

Table 5.36

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

By primary offense, fiscal year 2002

Primary offense	Total cases	Downward departures							
		Within guideline range		Substantial assistance departure ^a		Other downward departure		Upward departure	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	58,423	37,968	65.0%	10,170	17.4%	9,828	16.8%	457	0.8%
Murder	76	50	65.8	4	5.3	9	11.8	13	17.1
Manslaughter	57	37	64.9	1	1.8	6	10.5	13	22.8
Kidnaping, hostage-taking	57	33	57.9	4	7.0	12	21.1	8	14.0
Sexual abuse	195	142	72.8	2	1.0	37	19.0	14	7.2
Assault	445	347	78.0	12	2.7	70	15.7	16	3.6
Robbery	1,522	1,051	69.1	227	14.9	220	14.5	24	1.6
Arson	59	38	64.4	14	23.7	4	6.8	3	5.1
Drug offenses									
Trafficking	23,949	13,398	55.9	6,565	27.4	3,932	16.4	54	0.2
Communication facility	421	303	72.0	56	13.3	61	14.5	1	0.2
Simple possession	481	458	95.2	17	3.5	4	0.8	2	0.4
Firearms	4,765	3,511	73.7	581	12.2	602	12.6	71	1.5
Burglary, breaking and entering	42	30	71.4	5	11.9	4	9.5	3	7.1
Auto theft	151	93	61.6	41	27.2	14	9.3	3	2.0
Larceny	2,038	1,745	85.6	151	7.4	126	6.2	16	0.8
Fraud	6,378	4,539	71.2	1,135	17.8	633	9.9	71	1.1
Embezzlement	672	588	87.5	24	3.6	58	8.6	2	0.3
Forgery, counterfeiting	1,363	1,094	80.3	159	11.7	97	7.1	13	1.0
Bribery	148	87	58.8	41	27.7	20	13.5	0	X
Tax	557	352	63.2	107	19.2	95	17.1	3	0.5
Money laundering	852	496	58.2	245	28.8	101	11.9	10	1.2
Racketeering, extortion	744	474	63.7	178	23.9	75	10.1	17	2.3
Gambling, lottery	95	57	60.0	27	28.4	11	11.6	0	X
Civil rights	87	60	69.0	16	18.4	11	12.6	0	X
Immigration	10,399	6,861	66.0	248	2.4	3,236	31.1	54	0.5
Pornography, prostitution	613	442	72.1	34	5.5	117	19.1	20	3.3
Prison offenses	297	229	77.1	19	6.4	46	15.5	3	1.0
Administration of justice offenses	1,010	719	71.2	144	14.3	134	13.3	13	1.3
Environmental, wildlife	121	76	62.8	25	20.7	20	16.5	0	X
National defense	9	6	66.7	1	11.1	2	22.2	0	X
Antitrust	16	5	31.3	9	56.3	2	12.5	0	X
Food and drug	77	55	71.4	10	13.0	11	14.3	1	1.3
Other	727	592	81.4	68	9.4	58	8.0	9	1.2

Note: See Note, table 5.26. 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 64,366 guideline cases, 5,943 cases were excluded due to one or both of the following conditions: missing offense type, 393; or missing/inapplicable departure information, 5,682.

^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, *2002 Sourcebook of Federal Sentencing Statistics* (Washington, DC: U.S. Sentencing Commission, 2004), p. 56.