

Sourcebook of criminal justice statistics Online

http://www.albany.edu/sourcebook/pdf/t5362004.pdf

Table 5.36.2004

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

By primary offense, fiscal year 2004

Primary offense	Total cases	Within guideline range		Downward departures							
				Substantial assistance departure ^a		Other Government initiated departures		Other downward departure		Upward departure	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	48,181	34,760	72.1%	7,473	15.5%	3,072	6.4%	2,494	5.2%	382	0.8%
Murder	57	43	75.4	4	7.0	1	1.8	5	8.8	4	7.0
Manslaughter	47	37	78.7	0	X	0	X	1	2.1	9	19.1
Kidnaping, hostage-taking	27	11	40.7	15	55.6	0	X	1	3.7	0	X
Sexual abuse	196	164	83.7	3	1.5	11	5.6	14	7.1	4	2.0
Assault	432	367	85.0	6	1.4	9	2.1	31	7.2	19	4.4
Robbery	928	696	75.0	136	14.7	5	0.5	71	7.7	20	2.2
Arson	59	46	78.0	10	16.9	0	X	3	5.1	0	X
Drug offenses											
Trafficking	17,217	11,014	64.0	4,532	26.3	863	5.0	765	4.4	43	0.2
Communication facility	257	188	73.2	47	18.3	7	2.7	14	5.4	1	0.4
Simple possession	519	497	95.8	5	1.0	1	0.2	2	0.4	14	2.7
Firearms	5,884	4,685	79.6	694	11.8	70	1.2	352	6.0	83	1.4
Burglary, breaking and entering	46	41	89.1	2	4.3	0	X	2	4.3	1	2.2
Auto theft	67	48	71.6	12	17.9	0	X	4	6.0	3	4.5
Larceny	1,410	1,218	86.4	98	7.0	8	0.6	70	5.0	16	1.1
Fraud	5,201	3,955	76.0	843	16.2	57	1.1	292	5.6	54	1.0
Embezzlement	434	373	85.9	16	3.7	6	1.4	38	8.8	1	0.2
Forgery, counterfeiting	868	709	81.7	116	13.4	9	1.0	30	3.5	4	0.5
Bribery	129	68	52.7	43	33.3	6	4.7	11	8.5	1	0.8
Tax	349	242	69.3	58	16.6	5	1.4	40	11.5	4	1.1
Money laundering	609	367	60.3	167	27.4	31	5.1	40	6.6	4	0.7
Racketeering, extortion	476	273	57.4	150	31.5	26	5.5	21	4.4	6	1.3
Gambling, lottery	74	54	73.0	17	23.0	1	1.4	2	2.7	0	X
Civil rights	66	47	71.2	14	21.2	1	1.5	4	6.1	0	X
Immigration	10,393	7,652	73.6	256	2.5	1,909	18.4	539	5.2	37	0.4
Pornography, prostitution	630	515	81.7	22	3.5	13	2.1	54	8.6	26	4.1
Prison offenses	270	233	86.3	13	4.8	7	2.6	9	3.3	8	3.0
Administration of justice offenses	711	540	75.9	108	15.2	15	2.1	35	4.9	13	1.8
Environmental, wildlife	92	78	84.8	8	8.7	1	1.1	5	5.4	0	X
National defense	26	18	69.2	5	19.2	1	3.8	2	7.7	0	X
Antitrust	5	0	0.0	4	80.0	1	20.0	0	X	0	X
Food and drug	53	47	88.7	5	9.4	0	X	0	X	1	1.9
Other	649	534	82.3	64	9.9	8	1.2	37	5.7	6	0.9

Note: See Note, table 5.26.2004. 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. 143.) Of the 51,865 guideline cases, 3,684 cases were excluded due to one or both of the following conditions: missing primary offense type, 107; or missing/inapplicable departure information, 3,614.

^aCases 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, *2004 Sourcebook of Federal Sentencing Statistics* (Washington, DC: U.S. Sentencing Commission, 2006), pp. 78, 79.