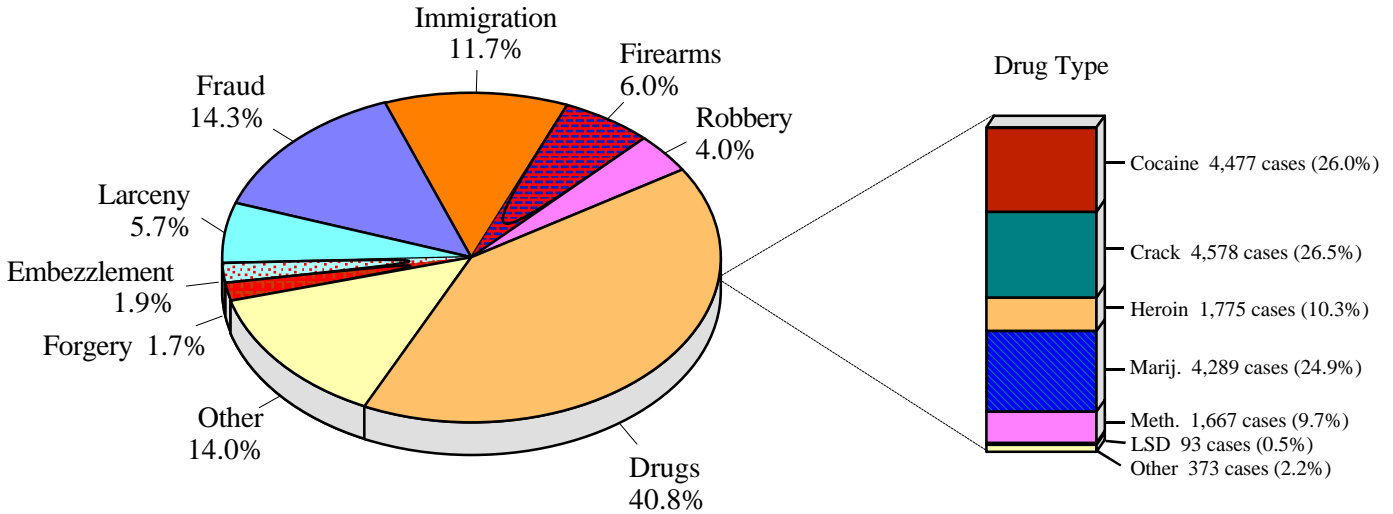


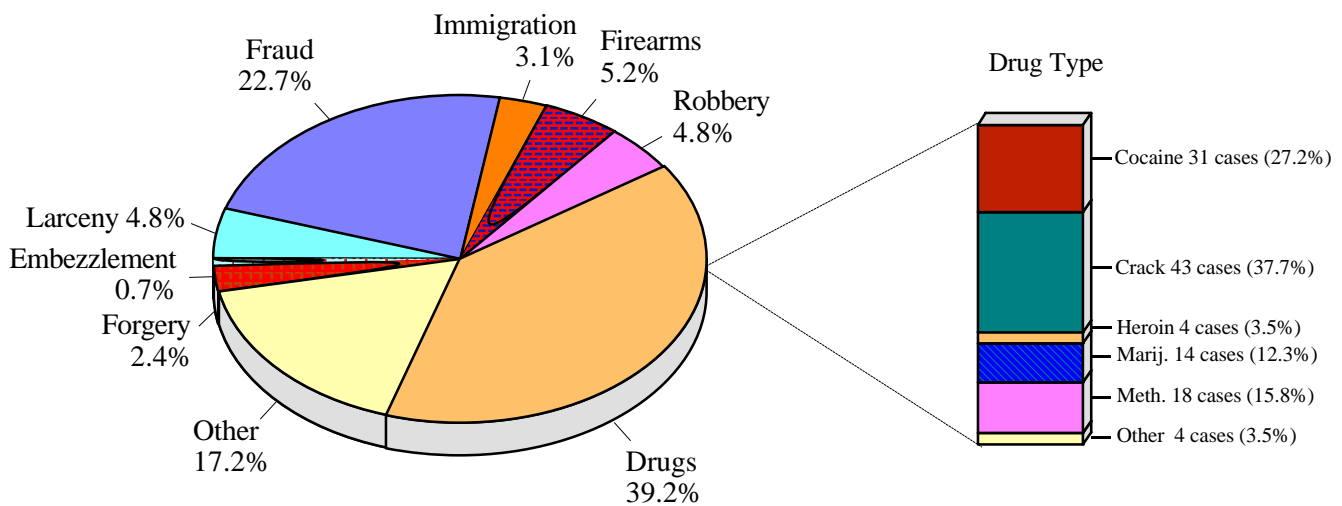
**Figure A**

**GUIDELINE DEFENDANTS SENTENCED BY PRIMARY OFFENSE CATEGORY <sup>1</sup>  
(October 1, 1995, through September 30, 1996)**

**National**



**Minnesota**



<sup>1</sup>Of the 42,436 guideline cases, 75 cases with missing primary offense category were excluded. Of the 17,261 drug cases (including trafficking, use of a communication facility, and simple possession), nine cases with missing drug type were excluded from the bar chart.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MON96.

**Table 1**

**DISTRIBUTION OF GUIDELINE DEFENDANTS SENTENCED  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE                    | National      |              | Minnesota  |              |
|------------------------------------|---------------|--------------|------------|--------------|
|                                    | Number        | Percent      | Number     | Percent      |
| <b>TOTAL</b>                       | <b>42,362</b> | <b>100.0</b> | <b>291</b> | <b>100.0</b> |
| Murder                             | 89            | 0.2          | 0          | 0.0          |
| Manslaughter                       | 53            | 0.1          | 2          | 0.7          |
| Kidnapping/Hostage Taking          | 85            | 0.2          | 0          | 0.0          |
| Sexual Abuse                       | 171           | 0.4          | 2          | 0.7          |
| Assault                            | 456           | 1.1          | 2          | 0.7          |
| Robbery                            | 1,674         | 4.0          | 14         | 4.8          |
| Arson                              | 105           | 0.2          | 1          | 0.3          |
| Drugs - Trafficking                | 16,251        | 38.4         | 105        | 36.1         |
| Drugs - Communication Facility     | 395           | 0.9          | 7          | 2.4          |
| Drugs - Simple Possession          | 615           | 1.5          | 2          | 0.7          |
| Firearms                           | 2,546         | 6.0          | 15         | 5.2          |
| Burglary/B&E                       | 87            | 0.2          | 4          | 1.4          |
| Auto Theft                         | 127           | 0.3          | 0          | 0.0          |
| Larceny                            | 2,431         | 5.7          | 14         | 4.8          |
| Fraud                              | 6,028         | 14.2         | 66         | 22.7         |
| Embezzlement                       | 787           | 1.9          | 2          | 0.7          |
| Forgery/Counterfeiting             | 730           | 1.7          | 7          | 2.4          |
| Bribery                            | 256           | 0.6          | 6          | 2.1          |
| Tax                                | 851           | 2.0          | 12         | 4.1          |
| Money Laundering                   | 827           | 2.0          | 2          | 0.7          |
| Racketeering/Extortion             | 548           | 1.3          | 0          | 0.0          |
| Gambling/Lottery                   | 138           | 0.3          | 0          | 0.0          |
| Civil Rights                       | 109           | 0.3          | 0          | 0.0          |
| Immigration                        | 4,931         | 11.6         | 9          | 3.1          |
| Pornography/Prostitution           | 191           | 0.5          | 1          | 0.3          |
| Prison Offenses                    | 339           | 0.8          | 5          | 1.7          |
| Administration of Justice Offenses | 755           | 1.8          | 2          | 0.7          |
| Environmental/Wildlife             | 130           | 0.3          | 0          | 0.0          |
| National Defense                   | 24            | 0.1          | 0          | 0.0          |
| Antitrust                          | 15            | 0.0          | 4          | 1.4          |
| Food & Drug                        | 44            | 0.1          | 0          | 0.0          |
| Other Miscellaneous Offenses       | 574           | 1.4          | 7          | 2.4          |

Of the 42,436 guideline cases, 74 cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 2

MODE OF CONVICTION BY CIRCUIT AND DISTRICT  
(October 1, 1995, through September 30, 1996)

| CIRCUIT<br>District   | TOTAL         | PLEA          |             | TRIAL        |            |
|-----------------------|---------------|---------------|-------------|--------------|------------|
|                       |               | Number        | Percent     | Number       | Percent    |
| <b>TOTAL</b>          | <b>42,398</b> | <b>38,869</b> | <b>91.7</b> | <b>3,529</b> | <b>8.3</b> |
| <b>D.C. CIRCUIT</b>   | 378           | 346           | 91.5        | 32           | 8.5        |
| District of Columbia  | 378           | 346           | 91.5        | 32           | 8.5        |
| <b>FIRST CIRCUIT</b>  | 1,461         | 1,328         | 90.9        | 133          | 9.1        |
| Maine                 | 146           | 133           | 91.1        | 13           | 8.9        |
| Massachusetts         | 461           | 422           | 91.5        | 39           | 8.5        |
| New Hampshire         | 147           | 133           | 90.5        | 14           | 9.5        |
| Puerto Rico           | 599           | 550           | 91.8        | 49           | 8.2        |
| Rhode Island          | 108           | 90            | 83.3        | 18           | 16.7       |
| <b>SECOND CIRCUIT</b> | 3,832         | 3,551         | 92.7        | 281          | 7.3        |
| Connecticut           | 258           | 230           | 89.1        | 28           | 10.9       |
| New York              |               |               |             |              |            |
| Eastern               | 1,498         | 1,401         | 93.5        | 97           | 6.5        |
| Northern              | 433           | 409           | 94.5        | 24           | 5.5        |
| Southern              | 1,196         | 1,091         | 91.2        | 105          | 8.8        |
| Western               | 354           | 334           | 94.4        | 20           | 5.6        |
| Vermont               | 93            | 86            | 92.5        | 7            | 7.5        |
| <b>THIRD CIRCUIT</b>  | 2,375         | 2,161         | 91.0        | 214          | 9.0        |
| Delaware              | 94            | 83            | 88.3        | 11           | 11.7       |
| New Jersey            | 727           | 669           | 92.0        | 58           | 8.0        |
| Pennsylvania          |               |               |             |              |            |
| Eastern               | 817           | 740           | 90.6        | 77           | 9.4        |
| Middle                | 362           | 338           | 93.4        | 24           | 6.6        |
| Western               | 282           | 253           | 89.7        | 29           | 10.3       |
| Virgin Islands        | 93            | 78            | 83.9        | 15           | 16.1       |
| <b>FOURTH CIRCUIT</b> | 4,127         | 3,697         | 89.6        | 430          | 10.4       |
| Maryland              | 358           | 302           | 84.4        | 56           | 15.6       |
| North Carolina        |               |               |             |              |            |
| Eastern               | 537           | 494           | 92.0        | 43           | 8.0        |
| Middle                | 367           | 321           | 87.5        | 46           | 12.5       |
| Western               | 553           | 500           | 90.4        | 53           | 9.6        |
| South Carolina        | 728           | 692           | 95.1        | 36           | 4.9        |
| Virginia              |               |               |             |              |            |
| Eastern               | 869           | 746           | 85.8        | 123          | 14.2       |
| Western               | 318           | 281           | 88.4        | 37           | 11.6       |
| West Virginia         |               |               |             |              |            |
| Northern              | 152           | 134           | 88.2        | 18           | 11.8       |
| Southern              | 245           | 227           | 92.7        | 18           | 7.3        |

| CIRCUIT<br>District    | TOTAL | PLEA   |         | TRIAL  |         |
|------------------------|-------|--------|---------|--------|---------|
|                        |       | Number | Percent | Number | Percent |
| <b>FIFTH CIRCUIT</b>   | 6,582 | 6,075  | 92.3    | 507    | 7.7     |
| Louisiana              |       |        |         |        |         |
| Eastern                | 395   | 389    | 98.5    | 6      | 1.5     |
| Middle                 | 82    | 78     | 95.1    | 4      | 4.9     |
| Western                | 237   | 219    | 92.4    | 18     | 7.6     |
| Mississippi            |       |        |         |        |         |
| Northern               | 153   | 138    | 90.2    | 15     | 9.8     |
| Southern               | 206   | 187    | 90.8    | 19     | 9.2     |
| Texas                  |       |        |         |        |         |
| Eastern                | 522   | 464    | 88.9    | 58     | 11.1    |
| Northern               | 980   | 877    | 89.5    | 103    | 10.5    |
| Southern               | 2,068 | 1,872  | 90.5    | 196    | 9.5     |
| Western                | 1,939 | 1,851  | 95.5    | 88     | 4.5     |
| <b>SIXTH CIRCUIT</b>   | 3,511 | 3,230  | 92.0    | 281    | 8.0     |
| Kentucky               |       |        |         |        |         |
| Eastern                | 307   | 280    | 91.2    | 27     | 8.8     |
| Western                | 343   | 305    | 88.9    | 38     | 11.1    |
| Michigan               |       |        |         |        |         |
| Eastern                | 804   | 740    | 92.0    | 64     | 8.0     |
| Western                | 308   | 280    | 90.9    | 28     | 9.1     |
| Ohio                   |       |        |         |        |         |
| Northern               | 547   | 516    | 94.3    | 31     | 5.7     |
| Southern               | 371   | 355    | 95.7    | 16     | 4.3     |
| Tennessee              |       |        |         |        |         |
| Eastern                | 343   | 308    | 89.8    | 35     | 10.2    |
| Middle                 | 142   | 125    | 88.0    | 17     | 12.0    |
| Western                | 346   | 321    | 92.8    | 25     | 7.2     |
| <b>SEVENTH CIRCUIT</b> | 2,036 | 1,850  | 90.9    | 186    | 9.1     |
| Illinois               |       |        |         |        |         |
| Central                | 249   | 219    | 88.0    | 30     | 12.0    |
| Northern               | 611   | 552    | 90.3    | 59     | 9.7     |
| Southern               | 353   | 317    | 89.8    | 36     | 10.2    |
| Indiana                |       |        |         |        |         |
| Northern               | 250   | 223    | 89.2    | 27     | 10.8    |
| Southern               | 220   | 206    | 93.6    | 14     | 6.4     |
| Wisconsin              |       |        |         |        |         |
| Eastern                | 252   | 236    | 93.7    | 16     | 6.3     |
| Western                | 101   | 97     | 96.0    | 4      | 4.0     |
| <b>EIGHTH CIRCUIT</b>  | 2,631 | 2,374  | 90.2    | 257    | 9.8     |
| Arkansas               |       |        |         |        |         |
| Eastern                | 252   | 229    | 90.9    | 23     | 9.1     |
| Western                | 119   | 107    | 89.9    | 12     | 10.1    |
| Iowa                   |       |        |         |        |         |
| Northern               | 165   | 154    | 93.3    | 11     | 6.7     |
| Southern               | 220   | 200    | 90.9    | 20     | 9.1     |
| Minnesota              | 290   | 254    | 87.6    | 36     | 12.4    |
| Missouri               |       |        |         |        |         |
| Eastern                | 447   | 393    | 87.9    | 54     | 12.1    |
| Western                | 396   | 350    | 88.4    | 46     | 11.6    |
| Nebraska               | 263   | 247    | 93.9    | 16     | 6.1     |
| North Dakota           | 163   | 161    | 98.8    | 2      | 1.2     |
| South Dakota           | 316   | 279    | 88.3    | 37     | 11.7    |

| CIRCUIT<br>District      | TOTAL | PLEA   |         | TRIAL  |         |
|--------------------------|-------|--------|---------|--------|---------|
|                          |       | Number | Percent | Number | Percent |
| <b>NINTH CIRCUIT</b>     | 8,410 | 8,059  | 95.8    | 351    | 4.2     |
| Alaska                   | 86    | 78     | 90.7    | 8      | 9.3     |
| Arizona                  | 1,348 | 1,325  | 98.3    | 23     | 1.7     |
| California               |       |        |         |        |         |
| Central                  | 1,295 | 1,264  | 97.6    | 31     | 2.4     |
| Eastern                  | 701   | 657    | 93.7    | 44     | 6.3     |
| Northern                 | 591   | 552    | 93.4    | 39     | 6.6     |
| Southern                 | 2,149 | 2,088  | 97.2    | 61     | 2.8     |
| Guam                     | 81    | 65     | 80.2    | 16     | 19.8    |
| Hawaii                   | 303   | 284    | 93.7    | 19     | 6.3     |
| Idaho                    | 94    | 87     | 92.6    | 7      | 7.4     |
| Montana                  | 191   | 177    | 92.7    | 14     | 7.3     |
| Nevada                   | 363   | 337    | 92.8    | 26     | 7.2     |
| Northern Mariana Islands | 15    | 14     | 93.3    | 1      | 6.7     |
| Oregon                   | 544   | 525    | 96.5    | 19     | 3.5     |
| Washington               |       |        |         |        |         |
| Eastern                  | 205   | 194    | 94.6    | 11     | 5.4     |
| Western                  | 444   | 412    | 92.8    | 32     | 7.2     |
| <b>TENTH CIRCUIT</b>     | 2,075 | 1,909  | 92.0    | 166    | 8.0     |
| Colorado                 | 394   | 374    | 94.9    | 20     | 5.1     |
| Kansas                   | 282   | 245    | 86.9    | 37     | 13.1    |
| New Mexico               | 622   | 583    | 93.7    | 39     | 6.3     |
| Oklahoma                 |       |        |         |        |         |
| Eastern                  | 68    | 59     | 86.8    | 9      | 13.2    |
| Northern                 | 176   | 162    | 92.0    | 14     | 8.0     |
| Western                  | 195   | 162    | 83.1    | 33     | 16.9    |
| Utah                     | 238   | 229    | 96.2    | 9      | 3.8     |
| Wyoming                  | 100   | 95     | 95.0    | 5      | 5.0     |
| <b>ELEVENTH CIRCUIT</b>  | 4,980 | 4,289  | 86.1    | 691    | 13.9    |
| Alabama                  |       |        |         |        |         |
| Middle                   | 154   | 129    | 83.8    | 25     | 16.2    |
| Northern                 | 366   | 304    | 83.1    | 62     | 16.9    |
| Southern                 | 377   | 333    | 88.3    | 44     | 11.7    |
| Florida                  |       |        |         |        |         |
| Middle                   | 1,117 | 958    | 85.8    | 159    | 14.2    |
| Northern                 | 325   | 250    | 76.9    | 75     | 23.1    |
| Southern                 | 1,581 | 1,371  | 86.7    | 210    | 13.3    |
| Georgia                  |       |        |         |        |         |
| Middle                   | 255   | 230    | 90.2    | 25     | 9.8     |
| Northern                 | 619   | 549    | 88.7    | 70     | 11.3    |
| Southern                 | 186   | 165    | 88.7    | 21     | 11.3    |

Of the 42,436 guideline cases, 38 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

**Table 3**

**MODE OF CONVICTION BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE                    | TOTAL         | National      |             |              |            | Minnesota  |             |           |             |
|------------------------------------|---------------|---------------|-------------|--------------|------------|------------|-------------|-----------|-------------|
|                                    |               | PLEA          |             | TRIAL        |            | PLEA       |             | TRIAL     |             |
|                                    |               | n             | %           | n            | %          | n          | %           | n         | %           |
| <b>TOTAL</b>                       | <b>42,327</b> | <b>38,800</b> | <b>91.7</b> | <b>3,527</b> | <b>8.3</b> | <b>254</b> | <b>87.6</b> | <b>36</b> | <b>12.4</b> |
| Murder                             | 88            | 59            | 67.0        | 29           | 33.0       | 0          | --          | 0         | --          |
| Manslaughter                       | 53            | 49            | 92.5        | 4            | 7.5        | 2          | 100.0       | 0         | 0.0         |
| Kidnapping/Hostage Taking          | 85            | 64            | 75.3        | 21           | 24.7       | 0          | --          | 0         | --          |
| Sexual Abuse                       | 171           | 148           | 86.5        | 23           | 13.5       | 2          | 100.0       | 0         | 0.0         |
| Assault                            | 456           | 388           | 85.1        | 68           | 14.9       | 1          | 50.0        | 1         | 50.0        |
| Robbery                            | 1,671         | 1,494         | 89.4        | 177          | 10.6       | 13         | 92.9        | 1         | 7.1         |
| Arson                              | 105           | 73            | 69.5        | 32           | 30.5       | 1          | 100.0       | 0         | 0.0         |
| Drugs - Trafficking                | 16,233        | 14,554        | 89.7        | 1,679        | 10.3       | 92         | 87.6        | 13        | 12.4        |
| Drugs - Communication Facility     | 395           | 390           | 98.7        | 5            | 1.3        | 7          | 100.0       | 0         | 0.0         |
| Drugs - Simple Possession          | 615           | 597           | 97.1        | 18           | 2.9        | 2          | 100.0       | 0         | 0.0         |
| Firearms                           | 2,544         | 2,206         | 86.7        | 338          | 13.3       | 8          | 53.3        | 7         | 46.7        |
| Burglary/B&E                       | 87            | 82            | 94.3        | 5            | 5.7        | 4          | 100.0       | 0         | 0.0         |
| Auto Theft                         | 127           | 117           | 92.1        | 10           | 7.9        | 0          | --          | 0         | --          |
| Larceny                            | 2,429         | 2,319         | 95.5        | 110          | 4.5        | 13         | 92.9        | 1         | 7.1         |
| Fraud                              | 6,024         | 5,607         | 93.1        | 417          | 6.9        | 60         | 92.3        | 5         | 7.7         |
| Embezzlement                       | 787           | 766           | 97.3        | 21           | 2.7        | 2          | 100.0       | 0         | 0.0         |
| Forgery/Counterfeiting             | 730           | 709           | 97.1        | 21           | 2.9        | 7          | 100.0       | 0         | 0.0         |
| Bribery                            | 256           | 230           | 89.8        | 26           | 10.2       | 5          | 83.3        | 1         | 16.7        |
| Tax                                | 850           | 791           | 93.1        | 59           | 6.9        | 9          | 75.0        | 3         | 25.0        |
| Money Laundering                   | 827           | 727           | 87.9        | 100          | 12.1       | 2          | 100.0       | 0         | 0.0         |
| Racketeering/Extortion             | 548           | 474           | 86.5        | 74           | 13.5       | 0          | --          | 0         | --          |
| Gambling/Lottery                   | 138           | 133           | 96.4        | 5            | 3.6        | 0          | --          | 0         | --          |
| Civil Rights                       | 109           | 92            | 84.4        | 17           | 15.6       | 0          | --          | 0         | --          |
| Immigration                        | 4,931         | 4,829         | 97.9        | 102          | 2.1        | 9          | 100.0       | 0         | 0.0         |
| Pornography/Prostitution           | 190           | 174           | 91.6        | 16           | 8.4        | 0          | 0.0         | 1         | 100.0       |
| Prison Offenses                    | 339           | 309           | 91.2        | 30           | 8.8        | 4          | 80.0        | 1         | 20.0        |
| Administration of Justice Offenses | 753           | 692           | 91.9        | 61           | 8.1        | 2          | 100.0       | 0         | 0.0         |
| Environmental/Wildlife             | 130           | 121           | 93.1        | 9            | 6.9        | 0          | --          | 0         | --          |
| National Defense                   | 24            | 22            | 91.7        | 2            | 8.3        | 0          | --          | 0         | --          |
| Antitrust                          | 15            | 15            | 100.0       | 0            | 0.0        | 4          | 100.0       | 0         | 0.0         |
| Food & Drug                        | 44            | 41            | 93.2        | 3            | 6.8        | 0          | --          | 0         | --          |
| Other Miscellaneous Offenses       | 573           | 528           | 92.1        | 45           | 7.9        | 5          | 71.4        | 2         | 28.6        |

Of the 42,436 guideline cases, 109 cases were excluded due to one or both of the following reasons: missing primary offense category (74) or missing mode of conviction (38). Of the 291 guideline cases from the District of Minnesota, one case was excluded due to missing mode of conviction.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
(October 1, 1995, through September 30, 1996)

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>41,969</b> | <b>32,009</b> | <b>76.3</b> | <b>1,912</b>                    | <b>4.6</b> | <b>3,041</b>              | <b>7.2</b> | <b>5,007</b>   | <b>11.9</b> |
| Murder                             | 88            | 85            | 96.6        | 3                               | 3.4        | 0                         | 0.0        | 0              | 0.0         |
| Manslaughter                       | 53            | 45            | 84.9        | 3                               | 5.7        | 2                         | 3.8        | 3              | 5.7         |
| Kidnapping/Hostage Taking          | 84            | 81            | 96.4        | 3                               | 3.6        | 0                         | 0.0        | 0              | 0.0         |
| Sexual Abuse                       | 170           | 150           | 88.2        | 3                               | 1.8        | 8                         | 4.7        | 9              | 5.3         |
| Assault                            | 449           | 341           | 75.9        | 17                              | 3.8        | 28                        | 6.2        | 63             | 14.0        |
| Robbery                            | 1,662         | 1,574         | 94.7        | 67                              | 4.0        | 14                        | 0.8        | 7              | 0.4         |
| Arson                              | 105           | 90            | 85.7        | 4                               | 3.8        | 9                         | 8.6        | 2              | 1.9         |
| Drugs - Trafficking                | 16,145        | 15,051        | 93.2        | 320                             | 2.0        | 329                       | 2.0        | 445            | 2.8         |
| Drugs - Communication Facility     | 392           | 320           | 81.6        | 18                              | 4.6        | 34                        | 8.7        | 20             | 5.1         |
| Drugs - Simple Possession          | 598           | 281           | 47.0        | 10                              | 1.7        | 38                        | 6.4        | 269            | 45.0        |
| Firearms                           | 2,531         | 2,199         | 86.9        | 102                             | 4.0        | 111                       | 4.4        | 119            | 4.7         |
| Burglary/B&E                       | 87            | 70            | 80.5        | 6                               | 6.9        | 6                         | 6.9        | 5              | 5.7         |
| Auto Theft                         | 124           | 91            | 73.4        | 5                               | 4.0        | 10                        | 8.1        | 18             | 14.5        |
| Larceny                            | 2,381         | 801           | 33.6        | 150                             | 6.3        | 460                       | 19.3       | 970            | 40.7        |
| Fraud                              | 5,983         | 3,149         | 52.6        | 672                             | 11.2       | 967                       | 16.2       | 1,195          | 20.0        |
| Embezzlement                       | 764           | 296           | 38.7        | 165                             | 21.6       | 98                        | 12.8       | 205            | 26.8        |
| Forgery/Counterfeiting             | 725           | 396           | 54.6        | 46                              | 6.3        | 119                       | 16.4       | 164            | 22.6        |
| Bribery                            | 254           | 124           | 48.8        | 12                              | 4.7        | 53                        | 20.9       | 65             | 25.6        |
| Tax                                | 828           | 254           | 30.7        | 77                              | 9.3        | 242                       | 29.2       | 255            | 30.8        |
| Money Laundering                   | 823           | 592           | 71.9        | 28                              | 3.4        | 76                        | 9.2        | 127            | 15.4        |
| Racketeering/Extortion             | 545           | 488           | 89.5        | 9                               | 1.7        | 21                        | 3.9        | 27             | 5.0         |
| Gambling/Lottery                   | 136           | 33            | 24.3        | 10                              | 7.4        | 37                        | 27.2       | 56             | 41.2        |
| Civil Rights                       | 109           | 78            | 71.6        | 5                               | 4.6        | 10                        | 9.2        | 16             | 14.7        |
| Immigration                        | 4,883         | 4,300         | 88.1        | 55                              | 1.1        | 117                       | 2.4        | 411            | 8.4         |
| Pornography/Prostitution           | 191           | 146           | 76.4        | 11                              | 5.8        | 14                        | 7.3        | 20             | 10.5        |
| Prison Offenses                    | 339           | 297           | 87.6        | 26                              | 7.7        | 4                         | 1.2        | 12             | 3.5         |
| Administration of Justice Offenses | 753           | 435           | 57.8        | 39                              | 5.2        | 94                        | 12.5       | 185            | 24.6        |
| Environmental/Wildlife             | 125           | 26            | 20.8        | 14                              | 11.2       | 28                        | 22.4       | 57             | 45.6        |
| National Defense                   | 22            | 11            | 50.0        | 2                               | 9.1        | 2                         | 9.1        | 7              | 31.8        |
| Antitrust                          | 13            | 3             | 23.1        | 0                               | 0.0        | 4                         | 30.8       | 6              | 46.2        |
| Food & Drug                        | 42            | 9             | 21.4        | 1                               | 2.4        | 8                         | 19.0       | 24             | 57.1        |
| Other Miscellaneous Offenses       | 565           | 193           | 34.2        | 29                              | 5.1        | 98                        | 17.3       | 245            | 43.4        |

Of the 42,436 guideline cases, 467 cases were excluded due to one or more of the following reasons: missing sentencing information (229), missing primary offense category (74), or cases in which defendant received no imprisonment or probation (166).

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
(October 1, 1995, through September 30, 1996)

Minnesota

| 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>291</b> | <b>215</b> | <b>73.9</b> | <b>22</b>                       | <b>7.6</b> | <b>32</b>                 | <b>11.0</b> | <b>22</b>      | <b>7.6</b> |
| Murder                             | 0          | 0          | --          | 0                               | --         | 0                         | --          | 0              | --         |
| Manslaughter                       | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Kidnapping/Hostage Taking          | 0          | 0          | --          | 0                               | --         | 0                         | --          | 0              | --         |
| Sexual Abuse                       | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Assault                            | 2          | 2          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Robbery                            | 14         | 14         | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Arson                              | 1          | 1          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Drugs - Trafficking                | 105        | 100        | 95.2        | 2                               | 1.9        | 2                         | 1.9         | 1              | 1.0        |
| Drugs - Communication Facility     | 7          | 6          | 85.7        | 1                               | 14.3       | 0                         | 0.0         | 0              | 0.0        |
| Drugs - Simple Possession          | 2          | 0          | 0.0         | 0                               | 0.0        | 1                         | 50.0        | 1              | 50.0       |
| Firearms                           | 15         | 15         | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Burglary/B&E                       | 4          | 4          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Auto Theft                         | 0          | 0          | --          | 0                               | --         | 0                         | --          | 0              | --         |
| Larceny                            | 14         | 7          | 50.0        | 4                               | 28.6       | 3                         | 21.4        | 0              | 0.0        |
| Fraud                              | 66         | 31         | 47.0        | 9                               | 13.6       | 16                        | 24.2        | 10             | 15.2       |
| Embezzlement                       | 2          | 0          | 0.0         | 2                               | 100.0      | 0                         | 0.0         | 0              | 0.0        |
| Forgery/Counterfeiting             | 7          | 2          | 28.6        | 0                               | 0.0        | 5                         | 71.4        | 0              | 0.0        |
| Bribery                            | 6          | 3          | 50.0        | 1                               | 16.7       | 1                         | 16.7        | 1              | 16.7       |
| Tax                                | 12         | 5          | 41.7        | 3                               | 25.0       | 2                         | 16.7        | 2              | 16.7       |
| Money Laundering                   | 2          | 2          | 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                       | 0          | 0          | --          | 0                               | --         | 0                         | --          | 0              | --         |
| Immigration                        | 9          | 9          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Pornography/Prostitution           | 1          | 1          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Prison Offenses                    | 5          | 5          | 100.0       | 0                               | 0.0        | 0                         | 0.0         | 0              | 0.0        |
| Administration of Justice Offenses | 2          | 1          | 50.0        | 0                               | 0.0        | 1                         | 50.0        | 0              | 0.0        |
| Environmental/Wildlife             | 0          | 0          | --          | 0                               | --         | 0                         | --          | 0              | --         |
| National Defense                   | 0          | 0          | --          | 0                               | --         | 0                         | --          | 0              | --         |
| Antitrust                          | 4          | 0          | 0.0         | 0                               | 0.0        | 1                         | 25.0        | 3              | 75.0       |
| Food & Drug                        | 0          | 0          | --          | 0                               | --         | 0                         | --          | 0              | --         |
| Other Miscellaneous Offenses       | 7          | 3          | 42.9        | 0                               | 0.0        | 0                         | 0.0         | 4              | 57.1       |

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.



**Table 6**

**INCARCERATION RATE OF DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE                     | National        |             |                     |             | Minnesota       |             |                     |             |
|-------------------------------------|-----------------|-------------|---------------------|-------------|-----------------|-------------|---------------------|-------------|
|                                     | Prison Sentence |             | Non-Prison Sentence |             | Prison Sentence |             | Non-Prison Sentence |             |
|                                     | n               | %           | n                   | %           | n               | %           | n                   | %           |
| <b>TOTAL</b>                        | <b>3,378</b>    | <b>38.1</b> | <b>5,486</b>        | <b>61.9</b> | <b>9</b>        | <b>20.0</b> | <b>36</b>           | <b>80.0</b> |
| <b>Fraud</b>                        | 705             | 32.4        | 1,470               | 67.6        | 2               | 11.1        | 16                  | 88.9        |
| <b>Larceny</b>                      | 286             | 19.0        | 1,223               | 81.0        | 3               | 50.0        | 3                   | 50.0        |
| <b>Immigration</b>                  | 1,344           | 73.5        | 485                 | 26.5        | 3               | 100.0       | 0                   | 0.0         |
| <b>Embezzlement</b>                 | 180             | 42.4        | 245                 | 57.6        | 0               | --          | 0                   | --          |
| <b>Drugs - Trafficking</b>          | 142             | 42.4        | 193                 | 57.6        | 0               | --          | 0                   | --          |
| <b>Drugs - Simple Possession</b>    | 150             | 41.7        | 210                 | 58.3        | 0               | 0.0         | 2                   | 100.0       |
| <b>Firearms</b>                     | 52              | 38.8        | 82                  | 61.2        | 0               | --          | 0                   | --          |
| <b>Forgery/Counterfeiting</b>       | 119             | 34.8        | 223                 | 65.2        | 0               | 0.0         | 4                   | 100.0       |
| <b>Other Miscellaneous Offenses</b> | 400             | 22.8        | 1,355               | 77.2        | 1               | 8.3         | 11                  | 91.7        |

Of the 42,436 guideline cases, 33,572 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison alternatives (33,516), missing sentencing information (229), or missing primary offense category (74).

Of the 291 guideline cases from the District of Minnesota, 246 cases were excluded due to defendant ineligibility for non-prison alternatives.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

**Table 7**

**AVERAGE LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

| PRIMARY OFFENSE                           | National       |                  |               | Minnesota      |                  |            |
|-------------------------------------------|----------------|------------------|---------------|----------------|------------------|------------|
|                                           | Mean<br>Months | Median<br>Months | Number        | Mean<br>Months | Median<br>Months | Number     |
| <b>TOTAL</b>                              | <b>62.3</b>    | <b>33.0</b>      | <b>33,821</b> | <b>59.1</b>    | <b>30.0</b>      | <b>237</b> |
| <b>Murder</b>                             | 295.6          | 267.0            | 88            | --             | --               | 0          |
| <b>Manslaughter</b>                       | 29.5           | 18.0             | 48            | 11.0           | --               | 2          |
| <b>Kidnapping/Hostage Taking</b>          | 180.0          | 99.5             | 84            | --             | --               | 0          |
| <b>Sexual Abuse</b>                       | 74.3           | 48.0             | 153           | 92.0           | --               | 2          |
| <b>Assault</b>                            | 42.2           | 27.0             | 355           | 9.0            | --               | 2          |
| <b>Robbery</b>                            | 112.0          | 77.0             | 1,641         | 68.2           | 54.0             | 14         |
| <b>Arson</b>                              | 107.5          | 57.0             | 94            | 30.0           | --               | 1          |
| <b>Drugs - Trafficking</b>                | 86.7           | 60.0             | 15,358        | 86.3           | 58.5             | 102        |
| <b>Drugs - Communication Facility</b>     | 40.1           | 48.0             | 338           | 26.4           | 30.0             | 7          |
| <b>Drugs - Simple Possession</b>          | 11.8           | 6.0              | 290           | --             | --               | 0          |
| <b>Firearms</b>                           | 81.8           | 48.0             | 2,300         | 125.7          | 120.0            | 15         |
| <b>Burglary/B&amp;E</b>                   | 28.2           | 20.0             | 76            | 24.3           | 24.0             | 4          |
| <b>Auto Theft</b>                         | 26.1           | 18.0             | 95            | --             | --               | 0          |
| <b>Larceny</b>                            | 14.0           | 10.0             | 950           | 11.5           | 9.0              | 11         |
| <b>Fraud</b>                              | 18.7           | 13.0             | 3,807         | 25.2           | 12.0             | 40         |
| <b>Embezzlement</b>                       | 7.8            | 5.0              | 459           | 4.0            | --               | 2          |
| <b>Forgery/Counterfeiting</b>             | 15.2           | 12.0             | 441           | 22.0           | --               | 2          |
| <b>Bribery</b>                            | 22.0           | 15.0             | 136           | 25.0           | 19.5             | 4          |
| <b>Tax</b>                                | 17.5           | 12.0             | 331           | 30.3           | 12.0             | 8          |
| <b>Money Laundering</b>                   | 43.8           | 30.0             | 611           | 15.0           | --               | 2          |
| <b>Racketeering/Extortion</b>             | 98.9           | 60.0             | 495           | --             | --               | 0          |
| <b>Gambling/Lottery</b>                   | 12.8           | 12.0             | 43            | --             | --               | 0          |
| <b>Civil Rights</b>                       | 47.8           | 27.0             | 83            | --             | --               | 0          |
| <b>Immigration</b>                        | 20.6           | 18.0             | 4,312         | 10.1           | 8.0              | 9          |
| <b>Pornography/Prostitution</b>           | 34.6           | 16.0             | 157           | 24.0           | --               | 1          |
| <b>Prison Offenses</b>                    | 24.8           | 18.0             | 321           | 10.6           | 12.0             | 5          |
| <b>Administration of Justice Offenses</b> | 23.1           | 15.0             | 470           | 14.0           | --               | 1          |
| <b>Environmental/Wildlife</b>             | 10.3           | 6.0              | 40            | --             | --               | 0          |
| <b>National Defense</b>                   | 22.8           | 24.0             | 13            | --             | --               | 0          |
| <b>Antitrust</b>                          | 5.3            | 7.0              | 3             | --             | --               | 0          |
| <b>Food &amp; Drug</b>                    | 20.9           | 15.0             | 10            | --             | --               | 0          |
| <b>Other Miscellaneous Offenses</b>       | 20.0           | 10.0             | 219           | 32.3           | 37.0             | 3          |

Of the 42,436 guideline cases, 8,615 cases with zero months prison ordered were excluded. In addition, 370 cases were excluded due to one or both of the following reasons: missing primary offense category (74) or missing or indeterminable sentencing information (330).

Of the 291 guideline cases from the District of Minnesota, 54 cases with zero months prison ordered were excluded.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.

Table 8

**GUIDELINE DEPARTURE RATE BY CIRCUIT AND DISTRICT  
(October 1, 1996, through September 30, 1996)**

| CIRCUIT               | TOTAL         | SENTENCED WITHIN GUIDELINE RANGE |             | SUBSTANTIAL ASSISTANCE DEPARTURE |             | OTHER DOWNWARD DEPARTURE |             | UPWARD DEPARTURE |            |
|-----------------------|---------------|----------------------------------|-------------|----------------------------------|-------------|--------------------------|-------------|------------------|------------|
|                       |               | n                                | %           | n                                | %           | n                        | %           | n                | %          |
| <b>TOTAL</b>          | <b>40,879</b> | <b>28,445</b>                    | <b>69.6</b> | <b>7,845</b>                     | <b>19.2</b> | <b>4,201</b>             | <b>10.3</b> | <b>388</b>       | <b>0.9</b> |
| <b>D.C. CIRCUIT</b>   | 371           | 294                              | 79.2        | 50                               | 13.5        | 22                       | 5.9         | 5                | 1.3        |
| District of Columbia  | 371           | 294                              | 79.2        | 50                               | 13.5        | 22                       | 5.9         | 5                | 1.3        |
| <b>FIRST CIRCUIT</b>  | 1,434         | 1,040                            | 72.5        | 276                              | 19.2        | 105                      | 7.3         | 13               | 0.9        |
| Maine                 | 145           | 109                              | 75.2        | 28                               | 19.3        | 7                        | 4.8         | 1                | 0.7        |
| Massachusetts         | 450           | 278                              | 61.8        | 115                              | 25.6        | 53                       | 11.8        | 4                | 0.9        |
| New Hampshire         | 145           | 74                               | 51.0        | 63                               | 43.4        | 6                        | 4.1         | 2                | 1.4        |
| Puerto Rico           | 586           | 489                              | 83.4        | 65                               | 11.1        | 30                       | 5.1         | 2                | 0.3        |
| Rhode Island          | 108           | 90                               | 83.3        | 5                                | 4.6         | 9                        | 8.3         | 4                | 3.7        |
| <b>SECOND CIRCUIT</b> | 3,433         | 2,221                            | 64.7        | 665                              | 19.4        | 523                      | 15.2        | 24               | 0.7        |
| Connecticut           | 258           | 150                              | 58.1        | 28                               | 10.9        | 75                       | 29.1        | 5                | 1.9        |
| New York              |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 1,175         | 704                              | 59.9        | 244                              | 20.8        | 221                      | 18.8        | 6                | 0.5        |
| Northern              | 430           | 254                              | 59.1        | 124                              | 28.8        | 51                       | 11.9        | 1                | 0.2        |
| Southern              | 1,130         | 814                              | 72.0        | 185                              | 16.4        | 123                      | 10.9        | 8                | 0.7        |
| Western               | 347           | 250                              | 72.0        | 60                               | 17.3        | 35                       | 10.1        | 2                | 0.6        |
| Vermont               | 93            | 49                               | 52.7        | 24                               | 25.8        | 18                       | 19.4        | 2                | 2.2        |
| <b>THIRD CIRCUIT</b>  | 2,357         | 1,384                            | 58.7        | 828                              | 35.1        | 126                      | 5.3         | 19               | 0.8        |
| Delaware              | 93            | 78                               | 83.9        | 14                               | 15.1        | 1                        | 1.1         | 0                | 0.0        |
| New Jersey            | 724           | 454                              | 62.7        | 224                              | 30.9        | 38                       | 5.2         | 8                | 1.1        |
| Pennsylvania          |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 817           | 389                              | 47.6        | 388                              | 47.5        | 32                       | 3.9         | 8                | 1.0        |
| Middle                | 359           | 198                              | 55.2        | 134                              | 37.3        | 26                       | 7.2         | 1                | 0.3        |
| Western               | 273           | 191                              | 70.0        | 55                               | 20.1        | 25                       | 9.2         | 2                | 0.7        |
| Virgin Islands        | 91            | 74                               | 81.3        | 13                               | 14.3        | 4                        | 4.4         | 0                | 0.0        |
| <b>FOURTH CIRCUIT</b> | 3,973         | 2,966                            | 74.7        | 825                              | 20.8        | 154                      | 3.9         | 28               | 0.7        |
| Maryland              | 356           | 245                              | 68.8        | 71                               | 19.9        | 39                       | 11.0        | 1                | 0.3        |
| North Carolina        |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 521           | 358                              | 68.7        | 132                              | 25.3        | 26                       | 5.0         | 5                | 1.0        |
| Middle                | 367           | 266                              | 72.5        | 91                               | 24.8        | 7                        | 1.9         | 3                | 0.8        |
| Western               | 518           | 276                              | 53.3        | 214                              | 41.3        | 20                       | 3.9         | 8                | 1.5        |
| South Carolina        | 704           | 540                              | 76.7        | 150                              | 21.3        | 12                       | 1.7         | 2                | 0.3        |
| Virginia              |               |                                  |             |                                  |             |                          |             |                  |            |
| Eastern               | 803           | 721                              | 89.8        | 58                               | 7.2         | 19                       | 2.4         | 5                | 0.6        |
| Western               | 313           | 224                              | 71.6        | 74                               | 23.6        | 13                       | 4.2         | 2                | 0.6        |
| West Virginia         |               |                                  |             |                                  |             |                          |             |                  |            |
| Northern              | 150           | 129                              | 86.0        | 15                               | 10.0        | 6                        | 4.0         | 0                | 0.0        |
| Southern              | 241           | 207                              | 85.9        | 20                               | 8.3         | 12                       | 5.0         | 2                | 0.8        |

| CIRCUIT                | TOTAL | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                        |       | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>FIFTH CIRCUIT</b>   | 6,516 | 4,595                            | 70.5 | 1,210                            | 18.6 | 635                      | 9.7  | 76               | 1.2 |
| Louisiana              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 393   | 302                              | 76.8 | 65                               | 16.5 | 23                       | 5.9  | 3                | 0.8 |
| Middle                 | 82    | 56                               | 68.3 | 22                               | 26.8 | 1                        | 1.2  | 3                | 3.7 |
| Western                | 231   | 178                              | 77.1 | 33                               | 14.3 | 14                       | 6.1  | 6                | 2.6 |
| Mississippi            |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 154   | 96                               | 62.3 | 45                               | 29.2 | 9                        | 5.8  | 4                | 2.6 |
| Southern               | 202   | 152                              | 75.2 | 33                               | 16.3 | 16                       | 7.9  | 1                | 0.5 |
| Texas                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 520   | 432                              | 83.1 | 56                               | 10.8 | 25                       | 4.8  | 7                | 1.3 |
| Northern               | 972   | 673                              | 69.2 | 229                              | 23.6 | 59                       | 6.1  | 11               | 1.1 |
| Southern               | 2,058 | 1,451                            | 70.5 | 409                              | 19.9 | 181                      | 8.8  | 17               | 0.8 |
| Western                | 1,904 | 1,255                            | 65.9 | 318                              | 16.7 | 307                      | 16.1 | 24               | 1.3 |
| <b>SIXTH CIRCUIT</b>   | 3,442 | 2,472                            | 71.8 | 781                              | 22.7 | 160                      | 4.6  | 29               | 0.8 |
| Kentucky               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 306   | 245                              | 80.1 | 51                               | 16.7 | 9                        | 2.9  | 1                | 0.3 |
| Western                | 323   | 271                              | 83.9 | 32                               | 9.9  | 12                       | 3.7  | 8                | 2.5 |
| Michigan               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 797   | 539                              | 67.6 | 196                              | 24.6 | 56                       | 7.0  | 6                | 0.8 |
| Western                | 304   | 226                              | 74.3 | 68                               | 22.4 | 9                        | 3.0  | 1                | 0.3 |
| Ohio                   |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 544   | 396                              | 72.8 | 107                              | 19.7 | 41                       | 7.5  | 0                | 0.0 |
| Southern               | 365   | 213                              | 58.4 | 138                              | 37.8 | 11                       | 3.0  | 3                | 0.8 |
| Tennessee              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 338   | 227                              | 67.2 | 102                              | 30.2 | 4                        | 1.2  | 5                | 1.5 |
| Middle                 | 127   | 96                               | 75.6 | 24                               | 18.9 | 5                        | 3.9  | 2                | 1.6 |
| Western                | 338   | 259                              | 76.6 | 63                               | 18.6 | 13                       | 3.8  | 3                | 0.9 |
| <b>SEVENTH CIRCUIT</b> | 2,002 | 1,509                            | 75.4 | 369                              | 18.4 | 98                       | 4.9  | 26               | 1.3 |
| Illinois               |       |                                  |      |                                  |      |                          |      |                  |     |
| Central                | 248   | 154                              | 62.1 | 81                               | 32.7 | 7                        | 2.8  | 6                | 2.4 |
| Northern               | 589   | 426                              | 72.3 | 111                              | 18.8 | 45                       | 7.6  | 7                | 1.2 |
| Southern               | 352   | 290                              | 82.4 | 47                               | 13.4 | 11                       | 3.1  | 4                | 1.1 |
| Indiana                |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 248   | 191                              | 77.0 | 46                               | 18.5 | 10                       | 4.0  | 1                | 0.4 |
| Southern               | 215   | 165                              | 76.7 | 35                               | 16.3 | 13                       | 6.0  | 2                | 0.9 |
| Wisconsin              |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 251   | 205                              | 81.7 | 34                               | 13.5 | 10                       | 4.0  | 2                | 0.8 |
| Western                | 99    | 78                               | 78.8 | 15                               | 15.2 | 2                        | 2.0  | 4                | 4.0 |
| <b>EIGHTH CIRCUIT</b>  | 2,612 | 1,795                            | 68.7 | 628                              | 24.0 | 161                      | 6.2  | 28               | 1.1 |
| Arkansas               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 251   | 218                              | 86.9 | 25                               | 10.0 | 8                        | 3.2  | 0                | 0.0 |
| Western                | 118   | 102                              | 86.4 | 11                               | 9.3  | 3                        | 2.5  | 2                | 1.7 |
| Iowa                   |       |                                  |      |                                  |      |                          |      |                  |     |
| Northern               | 164   | 108                              | 65.9 | 41                               | 25.0 | 14                       | 8.5  | 1                | 0.6 |
| Southern               | 219   | 151                              | 68.9 | 46                               | 21.0 | 20                       | 9.1  | 2                | 0.9 |
| Minnesota              | 286   | 167                              | 58.4 | 81                               | 28.3 | 35                       | 12.2 | 3                | 1.0 |
| Missouri               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                | 446   | 309                              | 69.3 | 116                              | 26.0 | 17                       | 3.8  | 4                | 0.9 |
| Western                | 395   | 226                              | 57.2 | 151                              | 38.2 | 11                       | 2.8  | 7                | 1.8 |
| Nebraska               | 260   | 153                              | 58.8 | 91                               | 35.0 | 15                       | 5.8  | 1                | 0.4 |
| North Dakota           | 159   | 104                              | 65.4 | 36                               | 22.6 | 17                       | 10.7 | 2                | 1.3 |
| South Dakota           | 314   | 257                              | 81.8 | 30                               | 9.6  | 21                       | 6.7  | 6                | 1.9 |

| CIRCUIT                  | TOTAL | SENTENCED WITHIN GUIDELINE RANGE |      | SUBSTANTIAL ASSISTANCE DEPARTURE |      | OTHER DOWNWARD DEPARTURE |      | UPWARD DEPARTURE |     |
|--------------------------|-------|----------------------------------|------|----------------------------------|------|--------------------------|------|------------------|-----|
|                          |       | n                                | %    | n                                | %    | n                        | %    | n                | %   |
| <b>NINTH CIRCUIT</b>     | 7,784 | 5,181                            | 66.6 | 883                              | 11.3 | 1,658                    | 21.3 | 62               | 0.8 |
| Alaska                   | 84    | 60                               | 71.4 | 9                                | 10.7 | 14                       | 16.7 | 1                | 1.2 |
| Arizona                  | 1,314 | 584                              | 44.4 | 137                              | 10.4 | 578                      | 44.0 | 15               | 1.1 |
| California               |       |                                  |      |                                  |      |                          |      |                  |     |
| Central                  | 955   | 833                              | 87.2 | 66                               | 6.9  | 50                       | 5.2  | 6                | 0.6 |
| Eastern                  | 679   | 548                              | 80.7 | 60                               | 8.8  | 68                       | 10.0 | 3                | 0.4 |
| Northern                 | 532   | 378                              | 71.1 | 65                               | 12.2 | 86                       | 16.2 | 3                | 0.6 |
| Southern                 | 2,047 | 1,194                            | 58.3 | 195                              | 9.5  | 637                      | 31.1 | 21               | 1.0 |
| Guam                     | 81    | 61                               | 75.3 | 14                               | 17.3 | 5                        | 6.2  | 1                | 1.2 |
| Hawaii                   | 292   | 230                              | 78.8 | 47                               | 16.1 | 14                       | 4.8  | 1                | 0.3 |
| Idaho                    | 94    | 63                               | 67.0 | 25                               | 26.6 | 6                        | 6.4  | 0                | 0.0 |
| Montana                  | 185   | 131                              | 70.8 | 28                               | 15.1 | 25                       | 13.5 | 1                | 0.5 |
| Nevada                   | 362   | 274                              | 75.7 | 57                               | 15.7 | 29                       | 8.0  | 2                | 0.6 |
| Northern Mariana Islands | 14    | 1                                | 7.1  | 12                               | 85.7 | 0                        | 0.0  | 1                | 7.1 |
| Oregon                   | 503   | 385                              | 76.5 | 62                               | 12.3 | 51                       | 10.1 | 5                | 1.0 |
| Washington               |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 202   | 161                              | 79.7 | 9                                | 4.5  | 32                       | 15.8 | 0                | 0.0 |
| Western                  | 440   | 278                              | 63.2 | 97                               | 22.0 | 63                       | 14.3 | 2                | 0.5 |
| <b>TENTH CIRCUIT</b>     | 2,037 | 1,453                            | 71.3 | 286                              | 14.0 | 278                      | 13.6 | 20               | 1.0 |
| Colorado                 | 380   | 224                              | 58.9 | 116                              | 30.5 | 36                       | 9.5  | 4                | 1.1 |
| Kansas                   | 280   | 216                              | 77.1 | 43                               | 15.4 | 17                       | 6.1  | 4                | 1.4 |
| New Mexico               | 614   | 395                              | 64.3 | 46                               | 7.5  | 168                      | 27.4 | 5                | 0.8 |
| Oklahoma                 |       |                                  |      |                                  |      |                          |      |                  |     |
| Eastern                  | 68    | 62                               | 91.2 | 3                                | 4.4  | 3                        | 4.4  | 0                | 0.0 |
| Northern                 | 175   | 148                              | 84.6 | 15                               | 8.6  | 12                       | 6.9  | 0                | 0.0 |
| Western                  | 191   | 168                              | 88.0 | 15                               | 7.9  | 4                        | 2.1  | 4                | 2.1 |
| Utah                     | 229   | 170                              | 74.2 | 23                               | 10.0 | 34                       | 14.8 | 2                | 0.9 |
| Wyoming                  | 100   | 70                               | 70.0 | 25                               | 25.0 | 4                        | 4.0  | 1                | 1.0 |
| <b>ELEVENTH CIRCUIT</b>  | 4,918 | 3,535                            | 71.9 | 1,044                            | 21.2 | 281                      | 5.7  | 58               | 1.2 |
| Alabama                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 148   | 115                              | 77.7 | 31                               | 20.9 | 2                        | 1.4  | 0                | 0.0 |
| Northern                 | 362   | 248                              | 68.5 | 88                               | 24.3 | 24                       | 6.6  | 2                | 0.6 |
| Southern                 | 374   | 238                              | 63.6 | 122                              | 32.6 | 11                       | 2.9  | 3                | 0.8 |
| Florida                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 1,116 | 711                              | 63.7 | 317                              | 28.4 | 79                       | 7.1  | 9                | 0.8 |
| Northern                 | 322   | 202                              | 62.7 | 103                              | 32.0 | 14                       | 4.3  | 3                | 0.9 |
| Southern                 | 1,552 | 1,266                            | 81.6 | 198                              | 12.8 | 73                       | 4.7  | 15               | 1.0 |
| Georgia                  |       |                                  |      |                                  |      |                          |      |                  |     |
| Middle                   | 250   | 189                              | 75.6 | 49                               | 19.6 | 10                       | 4.0  | 2                | 0.8 |
| Northern                 | 610   | 445                              | 73.0 | 96                               | 15.7 | 55                       | 9.0  | 14               | 2.3 |
| Southern                 | 184   | 121                              | 65.8 | 40                               | 21.7 | 13                       | 7.1  | 10               | 5.4 |

Of the 42,436 guideline cases, 147 cases with no analogous guidelines were excluded from the table. Of the remaining 42,289 cases, 1,410 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 (26.2%), Eastern New York (21.8%), Northern California (9.5%), Eastern Virginia (6.9%), Northern Mariana Islands (6.7%), Oregon (6.1%), Western North Carolina (6.0%), Western Kentucky (5.8%), and Southern New York (5.3%). 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, 1996 Datafile, MONFY96.

**Table 9**

**GUIDELINE DEPARTURE RATE BY PRIMARY OFFENSE CATEGORY  
(October 1, 1995, through September 30, 1996)**

**National**

| PRIMARY OFFENSE              | 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>40,818</b> | <b>28,386</b>                          | <b>69.5</b> | <b>7,844</b>                           | <b>19.2</b> | <b>4,201</b>                   | <b>10.3</b> | <b>387</b>          | <b>0.9</b> |
| Robbery                      | 1,625         | 1,242                                  | 76.4        | 207                                    | 12.7        | 137                            | 8.4         | 39                  | 2.4        |
| Drugs - Trafficking          | 15,882        | 9,332                                  | 58.8        | 5,041                                  | 31.7        | 1,472                          | 9.3         | 37                  | 0.2        |
| Drugs - Simple Possession    | 546           | 515                                    | 94.3        | 14                                     | 2.6         | 7                              | 1.3         | 10                  | 1.8        |
| Firearms                     | 2,466         | 1,852                                  | 75.1        | 346                                    | 14.0        | 217                            | 8.8         | 51                  | 2.1        |
| Larceny                      | 2,311         | 2,015                                  | 87.2        | 141                                    | 6.1         | 127                            | 5.5         | 28                  | 1.2        |
| Fraud                        | 5,789         | 4,363                                  | 75.4        | 913                                    | 15.8        | 446                            | 7.7         | 67                  | 1.2        |
| Embezzlement                 | 762           | 634                                    | 83.2        | 31                                     | 4.1         | 96                             | 12.6        | 1                   | 0.1        |
| Forgery/Counterfeiting       | 699           | 596                                    | 85.3        | 68                                     | 9.7         | 28                             | 4.0         | 7                   | 1.0        |
| Immigration                  | 4,715         | 3,477                                  | 73.7        | 134                                    | 2.8         | 1,068                          | 22.7        | 36                  | 0.8        |
| Other Miscellaneous Offenses | 6,023         | 4,360                                  | 72.4        | 949                                    | 15.8        | 603                            | 10.0        | 111                 | 1.8        |

**Minnesota**

| PRIMARY OFFENSE              | 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>286</b> | <b>167</b>                             | <b>58.4</b> | <b>81</b>                              | <b>28.3</b> | <b>35</b>                      | <b>12.2</b> | <b>3</b>            | <b>1.0</b> |
| Robbery                      | 14         | 9                                      | 64.3        | 1                                      | 7.1         | 4                              | 28.6        | 0                   | 0.0        |
| Drugs - Trafficking          | 105        | 50                                     | 47.6        | 48                                     | 45.7        | 6                              | 5.7         | 1                   | 1.0        |
| Drugs - Simple Possession    | 2          | 2                                      | 100.0       | 0                                      | 0.0         | 0                              | 0.0         | 0                   | 0.0        |
| Firearms                     | 15         | 9                                      | 60.0        | 2                                      | 13.3        | 2                              | 13.3        | 2                   | 13.3       |
| Larceny                      | 14         | 9                                      | 64.3        | 3                                      | 21.4        | 2                              | 14.3        | 0                   | 0.0        |
| Fraud                        | 66         | 43                                     | 65.2        | 15                                     | 22.7        | 8                              | 12.1        | 0                   | 0.0        |
| Embezzlement                 | 2          | 2                                      | 100.0       | 0                                      | 0.0         | 0                              | 0.0         | 0                   | 0.0        |
| Forgery/Counterfeiting       | 7          | 4                                      | 57.1        | 3                                      | 42.9        | 0                              | 0.0         | 0                   | 0.0        |
| Immigration                  | 9          | 4                                      | 44.4        | 1                                      | 11.1        | 4                              | 44.4        | 0                   | 0.0        |
| Other Miscellaneous Offenses | 52         | 35                                     | 67.3        | 8                                      | 15.4        | 9                              | 17.3        | 0                   | 0.0        |

Of the 42,436 guideline cases, 1,619 cases were excluded due to one or both of the following reasons: missing or indeterminable departure information (1,557) or missing primary offense category (74).

Of the 291 guideline cases from the District of Minnesota, five cases were excluded due to missing or indeterminable departure information.

SOURCE: U.S. Sentencing Commission, 1996 Datafile, MONFY96.