

Table 5.36.2005

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

By primary offense, fiscal year 2005

Primary offense	Total cases	Within guideline range		Downward departures							
		Number	Percent	Substantial assistance departure ^a		Other Government initiated departures		Other downward departure		Upward departure	
				Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	51,329	31,610	61.6%	7,523	14.7%	4,689	9.1%	6,686	12.9%	821	1.7%
Murder	60	30	50.0	6	10.0	1	1.7	14	23.3	9	15.0
Manslaughter	41	27	65.9	0	X	0	X	6	14.7	8	19.5
Kidnaping, hostage-taking	24	19	79.2	3	12.5	1	4.2	1	4.2	0	X
Sexual abuse	233	161	69.1	3	1.3	21	9	31	13.3	17	7.3
Assault	426	301	70.7	10	2.3	28	6.5	59	13.9	28	6.6
Robbery	1,001	678	67.7	123	12.3	24	2.4	154	15.4	22	2.2
Arson	40	27	67.5	7	17.5	1	2.5	3	7.5	2	5.0
Drug offenses											
Trafficking	18,030	9,583	53.2	4,713	26.1	1,265	7	2,350	13.0	119	0.7
Communication facility	300	184	61.3	45	15.0	11	3.7	58	19.3	2	0.7
Simple possession	397	353	88.9	13	3.3	0	X	16	4.1	15	3.8
Firearms	6,308	4,353	69.0	704	11.2	180	2.9	922	14.6	149	2.4
Burglary, breaking and entering	28	18	64.3	1	3.6	1	3.6	7	25.0	1	3.6
Auto theft	47	27	57.4	9	19.1	1	2.1	7	14.8	3	6.4
Larceny	1,307	979	74.9	101	7.7	29	2.2	168	12.9	30	2.3
Fraud	4,877	3,122	64.0	765	15.7	107	2.2	755	15.5	128	2.6
Embezzlement	380	286	75.3	14	3.7	7	1.8	72	19.0	1	0.3
Forgery, counterfeiting	766	570	74.4	66	8.6	16	2.1	98	12.8	16	2.1
Bribery	152	70	46.1	48	31.6	8	5.3	26	17.2	0	X
Tax	437	210	48.1	71	16.2	15	3.4	134	30.6	7	1.6
Money laundering	699	353	50.5	178	25.5	24	3.5	135	19.4	9	1.3
Racketeering, extortion	505	251	49.7	133	26.3	34	6.7	68	13.5	19	3.8
Gambling, lottery	80	51	63.8	14	17.5	5	6.3	10	12.6	0	X
Civil rights	45	28	62.2	8	17.8	0	X	9	19.9	0	X
Immigration	12,473	8,106	65.0	249	2.0	2,817	22.5	1,149	9.2	152	1.2
Pornography, prostitution	876	597	68.2	40	4.6	23	2.6	171	19.5	45	5.1
Prison offenses	273	216	79.1	10	3.7	6	2.2	31	11.3	10	3.7
Administration of justice offenses	724	443	61.2	110	15.2	31	4.3	124	17.1	16	2.2
Environmental, wildlife	113	80	70.8	13	11.5	6	5.3	13	11.5	1	0.9
National defense	18	7	38.9	5	27.8	1	5.6	5	27.8	0	X
Antitrust	11	4	36.4	6	54.5	0	X	1	9.1	0	X
Food and drug	54	41	75.9	5	9.3	2	3.7	5	9.4	1	1.9
Other	604	435	72.0	50	8.3	24	3.9	84	14.0	11	1.8

Note: See Note, table 5.26.2005. 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. 138.) Of the 53,674 guideline cases, 2,345 cases were excluded due to one or both of the following conditions: missing primary offense type, 24; or missing/inapplicable departure information, 2,328.

^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, *2005 Sourcebook of Federal Sentencing Statistics* (Washington, DC: U.S. Sentencing Commission, 2006), pp. 292, 293. Table adapted by SOURCEBOOK staff.