b>	<b>497</b>	<b>7.5</b>	<b>215</b>	<b>43.3</b>	<b>124</b>	<b>25.0</b>	<b>158</b>	<b>31.8</b>
Illinois								
Central	62	0.9	36	58.1	16	25.8	10	16.1
Northern	198	3.0	79	39.9	49	24.8	70	35.4
Southern	54	0.8	23	42.6	15	27.8	16	29.6
Indiana								
Northern	44	0.7	14	31.8	12	27.3	18	40.9
Southern	41	0.6	15	36.6	9	22.0	17	41.5
Wisconsin								
Eastern	59	0.9	23	39.0	15	25.4	21	35.6
Western	39	0.6	25	64.1	8	20.5	6	15.4
<b>EIGHTH CIRCUIT</b>	<b>440</b>	<b>6.6</b>	<b>193</b>	<b>43.9</b>	<b>99</b>	<b>22.5</b>	<b>148</b>	<b>33.6</b>
Arkansas								
Eastern	41	0.6	11	26.8	9	22.0	21	51.2
Western	22	0.3	12	54.6	3	13.6	7	31.8
Iowa								
Northern	27	0.4	15	55.6	5	18.5	7	25.9
Southern	24	0.4	9	37.5	4	16.7	11	45.8
Minnesota	92	1.4	35	38.0	29	31.5	28	30.4
Missouri								
Eastern	83	1.2	37	44.6	23	27.7	23	27.7
Western	57	0.9	26	45.6	12	21.0	19	33.3
Nebraska	47	0.7	27	57.4	7	14.9	13	27.7
North Dakota	15	0.2	5	33.3	4	26.7	6	40.0
South Dakota	32	0.5	16	50.0	3	9.4	13	40.6

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>1,324</b>	<b>19.9</b>	<b>454</b>	<b>34.3</b>	<b>310</b>	<b>23.4</b>	<b>560</b>	<b>42.3</b>
Alaska	19	0.3	3	15.8	5	26.3	11	57.9
Arizona	157	2.4	49	31.2	31	19.8	77	49.0
California								
Central	376	5.6	136	36.2	92	24.5	148	39.4
Eastern	106	1.6	32	30.2	34	32.1	40	37.7
Northern	99	1.5	29	29.3	13	13.1	57	57.6
Southern	124	1.9	37	29.8	32	25.8	55	44.4
Guam	10	0.2	1	10.0	3	30.0	6	60.0
Hawaii	56	0.8	21	37.5	9	16.1	26	46.4
Idaho	22	0.3	6	27.3	4	18.2	12	54.6
Montana	50	0.8	13	26.0	21	42.0	16	32.0
Nevada	69	1.0	21	30.4	18	26.1	30	43.5
Northern Mariana Islands	1	0.0	1	100.0	0	0.0	0	0.0
Oregon	113	1.7	44	38.9	26	23.0	43	38.0
Washington								
Eastern	38	0.6	19	50.0	7	18.4	12	31.6
Western	84	1.3	42	50.0	15	17.9	27	32.1
<b>TENTH CIRCUIT</b>	<b>487</b>	<b>7.3</b>	<b>185</b>	<b>38.0</b>	<b>92</b>	<b>18.9</b>	<b>210</b>	<b>43.1</b>
Colorado	96	1.4	30	31.2	18	18.8	48	50.0
Kansas	86	1.3	41	47.7	15	17.4	30	34.9
New Mexico	78	1.2	21	26.9	10	12.8	47	60.3
Oklahoma								
Eastern	18	0.3	10	55.6	6	33.3	2	11.1
Northern	40	0.6	15	37.5	9	22.5	16	40.0
Western	79	1.2	39	49.4	19	24.0	21	26.6
Utah	62	0.9	15	24.2	10	16.1	37	59.7
Wyoming	28	0.4	14	50.0	5	17.9	9	32.1
<b>ELEVENTH CIRCUIT</b>	<b>661</b>	<b>9.9</b>	<b>354</b>	<b>53.6</b>	<b>229</b>	<b>34.6</b>	<b>78</b>	<b>11.8</b>
Alabama								
Middle	28	0.4	13	46.4	14	50.0	1	3.6
Northern	20	0.3	13	65.0	7	35.0	0	0.0
Southern	45	0.7	20	44.4	21	46.7	4	8.9
Florida								
Middle	167	2.5	86	51.5	53	31.7	28	16.8
Northern	53	0.8	31	58.5	21	39.6	1	1.9
Southern	197	3.0	94	47.7	74	37.6	29	14.7
Georgia								
Middle	26	0.4	16	61.5	10	38.5	0	0.0
Northern	94	1.4	63	67.0	25	26.6	6	6.4
Southern	31	0.5	18	58.1	4	12.9	9	29.0

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<sup>1</sup>Of the 6,863 appeals cases, 204 were excluded due to one or both of the following reasons: missing district information (32) or missing type of appeal information (177). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1995 Appeals Datafile, APPFY95.

Table 53

**SENTENCING APPEALS CASE DISPOSITION BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>4,314</b>	<b>3,327</b>	<b>77.1</b>	<b>385 (349)</b>	<b>8.9</b>	<b>427 (397)</b>	<b>9.9</b>	<b>175</b>	<b>4.1</b>
<b>D.C. CIRCUIT</b>	<b>72</b>	<b>34</b>	<b>47.2</b>	<b>20 (13)</b>	<b>27.8</b>	<b>17 (17)</b>	<b>23.6</b>	<b>1</b>	<b>1.4</b>
District of Columbia	72	34	47.2	20 (13)	27.8	17 (17)	23.6	1	1.4
<b>FIRST CIRCUIT</b>	<b>141</b>	<b>118</b>	<b>83.7</b>	<b>11 (8)</b>	<b>7.8</b>	<b>8 (8)</b>	<b>5.7</b>	<b>4</b>	<b>2.8</b>
Maine	17	17	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Massachusetts	55	44	80.0	3 (3)	5.4	6 (6)	10.9	2	3.6
New Hampshire	12	10	83.3	2 (2)	16.7	0 (0)	0.0	0	0.0
Puerto Rico	32	24	75.0	6 (3)	18.8	1 (1)	3.1	1	3.1
Rhode Island	25	23	92.0	0 (0)	0.0	1 (1)	4.0	1	4.0
<b>SECOND CIRCUIT</b>	<b>111</b>	<b>62</b>	<b>55.9</b>	<b>29 (27)</b>	<b>26.1</b>	<b>20 (20)</b>	<b>18.0</b>	<b>0</b>	<b>0.0</b>
Connecticut	17	8	47.1	8 (8)	47.1	1 (1)	5.9	0	0.0
New York									
Eastern	39	21	53.8	11 (10)	28.2	7 (7)	18.0	0	0.0
Northern	14	5	35.7	7 (6)	50.0	2 (2)	14.3	0	0.0
Southern	29	16	55.2	3 (3)	10.3	10 (10)	34.5	0	0.0
Western	4	4	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Vermont	8	8	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>294</b>	<b>242</b>	<b>82.3</b>	<b>19 (19)</b>	<b>6.5</b>	<b>21 (20)</b>	<b>7.1</b>	<b>12</b>	<b>4.1</b>
Delaware	14	12	85.7	0 (0)	0.0	0 (0)	0.0	2	14.3
New Jersey	80	66	82.5	3 (3)	3.8	7 (6)	8.8	4	5.0
Pennsylvania									
Eastern	105	84	80.0	8 (8)	7.6	9 (9)	8.6	4	3.8
Middle	43	42	97.7	0 (0)	0.0	0 (0)	0.0	1	2.3
Western	38	27	71.0	6 (6)	15.8	4 (4)	10.5	1	2.6
Virgin Islands	14	11	78.6	2 (2)	14.3	1 (1)	7.1	0	0.0
<b>FOURTH CIRCUIT</b>	<b>519</b>	<b>428</b>	<b>82.5</b>	<b>36 (36)</b>	<b>6.9</b>	<b>37 (34)</b>	<b>7.1</b>	<b>18</b>	<b>3.5</b>
Maryland	53	46	86.8	6 (6)	11.3	0 (0)	0.0	1	1.9
North Carolina									
Eastern	58	45	77.6	3 (3)	5.2	8 (7)	13.8	2	3.4
Middle	76	67	88.2	4 (4)	5.3	4 (4)	5.3	1	1.3
Western	51	43	84.3	3 (3)	5.9	3 (3)	5.9	2	3.9
South Carolina	49	46	93.9	1 (1)	2.0	2 (1)	4.1	0	0.0
Virginia									
Eastern	104	79	76.0	9 (9)	8.6	11 (11)	10.5	5	4.8
Western	68	53	77.9	6 (6)	8.8	5 (4)	7.4	4	5.9
West Virginia									
Northern	26	20	76.9	2 (2)	7.7	3 (3)	11.5	1	3.8
Southern	34	29	85.3	2 (2)	5.9	1 (1)	2.9	2	5.9

Table 53 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>476</b>	<b>373</b>	<b>78.4</b>	<b>26 (25)</b>	<b>5.5</b>	<b>45 (35)</b>	<b>9.4</b>	<b>32</b>	<b>6.7</b>
Louisiana									
Eastern	38	26	68.4	2 (2)	5.3	3 (3)	7.9	7	18.4
Middle	2	2	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Western	23	17	73.9	2 (2)	8.7	4 (4)	17.4	0	0.0
Mississippi									
Northern	17	16	94.1	0 (0)	0.0	1 (1)	5.9	0	0.0
Southern	7	7	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Texas									
Eastern	50	39	78.0	2 (2)	4.0	4 (4)	8.0	5	10.0
Northern	133	99	74.4	11 (11)	8.3	18 (14)	13.5	5	3.8
Southern	135	116	85.9	6 (5)	4.4	5 (2)	3.7	8	5.9
Western	71	51	71.8	3 (3)	4.2	10 (7)	14.1	7	9.9
<b>SIXTH CIRCUIT</b>	<b>446</b>	<b>358</b>	<b>80.3</b>	<b>39 (37)</b>	<b>8.7</b>	<b>36 (34)</b>	<b>8.1</b>	<b>13</b>	<b>2.9</b>
Kentucky									
Eastern	36	31	86.1	1 (1)	2.8	4 (4)	11.1	0	0.0
Western	24	17	70.8	4 (3)	16.7	3 (3)	12.5	0	0.0
Michigan									
Eastern	95	78	82.1	6 (6)	6.3	8 (8)	8.4	3	3.2
Western	46	34	73.9	6 (6)	13.0	3 (3)	6.5	3	6.5
Ohio									
Northern	52	42	80.8	3 (3)	5.8	6 (5)	11.5	1	1.9
Southern	54	44	81.5	4 (4)	7.4	4 (4)	7.4	2	3.7
Tennessee									
Eastern	41	35	85.4	3 (3)	7.3	2 (1)	4.9	1	2.4
Middle	27	18	66.7	7 (7)	25.9	0 (0)	0.0	2	7.4
Western	71	59	83.1	5 (4)	7.0	6 (6)	8.4	1	1.4
<b>SEVENTH CIRCUIT</b>	<b>339</b>	<b>247</b>	<b>72.9</b>	<b>20 (19)</b>	<b>5.9</b>	<b>34 (31)</b>	<b>10.0</b>	<b>38</b>	<b>11.2</b>
Illinois									
Central	52	36	69.2	2 (2)	3.8	5 (5)	9.6	9	17.3
Northern	128	94	73.4	7 (7)	5.5	19 (16)	14.8	8	6.2
Southern	38	29	76.3	1 (1)	2.6	3 (3)	7.9	5	13.2
Indiana									
Northern	26	20	76.9	3 (3)	11.5	2 (2)	7.7	1	3.8
Southern	24	18	75.0	3 (2)	12.5	2 (2)	8.3	1	4.2
Wisconsin									
Eastern	38	24	63.2	3 (3)	7.9	1 (1)	2.6	10	26.3
Western	33	26	78.8	1 (1)	3.0	2 (2)	6.1	4	12.1
<b>EIGHTH CIRCUIT</b>	<b>292</b>	<b>264</b>	<b>90.4</b>	<b>14 (12)</b>	<b>4.8</b>	<b>10 (9)</b>	<b>3.4</b>	<b>4</b>	<b>1.4</b>
Arkansas									
Eastern	20	17	85.0	1 (1)	5.0	2 (2)	4.0	0	0.0
Western	15	14	93.3	1 (1)	6.7	0 (0)	0.0	0	0.0
Iowa									
Northern	20	19	95.0	1 (0)	5.0	0 (0)	0.0	0	0.0
Southern	13	11	84.6	2 (2)	15.4	0 (0)	0.0	0	0.0
Minnesota	64	57	89.1	3 (2)	4.7	3 (3)	4.7	1	1.6
Missouri									
Eastern	60	52	86.7	3 (3)	5.0	2 (2)	3.3	3	5.0
Western	38	35	92.1	1 (1)	2.6	2 (1)	5.3	0	0.0
Nebraska	34	34	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
North Dakota	9	7	77.8	1 (1)	11.1	1 (1)	11.1	0	0.0
South Dakota	19	18	94.7	1 (1)	5.3	0 (0)	0.0	0	0.0

Table 53 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>764</b>	<b>529</b>	<b>69.2</b>	<b>81 (70.)</b>	<b>10.6</b>	<b>109 (104)</b>	<b>14.3</b>	<b>45</b>	<b>5.9</b>
Alaska	8	6	75.0	0 (0)	0.0	1 (1)	12.5	1	12.5
Arizona	80	54	67.5	11 (10)	13.8	9 (8)	11.2	6	7.5
California									
Central	228	161	70.6	19 (16)	8.3	37 (34)	16.2	11	4.8
Eastern	66	52	78.8	2 (2)	3.0	8 (8)	12.1	4	6.1
Northern	42	25	59.5	9 (8)	21.4	4 (4)	9.5	4	9.5
Southern	69	34	49.3	11 (10)	15.9	20 (20)	29.0	4	5.8
Guam	4	3	75.0	0 (0)	0.0	1 (1)	25.0	0	0.0
Hawaii	30	26	86.7	2 (1)	6.7	1 (1)	3.3	1	3.3
Idaho	10	9	90.0	0 (0)	0.0	1 (0)	10.0	0	0.0
Montana	34	19	55.9	7 (7)	20.6	7 (7)	20.6	1	2.9
Nevada	39	30	76.9	3 (3)	7.7	5 (5)	12.8	1	2.6
Northern Mariana Islands	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Oregon	70	53	75.7	2 (1)	2.9	8 (8)	11.4	7	10.0
Washington									
Eastern	26	20	76.9	2 (1)	7.7	0 (0)	0.0	4	15.4
Western	57	36	63.2	13 (11)	22.8	7 (7)	12.3	1	1.8
<b>TENTH CIRCUIT</b>	<b>277</b>	<b>209</b>	<b>75.4</b>	<b>34 (29)</b>	<b>12.3</b>	<b>26 (25)</b>	<b>9.4</b>	<b>8</b>	<b>2.9</b>
Colorado	48	36	75.0	5 (3)	10.4	5 (5)	10.4	2	4.2
Kansas	56	42	75.0	8 (7)	14.3	5 (4)	8.9	1	1.8
New Mexico	31	16	51.6	8 (7)	25.8	3 (3)	9.7	4	12.9
Oklahoma									
Eastern	16	12	75.0	3 (3)	18.8	1 (1)	6.2	0	0.0
Northern	24	22	91.7	1 (1)	4.2	1 (1)	4.2	0	0.0
Western	58	49	84.5	3 (3)	5.2	5 (5)	8.6	1	1.7
Utah	25	14	56.0	5 (5)	20.0	6 (6)	24.0	0	0.0
Wyoming	19	18	94.7	1 (0)	5.3	0 (0)	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>583</b>	<b>463</b>	<b>79.4</b>	<b>56 (54)</b>	<b>9.6</b>	<b>64 (60)</b>	<b>11.0</b>	<b>0</b>	<b>0.0</b>
Alabama									
Middle	27	12	44.4	8 (8)	29.6	7 (7)	25.9	0	0.0
Northern	20	17	85.0	1 (1)	5.0	2 (2)	10.0	0	0.0
Southern	41	31	75.6	4 (3)	9.8	6 (5)	14.6	0	0.0
Florida									
Middle	139	116	83.4	9 (9)	6.5	14 (14)	10.1	0	0.0
Northern	52	41	78.8	6 (6)	11.5	5 (5)	9.6	0	0.0
Southern	168	140	83.3	13 (12)	7.7	15 (15)	8.9	0	0.0
Georgia									
Middle	26	19	73.1	3 (3)	11.5	4 (3)	15.4	0	0.0
Northern	88	69	78.4	9 (9)	10.2	10 (9)	11.4	0	0.0
Southern	22	18	81.8	3 (3)	13.6	1 (0)	4.6	0	0.0

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<sup>1</sup> Of the 6,863 appeals cases, 2,359 were excluded because the type of appeal was "conviction only." Of the 4,504 remaining cases, 190 were excluded due to one or both of the following reasons: missing district information (32), or missing type of appeal information (177). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> This category (in parentheses) includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 1995 Appeals Datafile, APPFY95.



**Table 54**

**GUIDELINE INVOLVED IN ISSUES APPEALED BY DEFENDANTS<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>GUIDELINE</b>	<b>Number</b>	<b>Percent</b>
2D1.1 (Drug Trafficking)	964	12.6
1B1.3 (Relevant Conduct)	509	6.6
3E1.1 (Acceptance of Responsibility)	436	5.7
5K2.0 (Departures)	404	5.3
3B1.1 (Aggravating Role)	362	4.7
3C1.1 (Obstruction of Justice)	277	3.6
2F1.1 (Fraud)	240	3.1
6A1.3 (Resolution of Disputed Factors)	239	3.1
3B1.2 (Mitigating Role)	233	3.0
5E1.1 (Restitution)	190	2.5
4A1.2 (Definitions and Instruction of Criminal History)	163	2.1
4A1.3 (Adequacy of Criminal History)	157	2.0
5K1.1 (Substantial Assistance to Authorities)	147	1.9
4B1.1 (Career Offender)	122	1.6
4B1.4 (Armed Career Criminal)	119	1.6
5E1.2 (Fines for Individual Defendants)	104	1.4
5G1.3 (Defendant Subject to Undischarged Term of Imprisonment)	103	1.3
2K2.1 (Firearms)	93	1.2
4A1.1 (Criminal History Category)	86	1.1
1B1.11 (Use of Guideline Manual in Effect at Sentencing)	84	1.1
7B1.3 (Revocation of Probation or Supervised Release)	82	1.1
1B1.2 (Applicable Guidelines)	79	1.0
2B3.1 (Robbery)	77	1.0
1B1.10 (Retroactivity of Amended Guideline Ranges)	65	0.8
3B1.3 (Abuse of Position of Trust or Use of Special Skill)	53	0.7
3A1.1 (Vulnerable Victim)	47	0.6
4B1.2 (Definitions for Career Offender)	46	0.6
7B1.4 (Term of Imprisonment)	46	0.6
3D1.2 (Groups of Closely Related Counts)	43	0.6
2L1.2 (Unlawfully Entering or Remaining in the United States)	35	0.5
2B1.1 (Larceny, Embezzlement and Theft)	32	0.4
5E1.4 (Forfeiture)	32	0.4
1B1.1 (Application Instructions)	30	0.4
2S1.1 (Money Laundering)	29	0.4
6A1.1 (Presentence Report)	29	0.4
5K2.13 (Diminished Capacity)	28	0.4
3C1.2 (Gratuity)	27	0.4
2T1.1 (Tax Evasion)	23	0.3
6B1.1 (Plea Agreement Procedure)	23	0.3
2K2.4 (Use of Firearm During or in Relation to Certain Crimes)	22	0.3
2X1.1 (Attempt, Solicitation or Conspiracy)	21	0.3
5H1.4 (Physical Condition)	20	0.3
Constitutional Issues	207	2.7
Other Guidelines	513	6.7
Other Non-guideline Issues	1,024	13.4

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<sup>1</sup>Based on 4,504 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was unavailable in 177 cases. Often more than one issue was appealed; consequently, the number of issues is more than the number of defendants. The "Other" category includes all issues provided fewer than 20 times among relevant cases.

SOURCE: U.S. Sentencing Commission, 1995 Appeals Datafile, APPFY95.

**Table 55**

**GUIDELINE INVOLVED IN ISSUES APPEALED BY THE GOVERNMENT<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>GUIDELINE</b>	<b>Number</b>	<b>Percent</b>
5K2.0 (Departures)	44	26.3
2D1.1 (Drug Trafficking)	11	6.6
2F1.1 (Fraud)	8	4.8
3B1.2 (Mitigating Role)	6	3.6
3C1.1 (Obstruction of Justice)	6	3.6
3E1.1 (Acceptance of Responsibility)	6	3.6
4B1.4 (Armed Career Criminal)	5	3.0
5K1.1 (Substantial Assistance to Authorities)	4	2.4
5K2.11 (Lesser Harms)	4	2.4
2R1.1 (Antitrust)	3	1.8
3B1.1 (Aggravating Role)	3	1.8
3D1.1 (Multiple Counts/Grouping)	3	1.8
4B1.1 (Career Offender)	3	1.8
4B1.2 (Definitions for Career Offender)	3	1.8
5H1.4 (Physical Condition)	3	1.8
5K2.10 (Victim's Conduct)	3	1.8
5K2.12 (Coercion and Duress)	3	1.8
1B1.2 (Applicable Guidelines)	2	1.2
1B1.3 (Relevant Conduct)	2	1.2
2H1.1 (Civil Rights)	2	1.2
2K2.4 (Use of Firearms in Relation to Certain Crimes)	2	1.2
2L1.2 (Unlawfully Entering or Remaining in the United States)	2	1.2
2S1.1 (Money Laundering)	2	1.2
3B1.3 (Abuse of a Position of Trust or Use of Special Skill)	2	1.2
5H1.11 (Record of Good Works)	2	1.2
5H1.6 (Family Ties and Responsibilities)	2	1.2
Other Guidelines	17	10.2
Other Non-guideline Issues	14	8.4

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<sup>1</sup>Based on 4,504 appeals defendants with sentencing as at least one of the reasons for appeal. Often more than one issue was appealed; consequently, the number of issues is more than the number of defendants. The "Other" category includes all issues provided fewer than two times among relevant cases.

SOURCE: U.S. Sentencing Commission, 1995 Appeals Datafile, APPFY95.

Table 56

**SENTENCING ISSUES APPEALED FOR SELECT GUIDELINES<sup>1</sup>**  
**(October 1, 1994, through September 30, 1995)**

<b>ISSUE</b>	<b>Number</b>	<b>Percent</b>	<b>Affirmance Rate<sup>2</sup></b>
<b>RELEVANT CONDUCT (§1B1.3)</b>	<b>511</b>	<b>100.0</b>	<b>85.1</b>
Definition/scope of "otherwise accountable" or "reasonably foreseeable"	199	38.9	87.4
Relevant conduct determination when offense includes a conspiracy	173	33.9	83.2
Definition/scope of "common scheme or plan or same course of conduct"	39	7.6	94.9
Definition/scope of jointly undertaken criminal activity	28	5.5	67.9
Uncharged conduct/dismissed counts	25	4.9	80.0
Inclusion of acquitted conduct in relevant conduct (§1B1.3)	13	2.6	100.0
Standard of proof in sentencing/determination of relevant conduct	10	2.0	100.0
Other issues appealed	24	3.9	75.0
<b>DRUG TRAFFICKING (§2D1.1)</b>	<b>975</b>	<b>100.0</b>	<b>91.5</b>
Challenge to weight/amount of drugs involved in the offense	382	39.2	91.4
Equal Protection/Due Process challenge to penalty for cocaine base	154	15.8	100.0
Question regarding dangerous weapon possession	142	14.6	94.4
Application and definition issues	37	3.8	81.1
Definition of mixture or substance	35	3.6	77.1
Mandatory minimum statute applicable	24	2.5	75.0
Question regarding marijuana plants (§2D1.1)	21	2.2	81.0
Eighth Amendment: Cruel and Unusual Punishment	17	1.7	100.0
Other issues appealed	163	16.7	89.6
<b>ROLE IN THE OFFENSE GUIDELINES (§§3B1.1, 3B1.2)</b>	<b>604</b>	<b>100.0</b>	<b>92.6</b>
Determination that defendant was an organizer or leader (§3B1.1)	207	34.3	91.8
Whether defendant was a minor participant in the offense (§3B1.2)	110	18.2	96.4
Question regarding application of reduction and level of culpability	78	12.9	96.2
Questions regarding application of enhancement and level of culpability	75	12.4	88.0
Determination that defendant was a manager or supervisor (§3B1.1)	53	8.8	90.6
Whether defendant was a minimal participant in the offense (§3B1.2)	45	7.5	100.0
Other issues appealed	36	6.0	80.6
<b>ACCEPTANCE OF RESPONSIBILITY (§3E1.1)</b>	<b>442</b>	<b>100.0</b>	<b>93.7</b>
Application and definition issues	189	42.8	94.2
Conduct necessary to receive adjustment	163	36.9	96.9
Timely notifying authorities of intention to plead guilty	43	9.7	74.4
Admitting conduct comprising the offense(s) of conviction	28	6.3	96.4
Other issues appealed	19	4.3	100.0
<b>DEPARTURE GUIDELINES (Chapter 5, Part K)</b>	<b>709</b>	<b>100.0</b>	<b>87.2</b>
Question regarding court's refusal to downwardly depart	125	17.6	99.2
Other mitigating circumstances for departure	54	7.6	75.9
Defendant claims to be entitled to departure; no government motion	53	7.5	94.3
Codefendant disparity as basis for departure	52	7.3	94.2
District court mistakenly believed it had no authority to depart	50	7.1	94.0
Adequacy of reasons for departure	35	4.9	57.1
Question regarding extent of departure	30	4.2	90.0
Challenge to government's refusal to make motion; bad faith	29	4.1	89.7
Diminished Capacity	22	3.1	90.9
Coercion and duress	16	2.3	100.0
Other aggravating circumstances as basis for departure	13	1.8	69.2
Downward departure - single act of aberrant behavior	12	1.7	91.7
Other issues appealed	207	29.2	80.7

**Table 56 (cont.)**

<b>ISSUE</b>	<b>Number</b>	<b>Percent</b>	<b>Affirmance Rate<sup>2</sup></b>
<b>CRIMINAL HISTORY GUIDELINES (Chapter 4)</b>	<b>709</b>	<b>100.0</b>	<b>90.0</b>
Defendant claims prior conviction unconstitutional (§§4B1.4, 4A1.2, 4B1.1)	66	9.3	93.6
Definition of related cases (§4A1.2)	50	7.1	98.0
Determination that prior offenses meet criterion for enhancement (§4B1.4)	40	5.6	87.5
Determination that prior offenses meet criterion set forth in §4B1.1	37	5.2	83.8
Question regarding related cases and calculation of criminal history	36	5.1	94.4
Downward departure - overrepresented criminal history (§4A1.3)	31	4.4	90.3
General determination as career offender	30	4.2	93.3
Application of career offender definition of "crime of violence" (§4B1.2)	28	3.9	82.1
Application of procedures set out in guideline (§4A1.1)	21	3.0	85.7
Definition of prior sentence (§4A1.2)	21	3.0	81.0
Other upward departure issues (§4A1.3)	19	2.7	73.7
Upward departure - calculation of extent of departure (§4A1.3)	17	2.4	94.1
Category doesn't reflect likelihood that defendant will commit other crimes	15	2.1	93.3
Upward departure - departure above Criminal History Category VI	13	1.8	69.2
§4A1.2(c) precludes counting of certain prior sentences	12	1.7	91.7
Prior conviction is beyond time period for §4A1.2(e)	11	1.6	100.0
Application of definition of "two prior felony convictions" (§4B1.2)	10	1.4	70.0
Definition of violent felony	10	1.4	100.0
Other issues appealed	245	34.5	91.4

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<sup>1</sup>Based on 4,504 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was unavailable in 177 cases. Often more than one issue was appealed; consequently, the number of issues is more than the number of defendants. The "Other" category includes all issues provided fewer than ten times among relevant cases.

<sup>2</sup>Affirmance rate includes all appeals cases not reversed by the circuit court.

SOURCE: U.S. Sentencing Commission, 1995 Appeals Datafile, APPFY95.

**Table 57**

**SELECT OFFENSE AND OFFENDER CHARACTERISTICS FOR  
APPEALS DEFENDANTS<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

OFFENSE AND OFFENDER CHARACTERISTICS	APPELLATE COURT CASES <sup>2</sup>		DISTRICT COURT CASES <sup>3</sup>	
	Number	Percent	Number	Percent
<b>Race of Defendant</b>	<b>4,020</b>	<b>100.0</b>	<b>38,227</b>	<b>100.0</b>
White	1,666	41.4	14,998	39.2
Black	1,556	38.7	11,139	29.1
Hispanic	679	16.9	10,450	27.3
Other	119	3.0	1,640	4.3
<b>Gender of Defendant</b>	<b>4,023</b>	<b>100.0</b>	<b>38,487</b>	<b>100.0</b>
Male	3,735	92.8	32,745	85.1
Female	288	7.2	5,742	14.9
<b>Education of Defendant</b>	<b>3,929</b>	<b>100.0</b>	<b>36,989</b>	<b>100.0</b>
Less than High School	1,488	37.9	14,569	39.4
High School Graduate	1,392	35.4	11,994	32.4
Some College	727	18.5	7,481	20.2
College Graduate	322	8.2	2,945	8.0
<b>Citizenship of Defendant</b>	<b>3,794</b>	<b>100.0</b>	<b>37,764</b>	<b>100.0</b>
United States Citizen	3,175	83.7	28,569	75.7
Non-United States Citizen	619	16.3	9,195	24.3
<b>Criminal History Category</b>	<b>3,953</b>	<b>100.0</b>	<b>38,027</b>	<b>100.0</b>
Category I	1,764	44.6	21,941	57.7
Category II	454	11.5	4,022	10.6
Category III	548	13.9	4,626	12.2
Category IV	336	8.5	2,578	6.8
Category V	182	4.6	1,549	4.1
Category VI	669	16.9	3,311	8.7
<b>Mandatory Minimum Applied</b>	<b>3,942</b>	<b>100.0</b>	<b>38,279</b>	<b>100.0</b>
No Mandatory Minimum	2,106	53.4	27,326	71.4
Gun Mandatory Minimum	275	7.0	1,299	3.4
Drug Mandatory Minimum	1,302	33.0	9,000	23.5
Gun and Drug Mandatory Minimum	259	6.6	654	1.7

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<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Based on 4,504 appeals defendants with sentencing as at least one of the reasons for appeal. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-1995 (MONFY89, MONFY90, OPAFY91 - OPAFY95).

<sup>3</sup>All guidelines cases sentenced in FY1995. Totals may vary slightly due to the different numbers of missing cases by specific variables.

SOURCE: U.S. Sentencing Commission, 1995 Appeals Datafile, APPFY95.

Table 58

**AVERAGE LENGTH OF IMPRISONMENT FOR APPEALS DEFENDANTS  
BY PRIMARY OFFENSE CATEGORY<sup>1</sup>  
(October 1, 1994, through September 30, 1995)**

PRIMARY OFFENSE	APPELLATE COURT CASES <sup>2</sup>				DISTRICT COURT CASES <sup>3</sup>			
	n	Percent	Mean (mos)	Median (mos)	n	Percent	Mean (mos)	Median (mos)
<b>TOTAL</b>	<b>3,989</b>	<b>100.0</b>	<b>138.4</b>	<b>108.0</b>	<b>38,158</b>	<b>100.0</b>	<b>49.5</b>	<b>24.0</b>
<b>Murder</b>	10	0.3	226.3	209.0	85	0.3	241.3	196.0
<b>Manslaughter</b>	2	0.1	69.0	-	47	0.2	41.8	36.0
<b>Kidnapping/Hostage-Taking</b>	8	0.2	206.5	204.0	62	0.2	180.4	122.5
<b>Sexual Abuse</b>	22	0.6	124.5	120.5	177	0.6	76.4	36.0
<b>Assault</b>	50	1.3	67.5	40.5	388	1.0	44.7	24.0
<b>Robbery</b>	306	7.7	172.2	150.5	1,594	4.2	107.2	78.0
<b>Arson</b>	16	0.4	219.2	108.5	97	0.3	51.4	30.0
<b>Drugs - Trafficking</b>	2,080	52.1	181.8	151.0	14,102	37.0	85.0	60.0
<b>Drugs - Communication Facility</b>	10	0.3	57.6	48.0	330	1.1	31.1	30.0
<b>Drugs - Simple Possession</b>	8	0.2	57.2	46.0	765	2.0	6.1	1.0
<b>Firearms</b>	397	10.0	131.0	93.0	2,567	6.7	73.1	41.0
<b>Burglary/B&amp;E</b>	7	0.2	50.4	60.0	66	0.2	29.9	21.0
<b>Auto Theft</b>	14	0.4	56.3	41.5	149	0.4	17.0	15.0
<b>Larceny</b>	90	2.3	29.4	24.0	2,480	6.5	5.2	0.0
<b>Fraud</b>	434	10.9	32.3	24.0	5,881	15.4	11.4	5.0
<b>Embezzlement</b>	7	0.2	40.8	42.0	809	2.1	4.3	0.0
<b>Forgery/Counterfeiting</b>	43	1.1	32.6	31.0	788	2.1	8.0	4.0
<b>Bribery</b>	17	0.5	57.6	16.0	303	0.8	10.9	4.0
<b>Tax</b>	39	1.0	19.1	18.0	741	1.9	5.4	0.0
<b>Money Laundering</b>	106	2.7	73.3	51.0	829	2.2	29.4	21.0
<b>Racketeering/Extortion</b>	94	2.4	160.1	87.0	413	1.1	74.9	46.0
<b>Gambling/Lottery</b>	2	0.1	15.0	-	217	0.6	3.8	0.0
<b>Civil Rights</b>	13	0.3	23.8	27.0	102	0.3	23.6	6.0
<b>Immigration</b>	99	2.5	50.6	57.0	3,131	8.2	19.6	18.0
<b>Pornography/Prostitution</b>	11	0.3	65.0	60.0	95	0.3	31.7	18.0
<b>Prison Offenses</b>	22	0.6	31.4	25.5	373	1.0	20.7	18.0
<b>Administration of Justice Offenses</b>	52	1.3	40.5	24.0	713	1.9	13.8	8.0
<b>Environmental/Wildlife</b>	2	0.1	9.5	-	127	0.3	3.8	0.0
<b>National Defense</b>	4	0.1	43.5	42.5	35	0.1	18.4	12.0
<b>Antitrust</b>	3	0.1	0.0	-	18	0.1	6.1	2.0
<b>Food &amp; Drug</b>	4	0.1	125.8	16.5	60	0.2	7.6	0.0
<b>Other Miscellaneous Offenses</b>	16	0.4	67.1	31.5	614	1.6	5.4	0.0

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<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Based on 4,504 appeals defendants with sentencing as at least one of the reasons for appeal. These cases were merged with the U.S. Sentencing Commission's Monitoring files from 1989-1995 (MONFY89, MONFY90, OPAFY91-OPAFY95).

<sup>3</sup>All guideline cases sentenced in FY1995.

SOURCE: U.S. Sentencing Commission, 1995 Appeals Datafile, APPFY95.