

Table 5.36.2003

**Sentences within and departing from U.S. Sentencing Commission guidelines in U.S. District Courts**

By primary offense, fiscal year 2003

Primary offense	Total cases	Downward departures									
		Within guideline range		Substantial assistance departure <sup>a</sup>		Other Government initiated departures		Other downward departure		Upward departure	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	64,990	45,124	69.4%	10,323	15.9%	4,116	6.3%	4,887	7.5%	540	0.8%
Murder	76	50	65.8	8	10.5	4	5.3	6	7.9	8	10.5
Manslaughter	48	34	70.8	0	X	1	2.1	6	12.5	7	14.6
Kidnaping, hostage-taking	54	43	79.6	8	14.8	1	1.9	1	1.9	1	1.9
Sexual abuse	263	205	77.9	7	2.7	20	7.6	22	8.4	9	3.4
Assault	503	406	80.7	9	1.8	19	3.8	45	8.9	24	4.8
Robbery	1,470	1,082	73.6	215	14.6	17	1.2	135	9.2	21	1.4
Arson	78	59	75.6	13	16.7	0	X	5	6.4	1	1.3
<b>Drug offenses</b>											
Trafficking	24,060	14,678	61.0	6,579	27.3	1,153	4.8	1,599	6.6	51	0.2
Communication facility	377	278	73.7	63	16.7	6	1.6	29	7.7	1	0.3
Simple possession	1,038	922	88.8	9	0.9	2	0.2	8	0.8	97	9.3
Firearms	6,445	4,968	77.1	783	12.1	88	1.4	521	8.1	85	1.3
Burglary, breaking and entering	51	44	86.3	2	3.9	1	2	4	7.8	0	X
Auto theft	138	92	66.7	32	23.2	4	2.9	8	5.8	2	1.4
Larceny	2,207	1,910	86.5	143	6.5	13	0.6	123	5.6	18	0.8
Fraud	6,864	5,136	74.8	1,090	15.9	57	0.8	502	7.3	79	1.2
Embezzlement	726	609	83.9	41	5.6	2	0.3	74	10.2	0	X
Forgery, counterfeiting	1,214	984	81.1	149	12.3	11	0.9	62	5.1	8	0.7
Bribery	160	111	69.4	30	18.8	7	4.4	12	7.5	0	X
Tax	462	289	62.6	87	18.8	6	1.3	79	17.1	1	0.2
Money laundering	791	475	60.1	209	26.4	41	5.2	60	7.6	6	0.8
Racketeering, extortion	791	509	64.3	177	22.4	46	5.8	54	6.8	5	0.6
Gambling, lottery	88	56	63.6	26	29.5	1	1.1	5	5.7	0	X
Civil rights	65	43	66.2	12	18.5	0	X	9	13.8	1	1.5
Immigration	13,931	9,762	70.1	364	2.6	2,551	18.3	1,210	8.7	44	0.3
Pornography, prostitution	778	599	77.0	25	3.2	8	1	111	14.3	35	4.5
Prison offenses	355	299	84.2	17	4.8	8	2.3	23	6.5	8	2.3
Administration of justice offenses	952	691	72.6	118	12.4	33	3.5	93	9.8	17	1.8
Environmental, wildlife	113	75	66.4	13	11.5	4	3.5	20	17.7	1	0.9
National defense	19	9	47.4	2	10.5	1	5.3	7	36.8	0	X
Antitrust	12	8	66.7	3	25.0	0	X	1	8.3	0	X
Food and drug	71	52	73.2	14	19.7	0	X	3	4.2	2	2.8
Other	790	646	81.8	75	9.5	11	1.4	50	6.3	8	1.0

Note: See Note, table 5.26.2003. A case is determined to involve no departure if the sentence imposed is within the guideline range. If a sentence imposed by the court falls outside the guideline range, the court provides reasons for the departure. (Source, p. A-2.) Of the 70,258 guideline cases, 5,268 cases were excluded due to one or both of the following conditions: missing primary offense type, 578; or missing/inapplicable departure information, 5,087.

<sup>a</sup>Cases departed downward based on a motion by the Government for a reduced sentence due to the defendant's substantial assistance to authorities.

Source: U.S. Sentencing Commission, *2003 Sourcebook of Federal Sentencing Statistics* (Washington, DC: U.S. Sentencing Commission, 2005), pp. 63, 64.