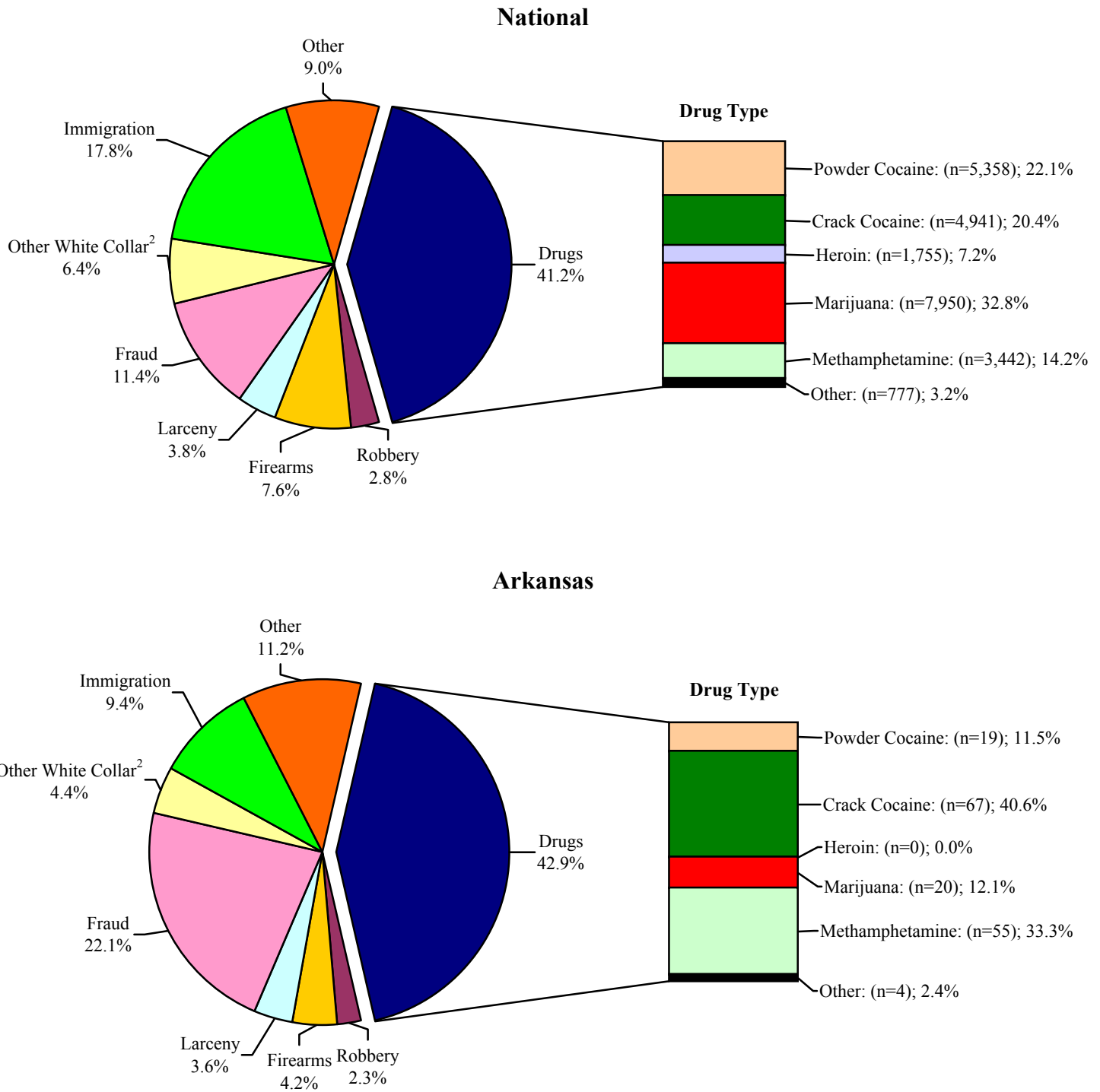


**Figure A**

**DISTRIBUTION OF SENTENCED GUIDELINE OFFENDERS BY SELECT PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Year 2001**



<sup>1</sup>Of the 59,897 guideline cases, 1,073 cases were excluded due to one of the following reasons: missing primary offense category (206) or missing drug type (867). Of the 386 guideline cases from the State of Arkansas, one case was excluded due to missing drug type.

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

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

| PRIMARY OFFENSE                    | National      |              | Arkansas   |              |
|------------------------------------|---------------|--------------|------------|--------------|
|                                    | Number        | Percent      | Number     | Percent      |
| <b>TOTAL</b>                       | <b>59,691</b> | <b>100.0</b> | <b>386</b> | <b>100.0</b> |
| Murder                             | 90            | 0.2          | 0          | 0.0          |
| Manslaughter                       | 52            | 0.1          | 0          | 0.0          |
| Kidnapping/Hostage Taking          | 56            | 0.1          | 0          | 0.0          |
| Sexual Abuse                       | 213           | 0.4          | 1          | 0.3          |
| Assault                            | 443           | 0.7          | 3          | 0.8          |
| Robbery                            | 1,637         | 2.7          | 9          | 2.3          |
| Arson                              | 68            | 0.1          | 0          | 0.0          |
| Drugs - Trafficking                | 24,031        | 40.3         | 157        | 40.7         |
| Drugs - Communication Facility     | 473           | 0.8          | 4          | 1.0          |
| Drugs - Simple Possession          | 586           | 1.0          | 5          | 1.3          |
| Firearms                           | 4,489         | 7.5          | 16         | 4.1          |
| Burglary/B&E                       | 38            | 0.1          | 0          | 0.0          |
| Auto Theft                         | 163           | 0.3          | 2          | 0.5          |
| Larceny                            | 2,253         | 3.8          | 14         | 3.6          |
| Fraud                              | 6,691         | 11.2         | 85         | 22.0         |
| Embezzlement                       | 764           | 1.3          | 4          | 1.0          |
| Forgery/Counterfeiting             | 1,272         | 2.1          | 6          | 1.6          |
| Bribery                            | 254           | 0.4          | 0          | 0.0          |
| Tax                                | 572           | 1.0          | 3          | 0.8          |
| Money Laundering                   | 918           | 1.5          | 4          | 1.0          |
| Racketeering/Extortion             | 646           | 1.1          | 0          | 0.0          |
| Gambling/Lottery                   | 126           | 0.2          | 0          | 0.0          |
| Civil Rights                       | 106           | 0.2          | 3          | 0.8          |
| Immigration                        | 10,458        | 17.5         | 36         | 9.3          |
| Pornography/Prostitution           | 569           | 1.0          | 6          | 1.6          |
| Prison Offenses                    | 298           | 0.5          | 3          | 0.8          |
| Administration of Justice Offenses | 1,058         | 1.8          | 18         | 4.7          |
| Environmental/Wildlife             | 189           | 0.3          | 1          | 0.3          |
| National Defense                   | 7             | 0.0          | 0          | 0.0          |
| Antitrust                          | 19            | 0.0          | 0          | 0.0          |
| Food & Drug                        | 75            | 0.1          | 0          | 0.0          |
| Other Miscellaneous Offenses       | 1,077         | 1.8          | 6          | 1.6          |

Of the 59,897 guideline cases, 206 cases were excluded due to missing information on primary offense category.

Of the 386 guideline cases from the State of Arkansas, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

Table 2

**MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
Fiscal Year 2001**

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | Number        | Percent     | Number       | Percent    |
| <b>TOTAL</b>          | <b>59,672</b> | <b>57,637</b> | <b>96.6</b> | <b>2,035</b> | <b>3.4</b> |
| <b>D.C. CIRCUIT</b>   | <b>276</b>    | <b>256</b>    | <b>92.8</b> | <b>20</b>    | <b>7.2</b> |
| District of Columbia  | 276           | 256           | 92.8        | 20           | 7.2        |
| <b>FIRST CIRCUIT</b>  | <b>1,643</b>  | <b>1,585</b>  | <b>96.5</b> | <b>58</b>    | <b>3.5</b> |
| Maine                 | 197           | 191           | 97.0        | 6            | 3.0        |
| Massachusetts         | 513           | 494           | 96.3        | 19           | 3.7        |
| New Hampshire         | 137           | 130           | 94.9        | 7            | 5.1        |
| Puerto Rico           | 695           | 675           | 97.1        | 20           | 2.9        |
| Rhode Island          | 101           | 95            | 94.1        | 6            | 5.9        |
| <b>SECOND CIRCUIT</b> | <b>4,151</b>  | <b>4,030</b>  | <b>97.1</b> | <b>121</b>   | <b>2.9</b> |
| Connecticut           | 288           | 274           | 95.1        | 14           | 4.9        |
| New York              |               |               |             |              |            |
| Eastern               | 1,332         | 1,291         | 96.9        | 41           | 3.1        |
| Northern              | 528           | 518           | 98.1        | 10           | 1.9        |
| Southern              | 1,428         | 1,383         | 96.8        | 45           | 3.2        |
| Western               | 464           | 455           | 98.1        | 9            | 1.9        |
| Vermont               | 111           | 109           | 98.2        | 2            | 1.8        |
| <b>THIRD CIRCUIT</b>  | <b>2,633</b>  | <b>2,508</b>  | <b>95.3</b> | <b>125</b>   | <b>4.7</b> |
| Delaware              | 83            | 82            | 98.8        | 1            | 1.2        |
| New Jersey            | 853           | 829           | 97.2        | 24           | 2.8        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 920           | 865           | 94.0        | 55           | 6.0        |
| Middle                | 390           | 370           | 94.9        | 20           | 5.1        |
| Western               | 293           | 276           | 94.2        | 17           | 5.8        |
| Virgin Islands        | 94            | 86            | 91.5        | 8            | 8.5        |
| <b>FOURTH CIRCUIT</b> | <b>5,480</b>  | <b>5,197</b>  | <b>94.8</b> | <b>283</b>   | <b>5.2</b> |
| Maryland              | 610           | 563           | 92.3        | 47           | 7.7        |
| North Carolina        |               |               |             |              |            |
| Eastern               | 529           | 505           | 95.5        | 24           | 4.5        |
| Middle                | 451           | 429           | 95.1        | 22           | 4.9        |
| Western               | 545           | 515           | 94.5        | 30           | 5.5        |
| South Carolina        | 804           | 788           | 98.0        | 16           | 2.0        |
| Virginia              |               |               |             |              |            |
| Eastern               | 1,602         | 1,501         | 93.7        | 101          | 6.3        |
| Western               | 392           | 372           | 94.9        | 20           | 5.1        |
| West Virginia         |               |               |             |              |            |
| Northern              | 185           | 181           | 97.8        | 4            | 2.2        |
| Southern              | 362           | 343           | 94.8        | 19           | 5.2        |

| CIRCUIT<br>District    | TOTAL         | PLEA          |             | TRIAL      |            |
|------------------------|---------------|---------------|-------------|------------|------------|
|                        |               | Number        | Percent     | Number     | Percent    |
| <b>FIFTH CIRCUIT</b>   | <b>11,538</b> | <b>11,289</b> | <b>97.8</b> | <b>249</b> | <b>2.2</b> |
| <b>Louisiana</b>       |               |               |             |            |            |
| Eastern                | 455           | 445           | 97.8        | 10         | 2.2        |
| Middle                 | 161           | 156           | 96.9        | 5          | 3.1        |
| Western                | 283           | 264           | 93.3        | 19         | 6.7        |
| <b>Mississippi</b>     |               |               |             |            |            |
| Northern               | 147           | 141           | 95.9        | 6          | 4.1        |
| Southern               | 428           | 415           | 97.0        | 13         | 3.0        |
| <b>Texas</b>           |               |               |             |            |            |
| Eastern                | 573           | 556           | 97.0        | 17         | 3.0        |
| Northern               | 1,164         | 1,136         | 97.6        | 28         | 2.4        |
| Southern               | 3,624         | 3,533         | 97.5        | 91         | 2.5        |
| Western                | 4,703         | 4,643         | 98.7        | 60         | 1.3        |
| <b>SIXTH CIRCUIT</b>   | <b>4,353</b>  | <b>4,200</b>  | <b>96.5</b> | <b>153</b> | <b>3.5</b> |
| <b>Kentucky</b>        |               |               |             |            |            |
| Eastern                | 580           | 573           | 98.8        | 7          | 1.2        |
| Western                | 339           | 315           | 92.9        | 24         | 7.1        |
| <b>Michigan</b>        |               |               |             |            |            |
| Eastern                | 730           | 703           | 96.3        | 27         | 3.7        |
| Western                | 354           | 337           | 95.2        | 17         | 4.8        |
| <b>Ohio</b>            |               |               |             |            |            |
| Northern               | 837           | 818           | 97.7        | 19         | 2.3        |
| Southern               | 369           | 363           | 98.4        | 6          | 1.6        |
| <b>Tennessee</b>       |               |               |             |            |            |
| Eastern                | 518           | 495           | 95.6        | 23         | 4.4        |
| Middle                 | 251           | 239           | 95.2        | 12         | 4.8        |
| Western                | 375           | 357           | 95.2        | 18         | 4.8        |
| <b>SEVENTH CIRCUIT</b> | <b>2,449</b>  | <b>2,303</b>  | <b>94.0</b> | <b>146</b> | <b>6.0</b> |
| <b>Illinois</b>        |               |               |             |            |            |
| Central                | 302           | 289           | 95.7        | 13         | 4.3        |
| Northern               | 808           | 756           | 93.6        | 52         | 6.4        |
| Southern               | 357           | 336           | 94.1        | 21         | 5.9        |
| <b>Indiana</b>         |               |               |             |            |            |
| Northern               | 317           | 294           | 92.7        | 23         | 7.3        |
| Southern               | 227           | 216           | 95.2        | 11         | 4.8        |
| <b>Wisconsin</b>       |               |               |             |            |            |
| Eastern                | 291           | 273           | 93.8        | 18         | 6.2        |
| Western                | 147           | 139           | 94.6        | 8          | 5.4        |
| <b>EIGHTH CIRCUIT</b>  | <b>3,566</b>  | <b>3,442</b>  | <b>96.5</b> | <b>124</b> | <b>3.5</b> |
| <b>Arkansas</b>        |               |               |             |            |            |
| Eastern                | 241           | 237           | 98.3        | 4          | 1.7        |
| Western                | 145           | 142           | 97.9        | 3          | 2.1        |
| <b>Iowa</b>            |               |               |             |            |            |
| Northern               | 333           | 317           | 95.2        | 16         | 4.8        |
| Southern               | 314           | 304           | 96.8        | 10         | 3.2        |
| <b>Minnesota</b>       | <b>388</b>    | 364           | 93.8        | 24         | 6.2        |
| <b>Missouri</b>        |               |               |             |            |            |
| Eastern                | 560           | 544           | 97.1        | 16         | 2.9        |
| Western                | 664           | 645           | 97.1        | 19         | 2.9        |
| <b>Nebraska</b>        | <b>479</b>    | 469           | 97.9        | 10         | 2.1        |
| <b>North Dakota</b>    | <b>150</b>    | 146           | 97.3        | 4          | 2.7        |
| <b>South Dakota</b>    | <b>292</b>    | 274           | 93.8        | 18         | 6.2        |

| CIRCUIT<br>District      | TOTAL         | PLEA          |             | TRIAL      |            |
|--------------------------|---------------|---------------|-------------|------------|------------|
|                          |               | Number        | Percent     | Number     | Percent    |
| <b>NINTH CIRCUIT</b>     | <b>13,911</b> | <b>13,602</b> | <b>97.8</b> | <b>309</b> | <b>2.2</b> |
| Alaska                   | 194           | 183           | 94.3        | 11         | 5.7        |
| Arizona                  | 3,120         | 3,094         | 99.2        | 26         | 0.8        |
| California               |               |               |             |            |            |
| Central                  | 1,605         | 1,560         | 97.2        | 45         | 2.8        |
| Eastern                  | 851           | 823           | 96.7        | 28         | 3.3        |
| Northern                 | 831           | 804           | 96.8        | 27         | 3.2        |
| Southern                 | 4,209         | 4,141         | 98.4        | 68         | 1.6        |
| Guam                     | 82            | 81            | 98.8        | 1          | 1.2        |
| Hawaii                   | 357           | 345           | 96.6        | 12         | 3.4        |
| Idaho                    | 114           | 106           | 93.0        | 8          | 7.0        |
| Montana                  | 315           | 291           | 92.4        | 24         | 7.6        |
| Nevada                   | 526           | 504           | 95.8        | 22         | 4.2        |
| Northern Mariana Islands | 16            | 15            | 93.8        | 1          | 6.3        |
| Oregon                   | 665           | 653           | 98.2        | 12         | 1.8        |
| Washington               |               |               |             |            |            |
| Eastern                  | 325           | 322           | 99.1        | 3          | 0.9        |
| Western                  | 701           | 680           | 97.0        | 21         | 3.0        |
| <b>TENTH CIRCUIT</b>     | <b>3,414</b>  | <b>3,294</b>  | <b>96.5</b> | <b>120</b> | <b>3.5</b> |
| Colorado                 | 495           | 473           | 95.6        | 22         | 4.4        |
| Kansas                   | 468           | 448           | 95.7        | 20         | 4.3        |
| New Mexico               | 1,357         | 1,335         | 98.4        | 22         | 1.6        |
| Oklahoma                 |               |               |             |            |            |
| Eastern                  | 95            | 87            | 91.6        | 8          | 8.4        |
| Northern                 | 122           | 108           | 88.5        | 14         | 11.5       |
| Western                  | 211           | 193           | 91.5        | 18         | 8.5        |
| Utah                     | 517           | 505           | 97.7        | 12         | 2.3        |
| Wyoming                  | 149           | 145           | 97.3        | 4          | 2.7        |
| <b>ELEVENTH CIRCUIT</b>  | <b>6,258</b>  | <b>5,931</b>  | <b>94.8</b> | <b>327</b> | <b>5.2</b> |
| Alabama                  |               |               |             |            |            |
| Middle                   | 170           | 157           | 92.4        | 13         | 7.6        |
| Northern                 | 376           | 365           | 97.1        | 11         | 2.9        |
| Southern                 | 287           | 274           | 95.5        | 13         | 4.5        |
| Florida                  |               |               |             |            |            |
| Middle                   | 1,296         | 1,228         | 94.8        | 68         | 5.2        |
| Northern                 | 374           | 331           | 88.5        | 43         | 11.5       |
| Southern                 | 2,313         | 2,200         | 95.1        | 113        | 4.9        |
| Georgia                  |               |               |             |            |            |
| Middle                   | 367           | 345           | 94.0        | 22         | 6.0        |
| Northern                 | 742           | 712           | 96.0        | 30         | 4.0        |
| Southern                 | 333           | 319           | 95.8        | 14         | 4.2        |

Of the 59,897 guideline cases, 225 cases were excluded due to missing information on mode of conviction.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

| PRIMARY OFFENSE                           | TOTAL         | National      |              |              |             | Arkansas   |              |          |             |
|---|---------------|---------------|--------------|--------------|-------------|------------|--------------|----------|-------------|
|   |               | PLEA          |              | TRIAL        |             | PLEA       |              | TRIAL    |             |
|   |               | n             | %            | n            | %           | n          | %            | n        | %           |
| <b>TOTAL</b>                              | <b>59,642</b> | <b>57,607</b> | <b>96.6</b>  | <b>2,035</b> | <b>3.4</b>  | <b>379</b> | <b>98.2</b>  | <b>7</b> | <b>1.8</b>  |
| <b>Murder</b>                             | <b>90</b>     | <b>75</b>     | <b>83.3</b>  | <b>15</b>    | <b>16.7</b> | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Manslaughter</b>                       | <b>52</b>     | <b>49</b>     | <b>94.2</b>  | <b>3</b>     | <b>5.8</b>  | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Kidnapping/Hostage Taking</b>          | <b>56</b>     | <b>46</b>     | <b>82.1</b>  | <b>10</b>    | <b>17.9</b> | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Sexual Abuse</b>                       | <b>213</b>    | <b>202</b>    | <b>94.8</b>  | <b>11</b>    | <b>5.2</b>  | <b>1</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Assault</b>                            | <b>442</b>    | <b>404</b>    | <b>91.4</b>  | <b>38</b>    | <b>8.6</b>  | <b>3</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Robbery</b>                            | <b>1,636</b>  | <b>1,583</b>  | <b>96.8</b>  | <b>53</b>    | <b>3.2</b>  | <b>8</b>   | <b>88.9</b>  | <b>1</b> | <b>11.1</b> |
| <b>Arson</b>                              | <b>68</b>     | <b>61</b>     | <b>89.7</b>  | <b>7</b>     | <b>10.3</b> | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Drugs - Trafficking</b>                | <b>24,016</b> | <b>23,204</b> | <b>96.6</b>  | <b>812</b>   | <b>3.4</b>  | <b>156</b> | <b>99.4</b>  | <b>1</b> | <b>0.6</b>  |
| <b>Drugs - Communication Facility</b>     | <b>473</b>    | <b>471</b>    | <b>99.6</b>  | <b>2</b>     | <b>0.4</b>  | <b>4</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Drugs - Simple Possession</b>          | <b>585</b>    | <b>569</b>    | <b>97.3</b>  | <b>16</b>    | <b>2.7</b>  | <b>5</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Firearms</b>                           | <b>4,484</b>  | <b>4,195</b>  | <b>93.6</b>  | <b>289</b>   | <b>6.4</b>  | <b>16</b>  | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Burglary/B&amp;E</b>                   | <b>38</b>     | <b>36</b>     | <b>94.7</b>  | <b>2</b>     | <b>5.3</b>  | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Auto Theft</b>                         | <b>163</b>    | <b>157</b>    | <b>96.3</b>  | <b>6</b>     | <b>3.7</b>  | <b>2</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Larceny</b>                            | <b>2,253</b>  | <b>2,189</b>  | <b>97.2</b>  | <b>64</b>    | <b>2.8</b>  | <b>14</b>  | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Fraud</b>                              | <b>6,686</b>  | <b>6,453</b>  | <b>96.5</b>  | <b>233</b>   | <b>3.5</b>  | <b>81</b>  | <b>95.3</b>  | <b>4</b> | <b>4.7</b>  |
| <b>Embezzlement</b>                       | <b>763</b>    | <b>754</b>    | <b>98.8</b>  | <b>9</b>     | <b>1.2</b>  | <b>4</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Forgery/Counterfeiting</b>             | <b>1,272</b>  | <b>1,255</b>  | <b>98.7</b>  | <b>17</b>    | <b>1.3</b>  | <b>6</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Bribery</b>                            | <b>254</b>    | <b>239</b>    | <b>94.1</b>  | <b>15</b>    | <b>5.9</b>  | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Tax</b>                                | <b>572</b>    | <b>525</b>    | <b>91.8</b>  | <b>47</b>    | <b>8.2</b>  | <b>3</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Money Laundering</b>                   | <b>915</b>    | <b>851</b>    | <b>93.0</b>  | <b>64</b>    | <b>7.0</b>  | <b>3</b>   | <b>75.0</b>  | <b>1</b> | <b>25.0</b> |
| <b>Racketeering/Extortion</b>             | <b>645</b>    | <b>583</b>    | <b>90.4</b>  | <b>62</b>    | <b>9.6</b>  | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Gambling/Lottery</b>                   | <b>126</b>    | <b>124</b>    | <b>98.4</b>  | <b>2</b>     | <b>1.6</b>  | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Civil Rights</b>                       | <b>106</b>    | <b>102</b>    | <b>96.2</b>  | <b>4</b>     | <b>3.8</b>  | <b>3</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Immigration</b>                        | <b>10,447</b> | <b>10,341</b> | <b>99.0</b>  | <b>106</b>   | <b>1.0</b>  | <b>36</b>  | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Pornography/Prostitution</b>           | <b>567</b>    | <b>540</b>    | <b>95.2</b>  | <b>27</b>    | <b>4.8</b>  | <b>6</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Prison Offenses</b>                    | <b>298</b>    | <b>285</b>    | <b>95.6</b>  | <b>13</b>    | <b>4.4</b>  | <b>3</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Administration of Justice Offenses</b> | <b>1,057</b>  | <b>1,022</b>  | <b>96.7</b>  | <b>35</b>    | <b>3.3</b>  | <b>18</b>  | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>Environmental/Wildlife</b>             | <b>189</b>    | <b>180</b>    | <b>95.2</b>  | <b>9</b>     | <b>4.8</b>  | <b>1</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |
| <b>National Defense</b>                   | <b>7</b>      | <b>6</b>      | <b>85.7</b>  | <b>1</b>     | <b>14.3</b> | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Antitrust</b>                          | <b>19</b>     | <b>19</b>     | <b>100.0</b> | <b>0</b>     | <b>0.0</b>  | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Food &amp; Drug</b>                    | <b>75</b>     | <b>72</b>     | <b>96.0</b>  | <b>3</b>     | <b>4.0</b>  | <b>0</b>   | <b>--</b>    | <b>0</b> | <b>--</b>   |
| <b>Other Miscellaneous Offenses</b>       | <b>1,075</b>  | <b>1,015</b>  | <b>94.4</b>  | <b>60</b>    | <b>5.6</b>  | <b>6</b>   | <b>100.0</b> | <b>0</b> | <b>0.0</b>  |

Of the 59,897 guideline cases, 255 cases were excluded due to one or both of the following reasons: missing primary offense category (206) or missing mode of conviction (225).

Of the 386 guideline cases from the State of Arkansas, no case was excluded.

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01

**Table 4**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2001**

**National**

| PRIMARY OFFENSE                    | TOTAL         | Prison        |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |            |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
|                                    |               | Number        | Percent     | Number                          | Percent    | Number                    | Percent    | Number         | Percent    |
| <b>TOTAL</b>                       | <b>58,589</b> | <b>47,954</b> | <b>81.8</b> | <b>2,235</b>                    | <b>3.8</b> | <b>3,256</b>              | <b>5.6</b> | <b>5,144</b>   | <b>8.8</b> |
| Murder                             | 87            | 85            | 97.7        | 2                               | 2.3        | 0                         | 0.0        | 0              | 0.0        |
| Manslaughter                       | 52            | 46            | 88.5        | 4                               | 7.7        | 0                         | 0.0        | 2              | 3.8        |
| Kidnapping/Hostage Taking          | 55            | 54            | 98.2        | 1                               | 1.8        | 0                         | 0.0        | 0              | 0.0        |
| Sexual Abuse                       | 210           | 185           | 88.1        | 5                               | 2.4        | 10                        | 4.8        | 10             | 4.8        |
| Assault                            | 431           | 345           | 80.0        | 14                              | 3.2        | 17                        | 3.9        | 55             | 12.8       |
| Robbery                            | 1,613         | 1,572         | 97.5        | 18                              | 1.1        | 11                        | 0.7        | 12             | 0.7        |
| Arson                              | 67            | 57            | 85.1        | 0                               | 0.0        | 5                         | 7.5        | 5              | 7.5        |
| Drugs - Trafficking                | 23,753        | 22,272        | 93.8        | 497                             | 2.1        | 470                       | 2.0        | 514            | 2.2        |
| Drugs - Communication Facility     | 468           | 378           | 80.8        | 12                              | 2.6        | 48                        | 10.3       | 30             | 6.4        |
| Drugs - Simple Possession          | 552           | 255           | 46.2        | 3                               | 0.5        | 32                        | 5.8        | 262            | 47.5       |
| Firearms                           | 4,435         | 3,929         | 88.6        | 159                             | 3.6        | 169                       | 3.8        | 178            | 4.0        |
| Burglary/B&E                       | 38            | 35            | 92.1        | 0                               | 0.0        | 1                         | 2.6        | 2              | 5.3        |
| Auto Theft                         | 161           | 126           | 78.3        | 8                               | 5.0        | 10                        | 6.2        | 17             | 10.6       |
| Larceny                            | 2,185         | 826           | 37.8        | 164                             | 7.5        | 395                       | 18.1       | 800            | 36.6       |
| Fraud                              | 6,540         | 3,810         | 58.3        | 713                             | 10.9       | 958                       | 14.6       | 1,059          | 16.2       |
| Embezzlement                       | 739           | 258           | 34.9        | 175                             | 23.7       | 108                       | 14.6       | 198            | 26.8       |
| Forgery/Counterfeiting             | 1,255         | 694           | 55.3        | 97                              | 7.7        | 190                       | 15.1       | 274            | 21.8       |
| Bribery                            | 246           | 87            | 35.4        | 7                               | 2.8        | 36                        | 14.6       | 116            | 47.2       |
| Tax                                | 564           | 228           | 40.4        | 69                              | 12.2       | 150                       | 26.6       | 117            | 20.7       |
| Money Laundering                   | 892           | 676           | 75.8        | 34                              | 3.8        | 80                        | 9.0        | 102            | 11.4       |
| Racketeering/Extortion             | 634           | 562           | 88.6        | 16                              | 2.5        | 36                        | 5.7        | 20             | 3.2        |
| Gambling/Lottery                   | 126           | 38            | 30.2        | 11                              | 8.7        | 37                        | 29.4       | 40             | 31.7       |
| Civil Rights                       | 102           | 42            | 41.2        | 4                               | 3.9        | 11                        | 10.8       | 45             | 44.1       |
| Immigration                        | 10,200        | 9,614         | 94.3        | 102                             | 1.0        | 129                       | 1.3        | 355            | 3.5        |
| Pornography/Prostitution           | 562           | 494           | 87.9        | 7                               | 1.2        | 34                        | 6.0        | 27             | 4.8        |
| Prison Offenses                    | 295           | 265           | 89.8        | 9                               | 3.1        | 10                        | 3.4        | 11             | 3.7        |
| Administration of Justice Offenses | 1,039         | 570           | 54.9        | 48                              | 4.6        | 135                       | 13.0       | 286            | 27.5       |
| Environmental/Wildlife             | 175           | 45            | 25.7        | 10                              | 5.7        | 36                        | 20.6       | 84             | 48.0       |
| National Defense                   | 7             | 5             | 71.4        | 1                               | 14.3       | 0                         | 0.0        | 1              | 14.3       |
| Antitrust                          | 19            | 4             | 21.1        | 3                               | 15.8       | 8                         | 42.1       | 4              | 21.1       |
| Food & Drug                        | 74            | 16            | 21.6        | 2                               | 2.7        | 13                        | 17.6       | 43             | 58.1       |
| Other Miscellaneous Offenses       | 1,013         | 381           | 37.6        | 40                              | 3.9        | 117                       | 11.5       | 475            | 46.9       |

Of the 59,897 guideline cases, 1,308 cases were excluded due to one or more of the following reasons: missing sentencing information (396), missing primary offense category (206), or cases in which the defendant received no imprisonment or probation (845).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01

**Table 5**  
**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Year 2001**

**Arkansas**

| PRIMARY OFFENSE                    | TOTAL      | Prison     |             | Prison/Community Split Sentence |            | Probation and Confinement |            | Probation Only |            |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|------------|
|                                    |            | Number     | Percent     | Number                          | Percent    | Number                    | Percent    | Number         | Percent    |
| <b>TOTAL</b>                       | <b>382</b> | <b>307</b> | <b>80.4</b> | <b>19</b>                       | <b>5.0</b> | <b>33</b>                 | <b>8.6</b> | <b>23</b>      | <b>6.0</b> |
| Murder                             | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Manslaughter                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Kidnapping/Hostage Taking          | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Sexual Abuse                       | 1          | 1          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Assault                            | 3          | 3          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Robbery                            | 9          | 9          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Arson                              | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Drugs - Trafficking                | 155        | 148        | 95.5        | 4                               | 2.6        | 0                         | 0.0        | 3              | 1.9        |
| Drugs - Communication Facility     | 4          | 4          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Drugs - Simple Possession          | 5          | 2          | 40.0        | 0                               | 0.0        | 0                         | 0.0        | 3              | 60.0       |
| Firearms                           | 16         | 15         | 93.8        | 1                               | 6.3        | 0                         | 0.0        | 0              | 0.0        |
| Burglary/B&E                       | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Auto Theft                         | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Larceny                            | 14         | 9          | 64.3        | 2                               | 14.3       | 2                         | 14.3       | 1              | 7.1        |
| Fraud                              | 84         | 47         | 56.0        | 10                              | 11.9       | 20                        | 23.8       | 7              | 8.3        |
| Embezzlement                       | 4          | 2          | 50.0        | 2                               | 50.0       | 0                         | 0.0        | 0              | 0.0        |
| Forgery/Counterfeiting             | 6          | 2          | 33.3        | 0                               | 0.0        | 1                         | 16.7       | 3              | 50.0       |
| Bribery                            | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Tax                                | 3          | 2          | 66.7        | 0                               | 0.0        | 1                         | 33.3       | 0              | 0.0        |
| Money Laundering                   | 4          | 4          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Racketeering/Extortion             | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Gambling/Lottery                   | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Civil Rights                       | 3          | 3          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Immigration                        | 36         | 34         | 94.4        | 0                               | 0.0        | 2                         | 5.6        | 0              | 0.0        |
| Pornography/Prostitution           | 5          | 5          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Prison Offenses                    | 3          | 3          | 100.0       | 0                               | 0.0        | 0                         | 0.0        | 0              | 0.0        |
| Administration of Justice Offenses | 18         | 9          | 50.0        | 0                               | 0.0        | 6                         | 33.3       | 3              | 16.7       |
| Environmental/Wildlife             | 1          | 0          | 0.0         | 0                               | 0.0        | 0                         | 0.0        | 1              | 100.0      |
| National Defense                   | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Antitrust                          | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Food & Drug                        | 0          | 0          | --          | 0                               | --         | 0                         | --         | 0              | --         |
| Other Miscellaneous Offenses       | 6          | 3          | 50.0        | 0                               | 0.0        | 1                         | 16.7       | 2              | 33.3       |

Of the 386 guideline cases from the State of Arkansas, four cases were excluded due to one of the following reasons: missing sentencing information (1) or cases in which the defendant received no imprisonment or probation (3).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

| PRIMARY OFFENSE                     | TOTAL         | National        |             |                     |             | Arkansas        |             |                     |             |
|-------------------------------------|---------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     |               | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     |               | Number          | Percent     | Number              | Percent     | Number          | Percent     | Number              | Percent     |
| <b>TOTAL</b>                        | <b>10,137</b> | <b>4,304</b>    | <b>42.5</b> | <b>5,833</b>        | <b>57.5</b> | <b>47</b>       | <b>50.0</b> | <b>47</b>           | <b>50.0</b> |
| <b>Fraud</b>                        | <b>2,133</b>  | 777             | 36.4        | 1,356               | 63.6        | 14              | 41.2        | 20                  | 58.8        |
| <b>Larceny</b>                      | <b>1,328</b>  | 255             | 19.2        | 1,073               | 80.8        | 5               | 62.5        | 3                   | 37.5        |
| <b>Immigration</b>                  | <b>2,378</b>  | 1,955           | 82.2        | 423                 | 17.8        | 16              | 88.9        | 2                   | 11.1        |
| <b>Embezzlement</b>                 | <b>434</b>    | 155             | 35.7        | 279                 | 64.3        | 2               | 100.0       | 0                   | 0.0         |
| <b>Drugs - Trafficking</b>          | <b>522</b>    | 223             | 42.7        | 299                 | 57.3        | 1               | 33.3        | 2                   | 66.7        |
| <b>Drugs - Simple Possession</b>    | <b>464</b>    | 179             | 38.6        | 285                 | 61.4        | 1               | 25.0        | 3                   | 75.0        |
| <b>Firearms</b>                     | <b>271</b>    | 125             | 46.1        | 146                 | 53.9        | 2               | 100.0       | 0                   | 0.0         |
| <b>Forgery/Counterfeiting</b>       | <b>538</b>    | 146             | 27.1        | 392                 | 72.9        | 2               | 33.3        | 4                   | 66.7        |
| <b>Other Miscellaneous Offenses</b> | <b>2,069</b>  | 489             | 23.6        | 1,580               | 76.4        | 4               | 23.5        | 13                  | 76.5        |

Of the 59,897 guideline cases, 49,760 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (49,664), missing sentencing information (396) or missing primary offense category (206).

Of the 386 guideline cases from the State of Arkansas, 292 cases were excluded due to one or both of the following reasons: defendant ineligible for non-prison alternatives (292) or missing sentencing information (1).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

| PRIMARY OFFENSE                           | National       |                  |               | Arkansas       |                  |            |
|---|----------------|------------------|---------------|----------------|------------------|------------|
|   | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months | Median<br>Months | Number     |
| <b>TOTAL</b>                              | <b>54.9</b>    | <b>33.0</b>      | <b>49,613</b> | <b>60.4</b>    | <b>41.0</b>      | <b>320</b> |
| <b>Murder</b>                             | 210.6          | 153.5            | 86            | --             | --               | 0          |
| <b>Manslaughter</b>                       | 34.1           | 21.0             | 50            | --             | --               | 0          |
| <b>Kidnapping/Hostage Taking</b>          | 184.8          | 127.5            | 52            | --             | --               | 0          |
| <b>Sexual Abuse</b>                       | 65.2           | 36.0             | 189           | --             | --               | 1          |
| <b>Assault</b>                            | 37.4           | 30.0             | 351           | 3.3            | 4.0              | 3          |
| <b>Robbery</b>                            | 95.7           | 70.0             | 1,585         | 82.7           | 70.0             | 9          |
| <b>Arson</b>                              | 97.3           | 60.0             | 57            | --             | --               | 0          |
| <b>Drugs - Trafficking</b>                | 72.7           | 51.0             | 22,622        | 94.1           | 76.0             | 152        |
| <b>Drugs - Communication Facility</b>     | 47.8           | 48.0             | 390           | 43.5           | 48.0             | 4          |
| <b>Drugs - Simple Possession</b>          | 15.7           | 6.0              | 245           | --             | --               | 2          |
| <b>Firearms</b>                           | 72.0           | 46.0             | 4,082         | 47.3           | 28.5             | 16         |
| <b>Burglary/B&amp;E</b>                   | 24.1           | 20.0             | 35            | --             | --               | 0          |
| <b>Auto Theft</b>                         | 59.7           | 24.0             | 132           | --             | --               | 2          |
| <b>Larceny</b>                            | 15.7           | 12.0             | 975           | 12.2           | 6.0              | 11         |
| <b>Fraud</b>                              | 18.7           | 14.0             | 4,432         | 16.7           | 15.0             | 57         |
| <b>Embezzlement</b>                       | 7.9            | 5.0              | 421           | 6.3            | 5.0              | 4          |
| <b>Forgery/Counterfeiting</b>             | 17.0           | 15.0             | 778           | --             | --               | 2          |
| <b>Bribery</b>                            | 19.0           | 12.0             | 91            | --             | --               | 0          |
| <b>Tax</b>                                | 16.6           | 12.0             | 296           | --             | --               | 2          |
| <b>Money Laundering</b>                   | 47.7           | 37.0             | 702           | 36.3           | 33.0             | 4          |
| <b>Racketeering/Extortion</b>             | 105.2          | 60.0             | 573           | --             | --               | 0          |
| <b>Gambling/Lottery</b>                   | 12.1           | 9.0              | 48            | --             | --               | 0          |
| <b>Civil Rights</b>                       | 29.2           | 19.5             | 46            | 14.0           | 12.0             | 3          |
| <b>Immigration</b>                        | 27.8           | 24.0             | 9,499         | 23.3           | 12.5             | 28         |
| <b>Pornography/Prostitution</b>           | 59.1           | 36.0             | 499           | 178.8          | 87.0             | 5          |
| <b>Prison Offenses</b>                    | 18.0           | 12.0             | 272           | 14.0           | 15.0             | 3          |
| <b>Administration of Justice Offenses</b> | 25.2           | 18.0             | 604           | 40.0           | 27.0             | 9          |
| <b>Environmental/Wildlife</b>             | 13.7           | 10.0             | 55            | --             | --               | 0          |
| <b>National Defense</b>                   | 31.0           | 30.0             | 5             | --             | --               | 0          |
| <b>Antitrust</b>                          | 8.4            | 6.0              | 7             | --             | --               | 0          |
| <b>Food &amp; Drug</b>                    | 20.0           | 15.0             | 18            | --             | --               | 0          |
| <b>Other Miscellaneous Offenses</b>       | 19.4           | 10.0             | 416           | 1.7            | 0.0              | 3          |

Of the 59,897 guideline cases, 10,284 cases were excluded for one or more of the following reasons: zero months prison ordered (9,247), missing primary offense category (206) or missing or indeterminable sentencing information (977).

Of the 386 guideline cases from the State of Arkansas, 66 cases were excluded due to one of the following reasons: zero prison months ordered (59) or missing or indeterminable sentencing information (7).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 8**

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
Fiscal Year 2001**

| CIRCUIT<br>District   | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>DEPARTURE |            |
|-----------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
|                       |               | n                                      | %           | n                                      | %           | n                              | %           | n                   | %          |
| <b>TOTAL</b>          | <b>54,851</b> | <b>35,128</b>                          | <b>64.0</b> | <b>9,390</b>                           | <b>17.1</b> | <b>10,026</b>                  | <b>18.3</b> | <b>307</b>          | <b>0.6</b> |
| <b>D.C. CIRCUIT</b>   | <b>260</b>    | <b>194</b>                             | <b>74.6</b> | <b>36</b>                              | <b>13.8</b> | <b>29</b>                      | <b>11.2</b> | <b>1</b>            | <b>0.4</b> |
| District of Columbia  | 260           | 194                                    | 74.6        | 36                                     | 13.8        | 29                             | 11.2        | 1                   | 0.4        |
| <b>FIRST CIRCUIT</b>  | <b>1,478</b>  | <b>1,083</b>                           | <b>73.3</b> | <b>216</b>                             | <b>14.6</b> | <b>173</b>                     | <b>11.7</b> | <b>6</b>            | <b>0.4</b> |
| Maine                 | 195           | 145                                    | 74.4        | 45                                     | 23.1        | 5                              | 2.6         | 0                   | 0.0        |
| Massachusetts         | 484           | 296                                    | 61.2        | 83                                     | 17.1        | 100                            | 20.7        | 5                   | 1.0        |
| New Hampshire         | 137           | 81                                     | 59.1        | 42                                     | 30.7        | 14                             | 10.2        | 0                   | 0.0        |
| Puerto Rico           | 562           | 483                                    | 85.9        | 38                                     | 6.8         | 41                             | 7.3         | 0                   | 0.0        |
| Rhode Island          | 100           | 78                                     | 78.0        | 8                                      | 8.0         | 13                             | 13.0        | 1                   | 1.0        |
| <b>SECOND CIRCUIT</b> | <b>3,919</b>  | <b>2,255</b>                           | <b>57.5</b> | <b>851</b>                             | <b>21.7</b> | <b>798</b>                     | <b>20.4</b> | <b>15</b>           | <b>0.4</b> |
| Connecticut           | 281           | 151                                    | 53.7        | 33                                     | 11.7        | 95                             | 33.8        | 2                   | 0.7        |
| New York              |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 1,216         | 632                                    | 52.0        | 236                                    | 19.4        | 345                            | 28.4        | 3                   | 0.2        |
| Northern              | 495           | 224                                    | 45.3        | 147                                    | 29.7        | 123                            | 24.8        | 1                   | 0.2        |
| Southern              | 1,364         | 942                                    | 69.1        | 250                                    | 18.3        | 167                            | 12.2        | 5                   | 0.4        |
| Western               | 452           | 250                                    | 55.3        | 157                                    | 34.7        | 42                             | 9.3         | 3                   | 0.7        |
| Vermont               | 111           | 56                                     | 50.5        | 28                                     | 25.2        | 26                             | 23.4        | 1                   | 0.9        |
| <b>THIRD CIRCUIT</b>  | <b>2,558</b>  | <b>1,539</b>                           | <b>60.2</b> | <b>782</b>                             | <b>30.6</b> | <b>225</b>                     | <b>8.8</b>  | <b>12</b>           | <b>0.5</b> |
| Delaware              | 81            | 62                                     | 76.5        | 14                                     | 17.3        | 5                              | 6.2         | 0                   | 0.0        |
| New Jersey            | 842           | 530                                    | 62.9        | 216                                    | 25.7        | 94                             | 11.2        | 2                   | 0.2        |
| Pennsylvania          |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 909           | 475                                    | 52.3        | 366                                    | 40.3        | 63                             | 6.9         | 5                   | 0.6        |
| Middle                | 365           | 206                                    | 56.4        | 122                                    | 33.4        | 34                             | 9.3         | 3                   | 0.8        |
| Western               | 271           | 196                                    | 72.3        | 52                                     | 19.2        | 23                             | 8.5         | 0                   | 0.0        |
| Virgin Islands        | 90            | 70                                     | 77.8        | 12                                     | 13.3        | 6                              | 6.7         | 2                   | 2.2        |
| <b>FOURTH CIRCUIT</b> | <b>4,676</b>  | <b>3,444</b>                           | <b>73.7</b> | <b>946</b>                             | <b>20.2</b> | <b>245</b>                     | <b>5.2</b>  | <b>41</b>           | <b>0.9</b> |
| Maryland              | 579           | 321                                    | 55.4        | 161                                    | 27.8        | 92                             | 15.9        | 5                   | 0.9        |
| North Carolina        |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 500           | 319                                    | 63.8        | 144                                    | 28.8        | 24                             | 4.8         | 13                  | 2.6        |
| Middle                | 440           | 352                                    | 80.0        | 65                                     | 14.8        | 13                             | 3.0         | 10                  | 2.3        |
| Western               | 464           | 250                                    | 53.9        | 177                                    | 38.1        | 36                             | 7.8         | 1                   | 0.2        |
| South Carolina        | 739           | 557                                    | 75.4        | 167                                    | 22.6        | 15                             | 2.0         | 0                   | 0.0        |
| Virginia              |               |  |             |  |             |                                |             |                     |            |
| Eastern               | 1,055         | 940                                    | 89.1        | 73                                     | 6.9         | 37                             | 3.5         | 5                   | 0.5        |
| Western               | 379           | 257                                    | 67.8        | 114                                    | 30.1        | 7                              | 1.8         | 1                   | 0.3        |
| West Virginia         |               |  |             |  |             |                                |             |                     |            |
| Northern              | 182           | 158                                    | 86.8        | 11                                     | 6.0         | 11                             | 6.0         | 2                   | 1.1        |
| Southern              | 338           | 290                                    | 85.8        | 34                                     | 10.1        | 10                             | 3.0         | 4                   | 1.2        |

| CIRCUIT<br>District    | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>DEPARTURE |            |
|------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
|                        |               | n                                      | %           | n                                      | %           | n                              | %           | n                   | %          |
| <b>FIFTH CIRCUIT</b>   | <b>11,149</b> | <b>7,708</b>                           | <b>69.1</b> | <b>1,369</b>                           | <b>12.3</b> | <b>2,013</b>                   | <b>18.1</b> | <b>59</b>           | <b>0.5</b> |
| <b>Louisiana</b>       |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 442           | 363                                    | 82.1        | 36                                     | 8.1         | 43                             | 9.7         | 0                   | 0.0        |
| Middle                 | 154           | 116                                    | 75.3        | 24                                     | 15.6        | 12                             | 7.8         | 2                   | 1.3        |
| Western                | 264           | 203                                    | 76.9        | 45                                     | 17.0        | 14                             | 5.3         | 2                   | 0.8        |
| <b>Mississippi</b>     |               |  |             |  |             |                                |             |                     |            |
| Northern               | 142           | 81                                     | 57.0        | 47                                     | 33.1        | 14                             | 9.9         | 0                   | 0.0        |
| Southern               | 416           | 330                                    | 79.3        | 66                                     | 15.9        | 19                             | 4.6         | 1                   | 0.2        |
| <b>Texas</b>           |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 527           | 409                                    | 77.6        | 61                                     | 11.6        | 52                             | 9.9         | 5                   | 0.9        |
| Northern               | 1,136         | 812                                    | 71.5        | 236                                    | 20.8        | 74                             | 6.5         | 14                  | 1.2        |
| Southern               | 3,545         | 2,429                                  | 68.5        | 477                                    | 13.5        | 622                            | 17.5        | 17                  | 0.5        |
| Western                | 4,523         | 2,965                                  | 65.6        | 377                                    | 8.3         | 1,163                          | 25.7        | 18                  | 0.4        |
| <b>SIXTH CIRCUIT</b>   | <b>4,184</b>  | <b>2,723</b>                           | <b>65.1</b> | <b>1,138</b>                           | <b>27.2</b> | <b>304</b>                     | <b>7.3</b>  | <b>19</b>           | <b>0.5</b> |
| <b>Kentucky</b>        |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 566           | 368                                    | 65.0        | 190                                    | 33.6        | 8                              | 1.4         | 0                   | 0.0        |
| Western                | 291           | 238                                    | 81.8        | 33                                     | 11.3        | 20                             | 6.9         | 0                   | 0.0        |
| <b>Michigan</b>        |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 699           | 427                                    | 61.1        | 218                                    | 31.2        | 52                             | 7.4         | 2                   | 0.3        |
| Western                | 347           | 222                                    | 64.0        | 90                                     | 25.9        | 32                             | 9.2         | 3                   | 0.9        |
| <b>Ohio</b>            |               |  |             |  |             |                                |             |                     |            |
| Northern               | 815           | 557                                    | 68.3        | 177                                    | 21.7        | 78                             | 9.6         | 3                   | 0.4        |
| Southern               | 361           | 193                                    | 53.5        | 123                                    | 34.1        | 42                             | 11.6        | 3                   | 0.8        |
| <b>Tennessee</b>       |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 518           | 352                                    | 68.0        | 131                                    | 25.3        | 34                             | 6.6         | 1                   | 0.2        |
| Middle                 | 228           | 133                                    | 58.3        | 76                                     | 33.3        | 19                             | 8.3         | 0                   | 0.0        |
| Western                | 359           | 233                                    | 64.9        | 100                                    | 27.9        | 19                             | 5.3         | 7                   | 1.9        |
| <b>SEVENTH CIRCUIT</b> | <b>2,389</b>  | <b>1,696</b>                           | <b>71.0</b> | <b>506</b>                             | <b>21.2</b> | <b>164</b>                     | <b>6.9</b>  | <b>23</b>           | <b>1.0</b> |
| <b>Illinois</b>        |               |  |             |  |             |                                |             |                     |            |
| Central                | 291           | 154                                    | 52.9        | 118                                    | 40.5        | 18                             | 6.2         | 1                   | 0.3        |
| Northern               | 786           | 512                                    | 65.1        | 178                                    | 22.6        | 86                             | 10.9        | 10                  | 1.3        |
| Southern               | 358           | 305                                    | 85.2        | 36                                     | 10.1        | 17                             | 4.7         | 0                   | 0.0        |
| <b>Indiana</b>         |               |  |             |  |             |                                |             |                     |            |
| Northern               | 304           | 228                                    | 75.0        | 63                                     | 20.7        | 13                             | 4.3         | 0                   | 0.0        |
| Southern               | 225           | 146                                    | 64.9        | 65                                     | 28.9        | 9                              | 4.0         | 5                   | 2.2        |
| <b>Wisconsin</b>       |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 281           | 230                                    | 81.9        | 34                                     | 12.1        | 16                             | 5.7         | 1                   | 0.4        |
| Western                | 144           | 121                                    | 84.0        | 12                                     | 8.3         | 5                              | 3.5         | 6                   | 4.2        |
| <b>EIGHTH CIRCUIT</b>  | <b>3,486</b>  | <b>2,329</b>                           | <b>66.8</b> | <b>767</b>                             | <b>22.0</b> | <b>367</b>                     | <b>10.5</b> | <b>23</b>           | <b>0.7</b> |
| <b>Arkansas</b>        |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 239           | 198                                    | 82.8        | 31                                     | 13.0        | 10                             | 4.2         | 0                   | 0.0        |
| Western                | 144           | 108                                    | 75.0        | 32                                     | 22.2        | 4                              | 2.8         | 0                   | 0.0        |
| <b>Iowa</b>            |               |  |             |  |             |                                |             |                     |            |
| Northern               | 322           | 206                                    | 64.0        | 84                                     | 26.1        | 26                             | 8.1         | 6                   | 1.9        |
| Southern               | 302           | 158                                    | 52.3        | 92                                     | 30.5        | 52                             | 17.2        | 0                   | 0.0        |
| Minnesota              | 379           | 231                                    | 60.9        | 73                                     | 19.3        | 73                             | 19.3        | 2                   | 0.5        |
| <b>Missouri</b>        |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 544           | 397                                    | 73.0        | 115                                    | 21.1        | 32                             | 5.9         | 0                   | 0.0        |
| Western                | 659           | 382                                    | 58.0        | 242                                    | 36.7        | 31                             | 4.7         | 4                   | 0.6        |
| <b>Nebraska</b>        |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 466           | 325                                    | 69.7        | 54                                     | 11.6        | 87                             | 18.7        | 0                   | 0.0        |
| <b>North Dakota</b>    |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 148           | 97                                     | 65.5        | 27                                     | 18.2        | 22                             | 14.9        | 2                   | 1.4        |
| <b>South Dakota</b>    |               |  |             |  |             |                                |             |                     |            |
| Eastern                | 283           | 227                                    | 80.2        | 17                                     | 6.0         | 30                             | 10.6        | 9                   | 3.2        |

| CIRCUIT<br>District      | TOTAL         | SENTENCED<br>WITHIN<br>GUIDELINE RANGE |             | SUBSTANTIAL<br>ASSISTANCE<br>DEPARTURE |             | OTHER<br>DOWNWARD<br>DEPARTURE |             | UPWARD<br>DEPARTURE |            |
|--------------------------|---------------|--|-------------|--|-------------|--------------------------------|-------------|---------------------|------------|
|                          |               | n                                      | %           | n                                      | %           | n                              | %           | n                   | %          |
| <b>NINTH CIRCUIT</b>     | <b>11,808</b> | <b>5,921</b>                           | <b>50.1</b> | <b>1,267</b>                           | <b>10.7</b> | <b>4,568</b>                   | <b>38.7</b> | <b>52</b>           | <b>0.4</b> |
| Alaska                   | 188           | 137                                    | 72.9        | 19                                     | 10.1        | 32                             | 17.0        | 0                   | 0.0        |
| Arizona                  | 3,009         | 895                                    | 29.7        | 202                                    | 6.7         | 1,889                          | 62.8        | 23                  | 0.8        |
| <b>California</b>        |               |  |             |  |             |                                |             |                     |            |
| Central                  | 687           | 550                                    | 80.1        | 61                                     | 8.9         | 74                             | 10.8        | 2                   | 0.3        |
| Eastern                  | 833           | 599                                    | 71.9        | 168                                    | 20.2        | 66                             | 7.9         | 0                   | 0.0        |
| Northern                 | 798           | 527                                    | 66.0        | 73                                     | 9.1         | 192                            | 24.1        | 6                   | 0.8        |
| Southern                 | 3,459         | 1,429                                  | 41.3        | 276                                    | 8.0         | 1,747                          | 50.5        | 7                   | 0.2        |
| Guam                     | 71            | 55                                     | 77.5        | 14                                     | 19.7        | 1                              | 1.4         | 1                   | 1.4        |
| Hawaii                   | 344           | 221                                    | 64.2        | 82                                     | 23.8        | 37                             | 10.8        | 4                   | 1.2        |
| Idaho                    | 112           | 71                                     | 63.4        | 25                                     | 22.3        | 15                             | 13.4        | 1                   | 0.9        |
| Montana                  | 304           | 196                                    | 64.5        | 70                                     | 23.0        | 36                             | 11.8        | 2                   | 0.7        |
| Nevada                   | 523           | 383                                    | 73.2        | 64                                     | 12.2        | 74                             | 14.1        | 2                   | 0.4        |
| Northern Mariana Islands | 16            | 8                                      | 50.0        | 8                                      | 50.0        | 0                              | 0.0         | 0                   | 0.0        |
| Oregon                   | 585           | 389                                    | 66.5        | 84                                     | 14.4        | 109                            | 18.6        | 3                   | 0.5        |
| <b>Washington</b>        |               |  |             |  |             |                                |             |                     |            |
| Eastern                  | 309           | 127                                    | 41.1        | 22                                     | 7.1         | 160                            | 51.8        | 0                   | 0.0        |
| Western                  | 570           | 334                                    | 58.6        | 99                                     | 17.4        | 136                            | 23.9        | 1                   | 0.2        |
| <b>TENTH CIRCUIT</b>     | <b>2,979</b>  | <b>1,936</b>                           | <b>65.0</b> | <b>327</b>                             | <b>11.0</b> | <b>695</b>                     | <b>23.3</b> | <b>21</b>           | <b>0.7</b> |
| Colorado                 | 470           | 293                                    | 62.3        | 110                                    | 23.4        | 66                             | 14.0        | 1                   | 0.2        |
| Kansas                   | 442           | 315                                    | 71.3        | 75                                     | 17.0        | 51                             | 11.5        | 1                   | 0.2        |
| New Mexico               | 1,311         | 714                                    | 54.5        | 86                                     | 6.6         | 507                            | 38.7        | 4                   | 0.3        |
| <b>Oklahoma</b>          |               |  |             |  |             |                                |             |                     |            |
| Eastern                  | 93            | 70                                     | 75.3        | 2                                      | 2.2         | 19                             | 20.4        | 2                   | 2.2        |
| Northern                 | 119           | 96                                     | 80.7        | 10                                     | 8.4         | 11                             | 9.2         | 2                   | 1.7        |
| Western                  | 203           | 161                                    | 79.3        | 24                                     | 11.8        | 10                             | 4.9         | 8                   | 3.9        |
| Utah                     | 198           | 180                                    | 90.9        | 1                                      | 0.5         | 17                             | 8.6         | 0                   | 0.0        |
| Wyoming                  | 143           | 107                                    | 74.8        | 19                                     | 13.3        | 14                             | 9.8         | 3                   | 2.1        |
| <b>ELEVENTH CIRCUIT</b>  | <b>5,965</b>  | <b>4,300</b>                           | <b>72.1</b> | <b>1,185</b>                           | <b>19.9</b> | <b>445</b>                     | <b>7.5</b>  | <b>35</b>           | <b>0.6</b> |
| <b>Alabama</b>           |               |  |             |  |             |                                |             |                     |            |
| Middle                   | 154           | 77                                     | 50.0        | 55                                     | 35.7        | 22                             | 14.3        | 0                   | 0.0        |
| Northern                 | 358           | 255                                    | 71.2        | 88                                     | 24.6        | 12                             | 3.4         | 3                   | 0.8        |
| Southern                 | 284           | 193                                    | 68.0        | 64                                     | 22.5        | 23                             | 8.1         | 4                   | 1.4        |
| <b>Florida</b>           |               |  |             |  |             |                                |             |                     |            |
| Middle                   | 1,273         | 851                                    | 66.8        | 332                                    | 26.1        | 84                             | 6.6         | 6                   | 0.5        |
| Northern                 | 362           | 246                                    | 68.0        | 92                                     | 25.4        | 17                             | 4.7         | 7                   | 1.9        |
| Southern                 | 2,171         | 1,737                                  | 80.0        | 289                                    | 13.3        | 140                            | 6.4         | 5                   | 0.2        |
| <b>Georgia</b>           |               |  |             |  |             |                                |             |                     |            |
| Middle                   | 330           | 227                                    | 68.8        | 79                                     | 23.9        | 21                             | 6.4         | 3                   | 0.9        |
| Northern                 | 709           | 471                                    | 66.4        | 128                                    | 18.1        | 105                            | 14.8        | 5                   | 0.7        |
| Southern                 | 324           | 243                                    | 75.0        | 58                                     | 17.9        | 21                             | 6.5         | 2                   | 0.6        |

Of the 59,897 guideline cases, 324 cases with no analogous guidelines were excluded from the table. Of the remaining 59,573 cases, 4,722 were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Utah (61.6%), Central California (58.0%), Eastern Virginia (32.5%), Puerto Rico (18.9%), Southern California (18.0%), Western Washington (15.7%), Western North Carolina (15.0%), Guam (13.4%), Western Kentucky (11.8%), Oregon (10.8%), Eastern New York (10.1%), Middle Alabama (8.9%), Middle Georgia (8.3%), South Carolina (7.9%), Western Pennsylvania (7.8%), Eastern Texas (6.7%), Western Louisiana (6.7%), Middle Pennsylvania (6.4%), Northern New York (6.3%), Southern Florida (6.2%), Eastern North Carolina (6.2%), Southern West Virginia (5.8%), Massachusetts (5.8%), and Eastern Washington (5.2%).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
Fiscal Year 2001**

**National**

| PRIMARY OFFENSE              | TOTAL         | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANTIAL ASSISTANCE DEPARTURE |             | OTHER DOWNWARD DEPARTURE |             | UPWARD DEPARTURE |            |
|------------------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
|                              |               | n                                | %           | n                                | %           | n                        | %           | n                | %          |
| <b>TOTAL</b>                 | <b>54,785</b> | <b>35,096</b>                    | <b>64.1</b> | <b>9,369</b>                     | <b>17.1</b> | <b>10,013</b>            | <b>18.3</b> | <b>307</b>       | <b>0.6</b> |
| Robbery                      | 1,511         | 1,098                            | 72.7        | 214                              | 14.2        | 183                      | 12.1        | 16               | 1.1        |
| Drugs - Trafficking          | 22,882        | 12,720                           | 55.6        | 6,023                            | 26.3        | 4,101                    | 17.9        | 38               | 0.2        |
| Drugs - Simple Possession    | 453           | 421                              | 92.9        | 15                               | 3.3         | 11                       | 2.4         | 6                | 1.3        |
| Firearms                     | 4,113         | 3,087                            | 75.1        | 507                              | 12.3        | 484                      | 11.8        | 35               | 0.9        |
| Larceny                      | 2,019         | 1,688                            | 83.6        | 160                              | 7.9         | 148                      | 7.3         | 23               | 1.1        |
| Fraud                        | 6,080         | 4,297                            | 70.7        | 1,055                            | 17.4        | 669                      | 11.0        | 59               | 1.0        |
| Embezzlement                 | 707           | 579                              | 81.9        | 24                               | 3.4         | 103                      | 14.6        | 1                | 0.1        |
| Forgery/Counterfeiting       | 1,179         | 946                              | 80.2        | 136                              | 11.5        | 84                       | 7.1         | 13               | 1.1        |
| Immigration                  | 9,277         | 5,680                            | 61.2        | 258                              | 2.8         | 3,310                    | 35.7        | 29               | 0.3        |
| Other Miscellaneous Offenses | 6,564         | 4,580                            | 69.8        | 977                              | 14.9        | 920                      | 14.0        | 87               | 1.3        |

**Arkansas**

| PRIMARY OFFENSE              | TOTAL      | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANTIAL ASSISTANCE DEPARTURE |             | OTHER DOWNWARD DEPARTURE |            | UPWARD DEPARTURE |            |
|------------------------------|------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|------------|------------------|------------|
|                              |            | n                                | %           | n                                | %           | n                        | %          | n                | %          |
| <b>TOTAL</b>                 | <b>383</b> | <b>306</b>                       | <b>79.9</b> | <b>63</b>                        | <b>16.4</b> | <b>14</b>                | <b>3.7</b> | <b>0</b>         | <b>0.0</b> |
| Robbery                      | 9          | 8                                | 88.9        | 1                                | 11.1        | 0                        | 0.0        | 0                | 0.0        |
| Drugs - Trafficking          | 156        | 115                              | 73.7        | 36                               | 23.1        | 5                        | 3.2        | 0                | 0.0        |
| Drugs - Simple Possession    | 5          | 5                                | 100.0       | 0                                | 0.0         | 0                        | 0.0        | 0                | 0.0        |
| Firearms                     | 16         | 14                               | 87.5        | 1                                | 6.3         | 1                        | 6.3        | 0                | 0.0        |
| Larceny                      | 14         | 14                               | 100.0       | 0                                | 0.0         | 0                        | 0.0        | 0                | 0.0        |
| Fraud                        | 85         | 68                               | 80.0        | 14                               | 16.5        | 3                        | 3.5        | 0                | 0.0        |
| Embezzlement                 | 4          | 3                                | 75.0        | 0                                | 0.0         | 1                        | 25.0       | 0                | 0.0        |
| Forgery/Counterfeiting       | 6          | 6                                | 100.0       | 0                                | 0.0         | 0                        | 0.0        | 0                | 0.0        |
| Immigration                  | 35         | 31                               | 88.6        | 2                                | 5.7         | 2                        | 5.7        | 0                | 0.0        |
| Other Miscellaneous Offenses | 53         | 42                               | 79.2        | 9                                | 17.0        | 2                        | 3.8        | 0                | 0.0        |

Of the 59,897 guideline cases, 5,112 cases were excluded due to one or more of the following reasons: no analogous guidelines (324), missing or indeterminable departure information (4,722) or missing primary offense category (206).

Of the 386 guideline cases from the State of Arkansas, three cases were excluded due to the following reason: missing or indeterminable departure information (3).

SOURCE: United States Sentencing Commission, Office of Policy Analysis, 2001 Datafile, OPAFY01.