

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	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	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
Drug offenses											
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.

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