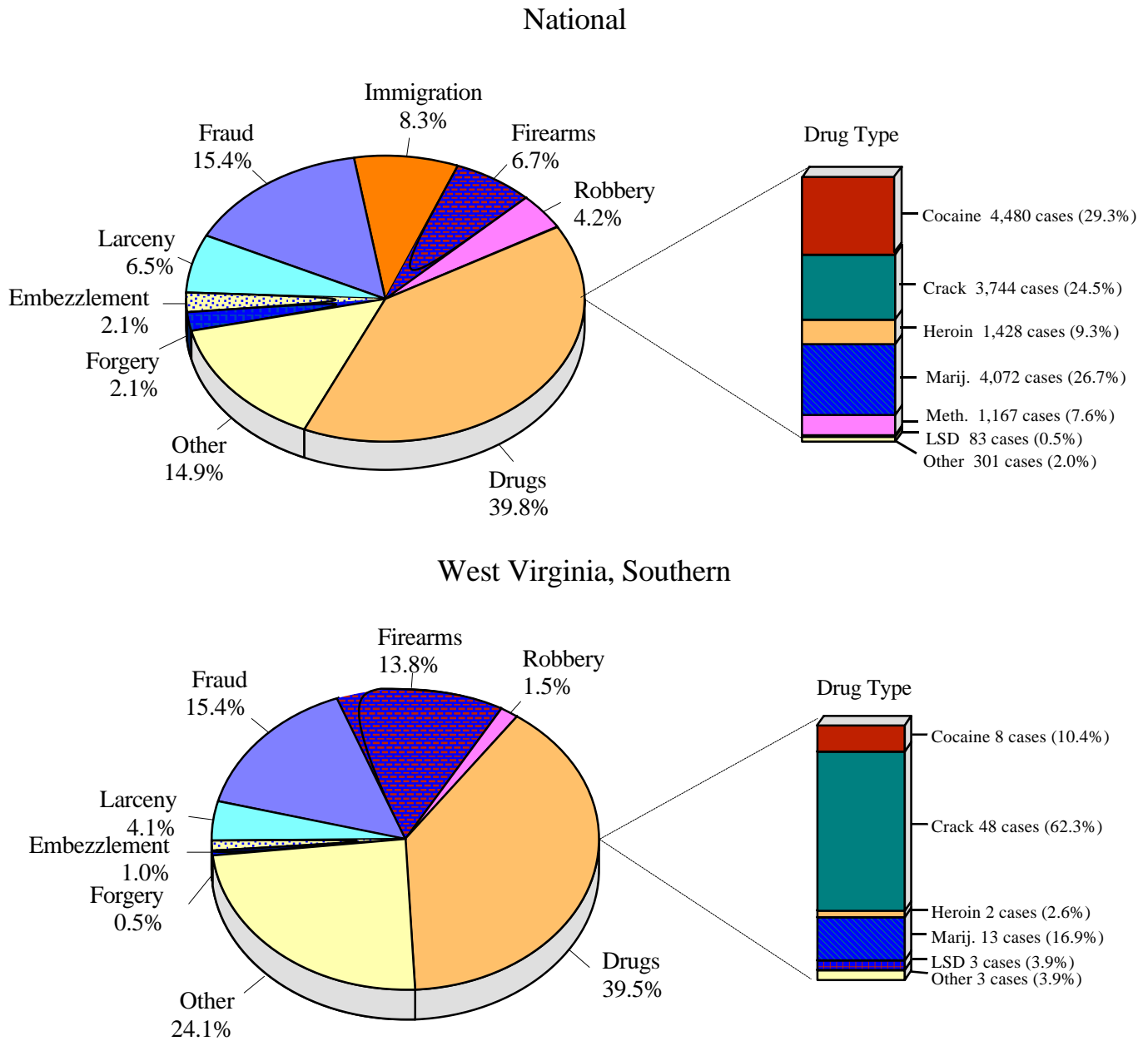


Figure A

GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY¹
(October 1, 1994, through September 30, 1995)



¹Of the 38,500 guideline cases, 123 cases with missing primary offense category were excluded. Of the 15,288 drug cases (including trafficking, use of a communication facility, and simple possession), 13 cases with missing drug type were excluded from the bar chart.

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

Table 1

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

| PRIMARY OFFENSE | National | | West Virginia, Southern | |
|------------------------------------|---------------|--------------|-------------------------|--------------|
| | Number | Percent | Number | Percent |
| TOTAL | 38,377 | 100.0 | 195 | 100.0 |
| Murder | 85 | 0.2 | 1 | 0.5 |
| Manslaughter | 48 | 0.1 | 0 | 0.0 |
| Kidnapping/Hostage Taking | 62 | 0.2 | 1 | 0.5 |
| Sexual Abuse | 177 | 0.5 | 0 | 0.0 |
| Assault | 390 | 1.0 | 3 | 1.5 |
| Robbery | 1,603 | 4.2 | 3 | 1.5 |
| Arson | 97 | 0.3 | 0 | 0.0 |
| Drugs - Trafficking | 14,183 | 37.0 | 76 | 39.0 |
| Drugs - Communication Facility | 332 | 0.9 | 0 | 0.0 |
| Drugs - Simple Possession | 773 | 2.0 | 1 | 0.5 |
| Firearms | 2,573 | 6.7 | 27 | 13.8 |
| Burglary/B&E | 66 | 0.2 | 4 | 2.1 |
| Auto Theft | 149 | 0.4 | 1 | 0.5 |
| Larceny | 2,492 | 6.5 | 8 | 4.1 |
| Fraud | 5,909 | 15.4 | 30 | 15.4 |
| Embezzlement | 815 | 2.1 | 2 | 1.0 |
| Forgery/Counterfeiting | 790 | 2.1 | 1 | 0.5 |
| Bribery | 303 | 0.8 | 3 | 1.5 |
| Tax | 744 | 1.9 | 13 | 6.7 |
| Money Laundering | 832 | 2.2 | 1 | 0.5 |
| Racketeering/Extortion | 414 | 1.1 | 0 | 0.0 |
| Gambling/Lottery | 218 | 0.6 | 0 | 0.0 |
| Civil Rights | 102 | 0.3 | 2 | 1.0 |
| Immigration | 3,170 | 8.3 | 0 | 0.0 |
| Pornography/Prostitution | 96 | 0.3 | 1 | 0.5 |
| Prison Offenses | 373 | 1.0 | 2 | 1.0 |
| Administration of Justice Offenses | 723 | 1.9 | 1 | 0.5 |
| Environmental/Wildlife | 127 | 0.3 | 3 | 1.5 |
| National Defense | 35 | 0.1 | 1 | 0.5 |
| Antitrust | 18 | 0.0 | 0 | 0.0 |
| Food & Drug | 60 | 0.2 | 0 | 0.0 |
| Other Miscellaneous Offenses | 618 | 1.6 | 10 | 5.1 |

Of the 38,500 guideline cases, 123 cases were excluded due to missing information on primary offense category.

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

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT
(October 1, 1994, through September 30, 1995)

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|-----------------------|---------------|---------------|-------------|--------------|------------|
| | | Number | Percent | Number | Percent |
| TOTAL | 38,443 | 35,319 | 91.9 | 3,124 | 8.1 |
| D.C. CIRCUIT | 416 | 373 | 89.7 | 43 | 10.3 |
| District of Columbia | 416 | 373 | 89.7 | 43 | 10.3 |
| FIRST CIRCUIT | 1,233 | 1,128 | 91.5 | 105 | 8.5 |
| 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 |
| SECOND CIRCUIT | 3,620 | 3,381 | 93.4 | 239 | 6.6 |
| 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 |
| THIRD CIRCUIT | 2,100 | 1,920 | 91.4 | 180 | 8.6 |
| 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 | 3.1 |
| FOURTH CIRCUIT | 4,165 | 3,744 | 89.9 | 421 | 10.1 |
| 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 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|------------------------|-------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 5,322 | 4,892 | 91.9 | 430 | 8.1 |
| 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 |
| SIXTH CIRCUIT | 3,806 | 3,484 | 91.5 | 322 | 8.5 |
| 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 |
| SEVENTH CIRCUIT | 1,839 | 1,649 | 89.7 | 190 | 10.3 |
| 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 |
| EIGHTH CIRCUIT | 2,292 | 2,070 | 90.3 | 222 | 9.7 |
| 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 |

| CIRCUIT District | TOTAL | PLEA | | TRIAL | |
|--------------------------|-------|--------|---------|--------|---------|
| | | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 7,422 | 7,082 | 95.4 | 340 | 4.6 |
| 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 |
| TENTH CIRCUIT | 2,062 | 1,943 | 94.2 | 119 | 5.8 |
| 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 |
| ELEVENTH CIRCUIT | 4,166 | 3,653 | 87.7 | 513 | 12.3 |
| 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 |

Of the 38,500 guideline cases, 57 cases were excluded due to missing information on mode of conviction.

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

Table 3

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

| PRIMARY OFFENSE | TOTAL | National | | | | West Virginia, Southern | | | |
|------------------------------------|---------------|---------------|-------------|--------------|------------|-------------------------|-------------|-----------|------------|
| | | PLEA | | TRIAL | | PLEA | | TRIAL | |
| | | n | % | n | % | n | % | n | % |
| TOTAL | 38,325 | 35,208 | 91.9 | 3,117 | 8.1 | 182 | 93.3 | 13 | 6.7 |
| Murder | 84 | 57 | 67.9 | 27 | 32.1 | 0 | 0.0 | 1 | 100.0 |
| Manslaughter | 48 | 45 | 93.8 | 3 | 6.3 | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 62 | 49 | 79.0 | 13 | 21.0 | 0 | 0.0 | 1 | 100.0 |
| Sexual Abuse | 177 | 157 | 88.7 | 20 | 11.3 | 0 | -- | 0 | -- |
| Assault | 389 | 312 | 80.2 | 77 | 19.8 | 2 | 66.7 | 1 | 33.3 |
| Robbery | 1,600 | 1,437 | 89.8 | 163 | 10.2 | 3 | 100.0 | 0 | 0.0 |
| Arson | 96 | 84 | 87.5 | 12 | 12.5 | 0 | -- | 0 | -- |
| Drugs - Trafficking | 14,164 | 12,652 | 89.3 | 1,512 | 10.7 | 68 | 89.5 | 8 | 10.5 |
| Drugs - Communication Facility | 332 | 326 | 98.2 | 6 | 1.8 | 0 | -- | 0 | -- |
| Drugs - Simple Possession | 770 | 751 | 97.5 | 19 | 2.5 | 1 | 100.0 | 0 | 0.0 |
| Firearms | 2,568 | 2,249 | 87.6 | 319 | 12.4 | 26 | 96.3 | 1 | 3.7 |
| Burglary/B&E | 66 | 64 | 97.0 | 2 | 3.0 | 4 | 100.0 | 0 | 0.0 |
| Auto Theft | 149 | 142 | 95.3 | 7 | 4.7 | 1 | 100.0 | 0 | 0.0 |
| Larceny | 2,490 | 2,385 | 95.8 | 105 | 4.2 | 8 | 100.0 | 0 | 0.0 |
| Fraud | 5,905 | 5,554 | 94.1 | 351 | 5.9 | 29 | 96.7 | 1 | 3.3 |
| Embezzlement | 815 | 799 | 98.0 | 16 | 2.0 | 2 | 100.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 790 | 756 | 95.7 | 34 | 4.3 | 1 | 100.0 | 0 | 0.0 |
| Bribery | 302 | 261 | 86.4 | 41 | 13.6 | 3 | 100.0 | 0 | 0.0 |
| Tax | 742 | 696 | 93.8 | 46 | 6.2 | 13 | 100.0 | 0 | 0.0 |
| Money Laundering | 832 | 772 | 92.8 | 60 | 7.2 | 1 | 100.0 | 0 | 0.0 |
| Racketeering/Extortion | 412 | 345 | 83.7 | 67 | 16.3 | 0 | -- | 0 | -- |
| Gambling/Lottery | 217 | 212 | 97.7 | 5 | 2.3 | 0 | -- | 0 | -- |
| Civil Rights | 102 | 93 | 91.2 | 9 | 8.8 | 2 | 100.0 | 0 | 0.0 |
| Immigration | 3,168 | 3,107 | 98.1 | 61 | 1.9 | 0 | -- | 0 | -- |
| Pornography/Prostitution | 96 | 89 | 92.7 | 7 | 7.3 | 1 | 100.0 | 0 | 0.0 |
| Prison Offenses | 373 | 347 | 93.0 | 26 | 7.0 | 2 | 100.0 | 0 | 0.0 |
| Administration of Justice Offenses | 722 | 677 | 93.8 | 45 | 6.2 | 1 | 100.0 | 0 | 0.0 |
| Environmental/Wildlife | 127 | 121 | 95.3 | 6 | 4.7 | 3 | 100.0 | 0 | 0.0 |
| National Defense | 35 | 28 | 80.0 | 7 | 20.0 | 1 | 100.0 | 0 | 0.0 |
| Antitrust | 18 | 17 | 94.4 | 1 | 5.6 | 0 | -- | 0 | -- |
| Food & Drug | 60 | 58 | 96.7 | 2 | 3.3 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 614 | 566 | 92.2 | 48 | 7.8 | 10 | 100.0 | 0 | 0.0 |

Of the 38,500 guideline cases, 175 cases were excluded due to one or both of the following reasons: missing primary offense category (123) or missing mode of conviction (57).

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

Table 4

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

National

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|---------------|---------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 38,114 | 28,290 | 74.2 | 1,692 | 4.4 | 2,967 | 7.8 | 5,165 | 13.6 |
| Murder | 85 | 81 | 95.3 | 0 | 0.0 | 3 | 3.5 | 1 | 1.2 |
| Manslaughter | 47 | 38 | 80.9 | 5 | 10.6 | 3 | 6.4 | 1 | 2.1 |
| Kidnapping/Hostage Taking | 62 | 61 | 98.4 | 0 | 0.0 | 1 | 1.6 | 0 | 0.0 |
| Sexual Abuse | 177 | 160 | 90.4 | 6 | 3.4 | 5 | 2.8 | 6 | 3.4 |
| Assault | 388 | 306 | 78.9 | 12 | 3.1 | 25 | 6.4 | 45 | 11.6 |
| Robbery | 1,594 | 1,530 | 96.0 | 43 | 2.7 | 8 | 0.5 | 13 | 0.8 |
| Arson | 97 | 83 | 85.6 | 2 | 2.1 | 7 | 7.2 | 5 | 5.2 |
| Drugs - Trafficking | 14,116 | 13,126 | 93.0 | 255 | 1.8 | 346 | 2.5 | 389 | 2.8 |
| Drugs - Communication Facility | 331 | 257 | 77.6 | 13 | 3.9 | 20 | 6.0 | 41 | 12.4 |
| Drugs - Simple Possession | 759 | 363 | 47.8 | 30 | 4.0 | 61 | 8.0 | 305 | 40.2 |
| Firearms | 2,566 | 2,258 | 88.0 | 94 | 3.7 | 95 | 3.7 | 119 | 4.6 |
| Burglary/B&E | 66 | 57 | 86.4 | 2 | 3.0 | 6 | 9.1 | 1 | 1.5 |
| Auto Theft | 147 | 105 | 71.4 | 4 | 2.7 | 17 | 11.6 | 21 | 14.3 |
| Larceny | 2,443 | 798 | 32.7 | 147 | 6.0 | 429 | 17.6 | 1,069 | 43.8 |
| Fraud | 5,864 | 3,090 | 52.7 | 556 | 9.5 | 911 | 15.5 | 1,307 | 22.3 |
| Embezzlement | 809 | 282 | 34.9 | 175 | 21.6 | 106 | 13.1 | 246 | 30.4 |
| Forgery/Counterfeiting | 787 | 401 | 51.0 | 41 | 5.2 | 115 | 14.6 | 230 | 29.2 |
| Bribery | 302 | 146 | 48.3 | 34 | 11.3 | 59 | 19.5 | 63 | 20.9 |
| Tax | 737 | 207 | 28.1 | 59 | 8.0 | 260 | 35.3 | 211 | 28.6 |
| Money Laundering | 831 | 572 | 68.8 | 40 | 4.8 | 83 | 10.0 | 136 | 16.4 |
| Racketeering/Extortion | 413 | 363 | 87.9 | 9 | 2.2 | 19 | 4.6 | 22 | 5.3 |
| Gambling/Lottery | 217 | 40 | 18.4 | 14 | 6.5 | 80 | 36.9 | 83 | 38.2 |
| Civil Rights | 102 | 54 | 52.9 | 1 | 1.0 | 15 | 14.7 | 32 | 31.4 |
| Immigration | 3,160 | 2,819 | 89.2 | 44 | 1.4 | 59 | 1.9 | 238 | 7.5 |
| Pornography/Prostitution | 95 | 70 | 73.7 | 3 | 3.2 | 9 | 9.5 | 13 | 13.7 |
| Prison Offenses | 373 | 328 | 87.9 | 21 | 5.6 | 8 | 2.1 | 16 | 4.3 |
| Administration of Justice Offenses | 717 | 433 | 60.4 | 40 | 5.6 | 87 | 12.1 | 157 | 21.9 |
| Environmental/Wildlife | 114 | 27 | 23.7 | 9 | 7.9 | 20 | 17.5 | 58 | 50.9 |
| National Defense | 35 | 29 | 82.9 | 2 | 5.7 | 1 | 2.9 | 3 | 8.6 |
| Antitrust | 18 | 12 | 66.7 | 0 | 0.0 | 4 | 22.2 | 2 | 11.1 |
| Food & Drug | 60 | 12 | 20.0 | 2 | 3.3 | 11 | 18.3 | 35 | 58.3 |
| Other Miscellaneous Offenses | 602 | 182 | 30.2 | 29 | 4.8 | 94 | 15.6 | 297 | 49.3 |

Of the 38,500 guideline cases, 386 cases were excluded due to one or more of the following reasons: missing sentencing information (152), missing primary offense category (123), or cases in which defendant received no imprisonment or probation (113).

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

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
(October 1, 1994, through September 30, 1995)

West Virginia, Southern

| PRIMARY OFFENSE | TOTAL | Prison | | Prison/Community Split Sentence | | Probation and Confinement | | Probation Only | |
|------------------------------------|------------|------------|-------------|---------------------------------|------------|---------------------------|------------|----------------|-------------|
| | | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 195 | 134 | 68.7 | 10 | 5.1 | 18 | 9.2 | 33 | 16.9 |
| Murder | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Manslaughter | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Kidnapping/Hostage Taking | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Sexual Abuse | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Assault | 3 | 1 | 33.3 | 0 | 0.0 | 2 | 66.7 | 0 | 0.0 |
| Robbery | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arson | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Trafficking | 76 | 71 | 93.4 | 1 | 1.3 | 2 | 2.6 | 2 | 2.6 |
| Drugs - Communication Facility | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Drugs - Simple Possession | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| Firearms | 27 | 21 | 77.8 | 2 | 7.4 | 1 | 3.7 | 3 | 11.1 |
| Burglary/B&E | 4 | 4 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Auto Theft | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Larceny | 8 | 5 | 62.5 | 0 | 0.0 | 2 | 25.0 | 1 | 12.5 |
| Fraud | 30 | 11 | 36.7 | 4 | 13.3 | 5 | 16.7 | 10 | 33.3 |
| Embezzlement | 2 | 1 | 50.0 | 0 | 0.0 | 0 | 0.0 | 1 | 50.0 |
| Forgery/Counterfeiting | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Bribery | 3 | 0 | 0.0 | 1 | 33.3 | 0 | 0.0 | 2 | 66.7 |
| Tax | 13 | 3 | 23.1 | 1 | 7.7 | 5 | 38.5 | 4 | 30.8 |
| Money Laundering | 1 | 1 | 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 | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Pornography/Prostitution | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Prison Offenses | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Administration of Justice Offenses | 1 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 |
| Environmental/Wildlife | 3 | 2 | 66.7 | 0 | 0.0 | 0 | 0.0 | 1 | 33.3 |
| National Defense | 1 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| Antitrust | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Food & Drug | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 10 | 2 | 20.0 | 1 | 10.0 | 0 | 0.0 | 7 | 70.0 |

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

Table 6

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
(October 1, 1994, through September 30, 1995)**

| PRIMARY OFFENSE | National | | | | West Virginia, Southern | | | |
|-------------------------------------|-----------------|-------------|---------------------|-------------|-------------------------|-------------|---------------------|-------------|
| | Prison Sentence | | Non-Prison Sentence | | Prison Sentence | | Non-Prison Sentence | |
| | n | % | n | % | n | % | n | % |
| TOTAL | 2,816 | 33.6 | 5,570 | 66.4 | 7 | 13.5 | 45 | 86.5 |
| Fraud | 702 | 31.3 | 1,543 | 68.7 | 2 | 12.5 | 14 | 87.5 |
| Larceny | 335 | 20.6 | 1,288 | 79.4 | 1 | 25.0 | 3 | 75.0 |
| Immigration | 743 | 75.3 | 244 | 24.7 | 0 | -- | 0 | -- |
| Embezzlement | 187 | 42.6 | 252 | 57.4 | 1 | 50.0 | 1 | 50.0 |
| Drugs - Trafficking | 142 | 39.8 | 215 | 60.2 | 0 | 0.0 | 2 | 100.0 |
| Drugs - Simple Possession | 146 | 35.5 | 265 | 64.5 | 0 | 0.0 | 1 | 100.0 |
| Firearms | 48 | 35.0 | 89 | 65.0 | 0 | 0.0 | 4 | 100.0 |
| Forgery/Counterfeiting | 120 | 31.2 | 265 | 68.8 | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 393 | 21.8 | 1,409 | 78.2 | 3 | 13.0 | 20 | 87.0 |

Of the 38,500 guideline cases, 30,114 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (30,044), missing sentencing information (152), or missing primary offense category (123).

Of the 195 guideline cases from the District of West Virginia, Southern, 143 cases were excluded due to the defendant being ineligible for non-prison alternatives.

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

Table 7

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
(October 1, 1994, through September 30, 1995)**

| PRIMARY OFFENSE | National | | | West Virginia, Southern | | |
|---|----------------|------------------|---------------|-------------------------|------------------|------------|
| | Mean Months | Median Months | Number | Mean Months | Median Months | Number |
| TOTAL | 63.1 | 33.0 | 29,912 | 66.1 | 36.0 | 144 |
| Murder | 253.2 | 210.0 | 81 | 456.0 | -- | 1 |
| Manslaughter | 45.7 | 41.0 | 43 | -- | -- | 0 |
| Kidnapping/Hostage Taking | 183.3 | 130.0 | 61 | 470.0 | -- | 1 |
| Sexual Abuse | 81.4 | 38.5 | 166 | -- | -- | 0 |
| Assault | 54.9 | 33.0 | 316 | 36.0 | -- | 1 |
| Robbery | 108.6 | 78.0 | 1,573 | 89.3 | 60.0 | 3 |
| Arson | 58.7 | 34.0 | 85 | -- | -- | 0 |
| Drugs - Trafficking | 89.7 | 60.0 | 13,367 | 87.7 | 57.0 | 72 |
| Drugs - Communication Facility | 38.2 | 41.0 | 269 | -- | -- | 0 |
| Drugs - Simple Possession | 12.0 | 6.0 | 391 | -- | -- | 0 |
| Firearms | 79.8 | 48.0 | 2,352 | 42.2 | 36.0 | 23 |
| Burglary/B&E | 33.5 | 24.0 | 59 | 109.5 | 28.5 | 4 |
| Auto Theft | 23.2 | 18.0 | 109 | 41.0 | -- | 1 |
| Larceny | 13.5 | 10.0 | 945 | 11.2 | 10.0 | 5 |
| Fraud | 18.3 | 12.0 | 3,639 | 13.8 | 12.0 | 15 |
| Embezzlement | 7.6 | 5.0 | 454 | 0.0 | -- | 1 |
| Forgery/Counterfeiting | 14.4 | 12.0 | 442 | 6.0 | -- | 1 |
| Bribery | 18.4 | 12.0 | 180 | 5.0 | -- | 1 |
| Tax | 15.0 | 12.0 | 266 | 19.3 | 21.5 | 4 |
| Money Laundering | 40.0 | 33.0 | 609 | 38.0 | -- | 1 |
| Racketeering/Extortion | 83.4 | 57.0 | 371 | -- | -- | 0 |
| Gambling/Lottery | 15.1 | 12.0 | 54 | -- | -- | 0 |
| Civil Rights | 43.7 | 27.0 | 55 | 21.0 | -- | 2 |
| Immigration | 21.7 | 21.0 | 2,830 | -- | -- | 0 |
| Pornography/Prostitution | 41.3 | 24.0 | 73 | 14.0 | -- | 1 |
| Prison Offenses | 22.1 | 18.0 | 349 | 18.0 | -- | 2 |
| Administration of Justice Offenses | 21.0 | 18.0 | 469 | -- | -- | 0 |
| Environmental/Wildlife | 13.4 | 8.5 | 36 | 6.0 | -- | 2 |
| National Defense | 20.8 | 15.0 | 31 | -- | -- | 0 |
| Antitrust | 9.2 | 7.0 | 12 | -- | -- | 0 |
| Food & Drug | 32.6 | 14.0 | 14 | -- | -- | 0 |
| Other Miscellaneous Offenses | 15.9 | 8.0 | 211 | 13.7 | 6.0 | 3 |

Of the 38,500 guideline cases, 8,306 cases with zero months prison ordered were excluded. In addition, 282 cases were excluded due to one or both of the following reasons: missing primary offense category (63) or missing or indeterminable sentencing information (225).

Of the 195 guideline cases from the District of West Virginia, Southern, 51 cases were excluded due to zero prison months ordered.

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

Table 8

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

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|-----------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|------------|------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 36,975 | 26,259 | 71.0 | 7,271 | 19.7 | 3,110 | 8.4 | 335 | 0.9 |
| D.C. CIRCUIT | 408 | 283 | 69.4 | 80 | 19.6 | 38 | 9.3 | 7 | 1.7 |
| District of Columbia | 408 | 283 | 69.4 | 80 | 19.6 | 38 | 9.3 | 7 | 1.7 |
| FIRST CIRCUIT | 1,223 | 890 | 72.8 | 215 | 17.6 | 98 | 8.0 | 20 | 1.6 |
| 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 |
| SECOND CIRCUIT | 3,268 | 2,079 | 63.6 | 641 | 19.6 | 528 | 16.2 | 20 | 0.6 |
| 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 |
| THIRD CIRCUIT | 2,036 | 1,273 | 62.5 | 621 | 30.5 | 121 | 5.9 | 21 | 1.0 |
| 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 |
| FOURTH CIRCUIT | 4,038 | 2,847 | 70.5 | 989 | 24.5 | 157 | 3.9 | 45 | 1.1 |
| 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 |

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------|-------|--|------|--|------|--------------------------------|------|---------------------|-----|
| | | n | % | n | % | n | % | n | % |
| FIFTH CIRCUIT | 5,234 | 3,909 | 74.7 | 1,000 | 19.1 | 266 | 5.1 | 59 | 1.1 |
| 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 |
| SIXTH CIRCUIT | 3,727 | 2,730 | 73.2 | 792 | 21.3 | 180 | 4.8 | 25 | 0.7 |
| 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 |
| SEVENTH CIRCUIT | 1,773 | 1,409 | 79.5 | 302 | 17.0 | 50 | 2.8 | 12 | 0.7 |
| 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 |
| EIGHTH CIRCUIT | 2,277 | 1,658 | 72.8 | 472 | 20.7 | 127 | 5.6 | 20 | 0.9 |
| 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 |

| CIRCUIT | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|--------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
| | | n | % | n | % | n | % | n | % |
| NINTH CIRCUIT | 6,828 | 4,653 | 68.1 | 971 | 14.2 | 1,148 | 16.8 | 56 | 0.8 |
| 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 | 17.1 | 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 |
| TENTH CIRCUIT | 2,033 | 1,550 | 76.2 | 247 | 12.1 | 222 | 10.9 | 14 | 0.7 |
| 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 |
| ELEVENTH CIRCUIT | 4,130 | 2,978 | 72.1 | 941 | 22.8 | 175 | 4.2 | 36 | 0.9 |
| 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 | 13.8 | 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 |

Of the 38,500 guideline cases, 253 cases with no analogous guidelines were excluded from the table. Of the remaining 38,247 cases, 1,272 cases were excluded due to missing departure information. Districts for which departure information is missing in five percent or more of the cases received included: Central California (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 of the 1995 U.S. Sentencing Commission Annual Report.

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

Table 9

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY
(October 1, 1994, through September 30, 1995)**

National

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|---------------|--|-------------|--|-------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 36,868 | 26,169 | 71.0 | 7,263 | 19.7 | 3,102 | 8.4 | 334 | 0.9 |
| Robbery | 1,541 | 1,142 | 74.1 | 196 | 12.7 | 164 | 10.6 | 39 | 2.5 |
| Drugs - Trafficking | 13,784 | 7,920 | 57.5 | 4,627 | 33.6 | 1,207 | 8.8 | 30 | 0.2 |
| Drugs - Simple Possession | 729 | 689 | 94.5 | 18 | 2.5 | 10 | 1.4 | 12 | 1.6 |
| Firearms | 2,440 | 1,860 | 76.2 | 306 | 12.5 | 225 | 9.2 | 49 | 2.0 |
| Larceny | 2,415 | 2,150 | 89.0 | 147 | 6.1 | 90 | 3.7 | 28 | 1.2 |
| Fraud | 5,664 | 4,384 | 77.4 | 850 | 15.0 | 381 | 6.7 | 49 | 0.9 |
| Embezzlement | 784 | 661 | 84.3 | 43 | 5.5 | 79 | 10.1 | 1 | 0.1 |
| Forgery/Counterfeiting | 771 | 651 | 84.4 | 83 | 10.8 | 31 | 4.0 | 6 | 0.8 |
| Immigration | 3,018 | 2,518 | 83.4 | 65 | 2.2 | 402 | 13.3 | 33 | 1.1 |
| Other Miscellaneous Offenses | 5,722 | 4,194 | 73.3 | 928 | 16.2 | 513 | 9.0 | 87 | 1.5 |

West Virginia, Southern

| PRIMARY OFFENSE | TOTAL | SENTENCED WITHIN GUIDELINE RANGE | | SUBSTANTIAL ASSISTANCE DEPARTURE | | OTHER DOWNWARD DEPARTURE | | UPWARD DEPARTURE | |
|------------------------------|------------|--|-------------|--|------------|--------------------------------|------------|---------------------|------------|
| | | n | % | n | % | n | % | n | % |
| TOTAL | 190 | 167 | 87.9 | 13 | 6.8 | 6 | 3.2 | 4 | 2.1 |
| Robbery | 3 | 3 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Drugs - Trafficking | 76 | 69 | 90.8 | 6 | 7.9 | 1 | 1.3 | 0 | 0.0 |
| Drugs - Simple Possession | 1 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Firearms | 25 | 24 | 96.0 | 0 | 0.0 | 0 | 0.0 | 1 | 4.0 |
| Larceny | 8 | 7 | 87.5 | 0 | 0.0 | 1 | 12.5 | 0 | 0.0 |
| Fraud | 30 | 25 | 83.3 | 4 | 13.3 | 1 | 3.3 | 0 | 0.0 |
| Embezzlement | 2 | 2 | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Forgery/Counterfeiting | 1 | 0 | 0.0 | 1 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| Immigration | 0 | 0 | -- | 0 | -- | 0 | -- | 0 | -- |
| Other Miscellaneous Offenses | 44 | 36 | 81.8 | 2 | 4.5 | 3 | 6.8 | 3 | 6.8 |

Of the 38,500 guideline cases, 1,632 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (1,525) or missing primary offense category (123).

Of the 195 guideline cases from the District of West Virginia, Southern, five cases were excluded due to missing or indeterminable departure information.

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