

# United States Sentencing Commission



## *Statistical Information Packet*

*Fiscal Years 2008 - 2012*

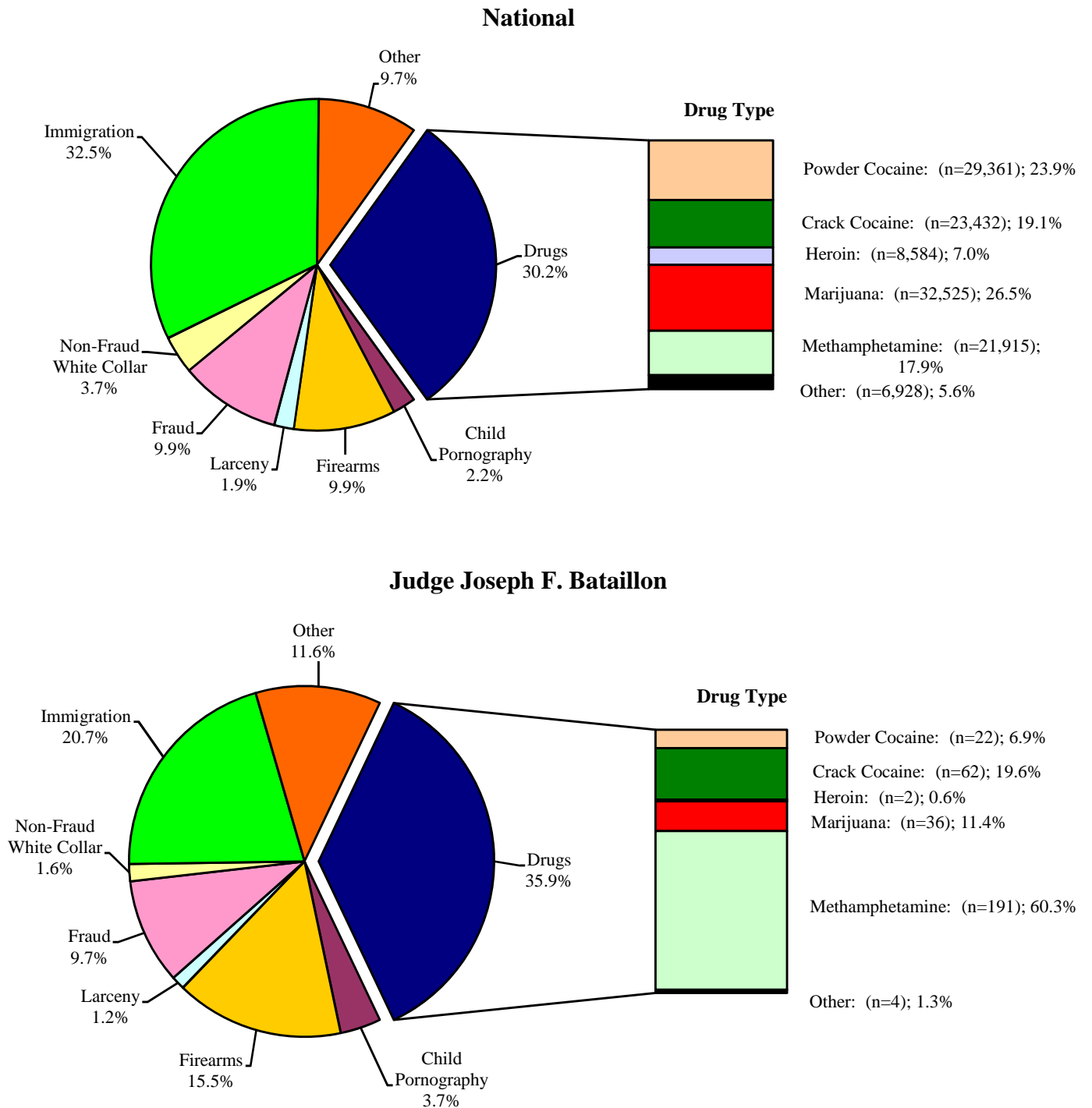
*Judge Joseph F. Bataillon*

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**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Years 2008 - 2012**



<sup>1</sup> Of the 412,170 guideline cases, 50 were excluded due to missing primary offense category. Of the 127,798 drug cases, 5,053 were excluded from the drug type analysis due to one of the following reasons: cases sentenced under §2D1.11 involving a listed chemical (991) and cases missing drug type (4,062). Of the 318 drug cases sentenced by Judge Joseph F. Bataillon, one was excluded from the drug type analysis due to cases sentenced under §2D1.11 involving a listed chemical.

<sup>2</sup> The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

**Table 1**

**DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH  
PRIMARY OFFENSE CATEGORY  
Fiscal Years 2008 - 2012**

PRIMARY OFFENSE	National		Judge Joseph F. Bataillon	
	N	%	N	%
<b>TOTAL</b>	<b>412,120</b>	<b>100.0</b>	<b>884</b>	<b>100.0</b>
Murder	367	0.1	1	0.1
Manslaughter	292	0.1	1	0.1
Kidnapping/Hostage Taking	254	0.1	0	0.0
Sexual Abuse	2,171	0.5	14	1.6
Assault	3,361	0.8	22	2.5
Robbery	4,953	1.2	10	1.1
Arson	298	0.1	0	0.0
Drugs - Trafficking	120,928	29.3	316	35.7
Drugs - Communication Facility	2,217	0.5	0	0.0
Drugs - Simple Possession	4,653	1.1	2	0.2
Firearms	40,442	9.8	137	15.5
Burglary/B&E	211	0.1	6	0.7
Auto Theft	374	0.1	5	0.6
Larceny	7,821	1.9	11	1.2
Fraud	40,123	9.7	86	9.7
Embezzlement	2,118	0.5	5	0.6
Forgery/Counterfeiting	4,602	1.1	3	0.3
Bribery	1,064	0.3	0	0.0
Tax	3,171	0.8	5	0.6
Money Laundering	4,177	1.0	1	0.1
Racketeering/Extortion	3,693	0.9	4	0.5
Gambling/Lottery	390	0.1	0	0.0
Civil Rights	306	0.1	0	0.0
Immigration	132,125	32.1	183	20.7
Child Pornography	9,053	2.2	33	3.7
Prison Offenses	2,088	0.5	0	0.0
Administration of Justice Offenses	5,720	1.4	19	2.1
Environmental/Wildlife	1,028	0.2	7	0.8
National Defense	393	0.1	0	0.0
Antitrust	91	0.0	0	0.0
Food & Drug	355	0.1	0	0.0
Other Miscellaneous Offenses	13,281	3.2	13	1.5

Of the 412,170 guideline cases, 50 cases were excluded due to missing information on primary offense category.

Of the 884 guideline cases sentenced by Judge Joseph F. Bataillon, no cases were excluded due to missing information on primary offense category.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT  
Fiscal Years 2008 - 2012**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>412,107</b>	<b>398,388</b>	<b>96.7</b>	<b>13,719</b>	<b>3.3</b>
<b>D.C. CIRCUIT</b>	<b>1,901</b>	<b>1,774</b>	<b>93.3</b>	<b>127</b>	<b>6.7</b>
District of Columbia	1,901	1,774	93.3	127	6.7
<b>FIRST CIRCUIT</b>	<b>10,309</b>	<b>9,810</b>	<b>95.2</b>	<b>499</b>	<b>4.8</b>
Maine	990	925	93.4	65	6.6
Massachusetts	2,532	2,338	92.3	194	7.7
New Hampshire	1,021	984	96.4	37	3.6
Puerto Rico	4,978	4,809	96.6	169	3.4
Rhode Island	788	754	95.7	34	4.3
<b>SECOND CIRCUIT</b>	<b>22,833</b>	<b>21,854</b>	<b>95.7</b>	<b>979</b>	<b>4.3</b>
Connecticut	2,042	1,954	95.7	88	4.3
New York					
Eastern	5,750	5,452	94.8	298	5.2
Northern	2,800	2,703	96.5	97	3.5
Southern	7,805	7,395	94.7	410	5.3
Western	3,507	3,438	98.0	69	2.0
Vermont	929	912	98.2	17	1.8
<b>THIRD CIRCUIT</b>	<b>15,034</b>	<b>14,055</b>	<b>93.5</b>	<b>979</b>	<b>6.5</b>
Delaware	650	609	93.7	41	6.3
New Jersey	4,369	4,196	96.0	173	4.0
Pennsylvania					
Eastern	4,366	3,905	89.4	461	10.6
Middle	2,782	2,664	95.8	118	4.2
Western	2,509	2,411	96.1	98	3.9
Virgin Islands	358	270	75.4	88	24.6
<b>FOURTH CIRCUIT</b>	<b>34,239</b>	<b>32,552</b>	<b>95.1</b>	<b>1,687</b>	<b>4.9</b>
Maryland	4,337	4,060	93.6	277	6.4
North Carolina					
Eastern	3,786	3,648	96.4	138	3.6
Middle	2,288	2,197	96.0	91	4.0
Western	2,825	2,659	94.1	166	5.9
South Carolina	5,575	5,384	96.6	191	3.4
Virginia					
Eastern	10,179	9,559	93.9	620	6.1
Western	2,030	1,926	94.9	104	5.1
West Virginia					
Northern	1,804	1,747	96.8	57	3.2
Southern	1,415	1,372	97.0	43	3.0

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>97,019</b>	<b>95,280</b>	<b>98.2</b>	<b>1,739</b>	<b>1.8</b>
Louisiana					
Eastern	2,042	1,972	96.6	70	3.4
Middle	952	899	94.4	53	5.6
Western	1,828	1,683	92.1	145	7.9
Mississippi					
Northern	851	798	93.8	53	6.2
Southern	1,741	1,665	95.6	76	4.4
Texas					
Eastern	4,723	4,587	97.1	136	2.9
Northern	4,946	4,720	95.4	226	4.6
Southern	37,512	36,998	98.6	514	1.4
Western	42,424	41,958	98.9	466	1.1
<b>SIXTH CIRCUIT</b>	<b>27,511</b>	<b>26,414</b>	<b>96.0</b>	<b>1,097</b>	<b>4.0</b>
Kentucky					
Eastern	3,130	3,003	95.9	127	4.1
Western	2,276	2,189	96.2	87	3.8
Michigan					
Eastern	3,938	3,741	95.0	197	5.0
Western	2,450	2,348	95.8	102	4.2
Ohio					
Northern	3,785	3,656	96.6	129	3.4
Southern	3,302	3,219	97.5	83	2.5
Tennessee					
Eastern	3,867	3,684	95.3	183	4.7
Middle	1,616	1,554	96.2	62	3.8
Western	3,147	3,020	96.0	127	4.0
<b>SEVENTH CIRCUIT</b>	<b>15,283</b>	<b>14,426</b>	<b>94.4</b>	<b>857</b>	<b>5.6</b>
Illinois					
Central	1,894	1,805	95.3	89	4.7
Northern	4,502	4,128	91.7	374	8.3
Southern	1,702	1,623	95.4	79	4.6
Indiana					
Northern	2,232	2,113	94.7	119	5.3
Southern	1,581	1,503	95.1	78	4.9
Wisconsin					
Eastern	2,433	2,358	96.9	75	3.1
Western	939	896	95.4	43	4.6
<b>EIGHTH CIRCUIT</b>	<b>25,478</b>	<b>24,493</b>	<b>96.1</b>	<b>985</b>	<b>3.9</b>
Arkansas					
Eastern	1,964	1,877	95.6	87	4.4
Western	1,368	1,343	98.2	25	1.8
Iowa					
Northern	2,193	2,110	96.2	83	3.8
Southern	2,230	2,092	93.8	138	6.2
Minnesota	2,609	2,473	94.8	136	5.2
Missouri					
Eastern	4,723	4,606	97.5	117	2.5
Western	3,711	3,556	95.8	155	4.2
Nebraska	3,060	2,972	97.1	88	2.9
North Dakota	1,356	1,302	96.0	54	4.0
South Dakota	2,264	2,162	95.5	102	4.5

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>NINTH CIRCUIT</b>	<b>93,720</b>	<b>91,659</b>	<b>97.8</b>	<b>2,061</b>	<b>2.2</b>
Alaska	875	814	93.0	61	7.0
Arizona	33,726	33,401	99.0	325	1.0
California					
Central	9,605	9,262	96.4	343	3.6
Eastern	5,012	4,871	97.2	141	2.8
Northern	4,074	3,957	97.1	117	2.9
Southern	23,390	23,016	98.4	374	1.6
Guam	301	282	93.7	19	6.3
Hawaii	1,196	1,139	95.2	57	4.8
Idaho	1,537	1,477	96.1	60	3.9
Montana	1,905	1,748	91.8	157	8.2
Nevada	2,731	2,617	95.8	114	4.2
Northern Mariana Islands	97	82	84.5	15	15.5
Oregon	3,233	3,165	97.9	68	2.1
Washington					
Eastern	1,847	1,788	96.8	59	3.2
Western	4,191	4,040	96.4	151	3.6
<b>TENTH CIRCUIT</b>	<b>32,776</b>	<b>32,064</b>	<b>97.8</b>	<b>712</b>	<b>2.2</b>
Colorado	2,777	2,692	96.9	85	3.1
Kansas	3,569	3,413	95.6	156	4.4
New Mexico	16,259	16,166	99.4	93	0.6
Oklahoma					
Eastern	496	471	95.0	25	5.0
Northern	987	924	93.6	63	6.4
Western	2,503	2,387	95.4	116	4.6
Utah	4,366	4,257	97.5	109	2.5
Wyoming	1,819	1,754	96.4	65	3.6
<b>ELEVENTH CIRCUIT</b>	<b>36,004</b>	<b>34,007</b>	<b>94.5</b>	<b>1,997</b>	<b>5.5</b>
Alabama					
Middle	1,189	1,094	92.0	95	8.0
Northern	2,335	2,218	95.0	117	5.0
Southern	2,184	2,077	95.1	107	4.9
Florida					
Middle	8,215	7,737	94.2	478	5.8
Northern	1,885	1,691	89.7	194	10.3
Southern	11,358	10,741	94.6	617	5.4
Georgia					
Middle	2,186	2,128	97.3	58	2.7
Northern	3,588	3,330	92.8	258	7.2
Southern	3,064	2,991	97.6	73	2.4

Of the 412,170 guideline cases, 63 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

**Table 3**

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY  
Fiscal Years 2008 - 2012**

PRIMARY OFFENSE	TOTAL	National				Judge Joseph F. Bataillon			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>412,106</b>	<b>398,387</b>	<b>96.7</b>	<b>13,719</b>	<b>3.3</b>	<b>862</b>	<b>97.5</b>	<b>22</b>	<b>2.5</b>
<b>Murder</b>	<b>367</b>	271	73.8	96	26.2	0	0.0	1	100.0
<b>Manslaughter</b>	<b>292</b>	274	93.8	18	6.2	1	100.0	0	0.0
<b>Kidnapping/Hostage Taking</b>	<b>254</b>	213	83.9	41	16.1	0	--	0	--
<b>Sexual Abuse</b>	<b>2,171</b>	1,900	87.5	271	12.5	13	92.9	1	7.1
<b>Assault</b>	<b>3,361</b>	3,050	90.7	311	9.3	20	90.9	2	9.1
<b>Robbery</b>	<b>4,953</b>	4,776	96.4	177	3.6	10	100.0	0	0.0
<b>Arson</b>	<b>298</b>	269	90.3	29	9.7	0	--	0	--
<b>Drugs - Trafficking</b>	<b>120,928</b>	116,605	96.4	4,323	3.6	312	98.7	4	1.3
<b>Drugs - Communication Facility</b>	<b>2,217</b>	2,211	99.7	6	0.3	0	--	0	--
<b>Drugs - Simple Possession</b>	<b>4,650</b>	4,569	98.3	81	1.7	1	50.0	1	50.0
<b>Firearms</b>	<b>40,442</b>	37,727	93.3	2,715	6.7	132	96.4	5	3.6
<b>Burglary/B&amp;E</b>	<b>211</b>	204	96.7	7	3.3	6	100.0	0	0.0
<b>Auto Theft</b>	<b>374</b>	357	95.5	17	4.5	5	100.0	0	0.0
<b>Larceny</b>	<b>7,820</b>	7,632	97.6	188	2.4	11	100.0	0	0.0
<b>Fraud</b>	<b>40,122</b>	38,028	94.8	2,094	5.2	82	95.3	4	4.7
<b>Embezzlement</b>	<b>2,118</b>	2,061	97.3	57	2.7	5	100.0	0	0.0
<b>Forgery/Counterfeiting</b>	<b>4,602</b>	4,534	98.5	68	1.5	3	100.0	0	0.0
<b>Bribery</b>	<b>1,064</b>	999	93.9	65	6.1	0	--	0	--
<b>Tax</b>	<b>3,171</b>	2,884	90.9	287	9.1	5	100.0	0	0.0
<b>Money Laundering</b>	<b>4,177</b>	3,927	94.0	250	6.0	1	100.0	0	0.0
<b>Racketeering/Extortion</b>	<b>3,693</b>	3,387	91.7	306	8.3	4	100.0	0	0.0
<b>Gambling/Lottery</b>	<b>390</b>	376	96.4	14	3.6	0	--	0	--
<b>Civil Rights</b>	<b>306</b>	258	84.3	48	15.7	0	--	0	--
<b>Immigration</b>	<b>132,124</b>	131,267	99.4	857	0.6	183	100.0	0	0.0
<b>Child Pornography</b>	<b>9,053</b>	8,689	96.0	364	4.0	32	97.0	1	3.0
<b>Prison Offenses</b>	<b>2,088</b>	2,052	98.3	36	1.7	0	--	0	--
<b>Administration of Justice Offenses</b>	<b>5,720</b>	5,436	95.0	284	5.0	17	89.5	2	10.5
<b>Environmental/Wildlife</b>	<b>1,028</b>	971	94.5	57	5.5	6	85.7	1	14.3
<b>National Defense</b>	<b>393</b>	366	93.1	27	6.9	0	--	0	--
<b>Antitrust</b>	<b>91</b>	87	95.6	4	4.4	0	--	0	--
<b>Food &amp; Drug</b>	<b>355</b>	344	96.9	11	3.1	0	--	0	--
<b>Other Miscellaneous Offenses</b>	<b>13,273</b>	12,663	95.4	610	4.6	13	100.0	0	0.0

Of the 412,170 guideline cases, 64 cases were excluded due to one or both of the following reasons: missing primary offense category (50) or missing information on mode of conviction (63).

Of the 884 guideline cases sentenced by Judge Joseph F. Bataillon, no cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.



**Table 4**

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY  
Fiscal Years 2008 - 2012**

**National**

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>408,210</b>	<b>355,116</b>	<b>87.0</b>	<b>10,943</b>	<b>2.7</b>	<b>12,586</b>	<b>3.1</b>	<b>29,565</b>	<b>7.2</b>
Murder	367	359	97.8	6	1.6	1	0.3	1	0.3
Manslaughter	292	269	92.1	14	4.8	4	1.4	5	1.7
Kidnapping/Hostage Taking	253	252	99.6	1	0.4	0	0.0	0	0.0
Sexual Abuse	2,168	2,041	94.1	73	3.4	25	1.2	29	1.3
Assault	3,319	2,669	80.4	171	5.2	122	3.7	357	10.8
Robbery	4,945	4,670	94.4	133	2.7	58	1.2	84	1.7
Arson	297	278	93.6	10	3.4	3	1.0	6	2.0
Drugs - Trafficking	120,874	113,481	93.9	3,119	2.6	1,822	1.5	2,452	2.0
Drugs - Communication Facility	2,216	1,719	77.6	65	2.9	168	7.6	264	11.9
Drugs - Simple Possession	4,413	2,928	66.3	23	0.5	94	2.1	1,368	31.0
Firearms	40,383	37,120	91.9	1,014	2.5	959	2.4	1,290	3.2
Burglary/B&E	211	173	82.0	13	6.2	19	9.0	6	2.8
Auto Theft	373	290	77.7	16	4.3	30	8.0	37	9.9
Larceny	7,291	2,723	37.3	345	4.7	1,085	14.9	3,138	43.0
Fraud	39,952	28,140	70.4	2,484	6.2	3,355	8.4	5,973	15.0
Embezzlement	2,073	783	37.8	230	11.1	286	13.8	774	37.3
Forgery/Counterfeiting	4,593	3,067	66.8	288	6.3	526	11.5	712	15.5
Bribery	1,060	711	67.1	80	7.5	127	12.0	142	13.4
Tax	3,157	1,645	52.1	309	9.8	579	18.3	624	19.8
Money Laundering	4,168	3,072	73.7	199	4.8	319	7.7	578	13.9
Racketeering/Extortion	3,687	3,305	89.6	110	3.0	102	2.8	170	4.6
Gambling/Lottery	390	112	28.7	27	6.9	116	29.7	135	34.6
Civil Rights	302	186	61.6	18	6.0	36	11.9	62	20.5
Immigration	132,061	125,817	95.3	1,225	0.9	865	0.7	4,154	3.1
Child Pornography	9,047	8,763	96.9	151	1.7	68	0.8	65	0.7
Prison Offenses	2,086	1,901	91.1	73	3.5	43	2.1	69	3.3
Administration of Justice Offenses	5,637	3,682	65.3	303	5.4	466	8.3	1,186	21.0
Environmental/Wildlife	911	193	21.2	42	4.6	110	12.1	566	62.1
National Defense	390	328	84.1	21	5.4	16	4.1	25	6.4
Antitrust	86	58	67.4	9	10.5	10	11.6	9	10.5
Food & Drug	324	86	26.5	17	5.2	36	11.1	185	57.1
Other Miscellaneous Offenses	10,884	4,295	39.5	354	3.3	1,136	10.4	5,099	46.8

Of the 412,170 guideline cases, 3,960 cases were excluded due to one or more of the following reasons: missing sentencing information (155), missing primary offense category (50), or cases in which the defendant received no imprisonment or probation (3,804).

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

Table 5

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY**  
**Fiscal Years 2008 - 2012**

Judge Joseph F. Bataillon

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>882</b>	<b>809</b>	<b>91.7</b>	<b>21</b>	<b>2.4</b>	<b>18</b>	<b>2.0</b>	<b>34</b>	<b>3.9</b>
Murder	1	1	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	1	1	100.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	14	12	85.7	1	7.1	0	0.0	1	7.1
Assault	22	19	86.4	1	4.5	1	4.5	1	4.5
Robbery	10	9	90.0	0	0.0	1	10.0	0	0.0
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	316	309	97.8	5	1.6	0	0.0	2	0.6
Drugs - Communication Facility	0	0	--	0	--	0	--	0	--
Drugs - Simple Possession	2	2	100.0	0	0.0	0	0.0	0	0.0
Firearms	137	128	93.4	6	4.4	3	2.2	0	0.0
Burglary/B&E	6	5	83.3	0	0.0	1	16.7	0	0.0
Auto Theft	5	5	100.0	0	0.0	0	0.0	0	0.0
Larceny	11	4	36.4	0	0.0	1	9.1	6	54.5
Fraud	86	71	82.6	1	1.2	5	5.8	9	10.5
Embezzlement	5	2	40.0	0	0.0	1	20.0	2	40.0
Forgery/Counterfeiting	3	3	100.0	0	0.0	0	0.0	0	0.0
Bribery	0	0	--	0	--	0	--	0	--
Tax	5	1	20.0	1	20.0	3	60.0	0	0.0
Money Laundering	1	1	100.0	0	0.0	0	0.0	0	0.0
Racketeering/Extortion	4	3	75.0	0	0.0	0	0.0	1	25.0
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	183	180	98.4	0	0.0	1	0.5	2	1.1
Child Pornography	33	32	97.0	1	3.0	0	0.0	0	0.0
Prison Offenses	0	0	--	0	--	0	--	0	--
Administration of Justice Offenses	19	13	68.4	2	10.5	1	5.3	3	15.8
Environmental/Wildlife	5	1	20.0	1	20.0	0	0.0	3	60.0
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	0	0	--	0	--	0	--	0	--
Other Miscellaneous Offenses	13	7	53.8	2	15.4	0	0.0	4	30.8

Of the 884 guideline cases sentenced by Judge Joseph F. Bataillon, two cases were excluded due to cases in which the defendant received no imprisonment or probation.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

**Table 6**

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES  
BY PRIMARY OFFENSE CATEGORY  
Fiscal Years 2008 - 2012**

PRIMARY OFFENSE	TOTAL	National				Judge Joseph F. Bataillon			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>25,999</b>	<b>8,048</b>	<b>31.0</b>	<b>17,951</b>	<b>69.0</b>	<b>17</b>	<b>36.2</b>	<b>30</b>	<b>63.8</b>
<b>Fraud</b>	<b>6,602</b>	2,034	30.8	4,568	69.2	2	18.2	9	81.8
<b>Larceny</b>	<b>3,596</b>	720	20.0	2,876	80.0	1	12.5	7	87.5
<b>Immigration</b>	<b>1,896</b>	908	47.9	988	52.1	1	100.0	0	0.0
<b>Embezzlement</b>	<b>1,017</b>	201	19.8	816	80.2	1	25.0	3	75.0
<b>Drugs - Trafficking</b>	<b>2,020</b>	767	38.0	1,253	62.0	0	0.0	1	100.0
<b>Drugs - Simple Possession</b>	<b>1,381</b>	562	40.7	819	59.3	0	--	0	--
<b>Firearms</b>	<b>1,094</b>	439	40.1	655	59.9	3	75.0	1	25.0
<b>Forgery/Counterfeiting</b>	<b>1,312</b>	498	38.0	814	62.0	1	100.0	0	0.0
<b>Other Miscellaneous Offenses</b>	<b>7,081</b>	1,919	27.1	5,162	72.9	8	47.1	9	52.9

Of the 412,170 guideline cases, a U.S. Citizen was the defendant in 217,036 cases. Of these, 191,037 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison sentence (191,037), or missing sentencing information (66).

Of the 884 guideline cases sentenced by Judge Joseph F. Bataillon, 527 were U.S. Citizens. Of these, 480 cases were excluded due to the defendant being ineligible for non-prison sentence.

This table was limited to U.S. Citizens beginning in Fiscal Year 2010.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

**Table 7**

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY  
Fiscal Years 2008 - 2012**

PRIMARY OFFENSE	National			Judge Joseph F. Bataillon		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>52</b>	<b>30</b>	<b>354,276</b>	<b>51</b>	<b>36</b>	<b>791</b>
<b>Murder</b>	256	235	364	--	--	1
<b>Manslaughter</b>	62	42	280	--	--	1
<b>Kidnapping/Hostage Taking</b>	205	168	253	--	--	0
<b>Sexual Abuse</b>	111	87	2,105	60	37	13
<b>Assault</b>	43	30	2,768	39	30	19
<b>Robbery</b>	82	63	4,772	70	60	9
<b>Arson</b>	74	60	285	--	--	0
<b>Drugs - Trafficking</b>	78	60	115,099	76	60	308
<b>Drugs - Communication Facility</b>	42	42	1,750	--	--	0
<b>Drugs - Simple Possession</b>	7	4	2,712	--	--	2
<b>Firearms</b>	90	60	37,800	50	30	129
<b>Burglary/B&amp;E</b>	23	21	181	31	12	3
<b>Auto Theft</b>	67	30	298	23	18	5
<b>Larceny</b>	18	12	2,976	15	18	4
<b>Fraud</b>	30	19	28,940	14	9	63
<b>Embezzlement</b>	16	12	972	--	--	2
<b>Forgery/Counterfeiting</b>	22	18	3,249	9	10	3
<b>Bribery</b>	25	18	768	--	--	0
<b>Tax</b>	23	18	1,930	--	--	2
<b>Money Laundering</b>	41	27	3,150	--	--	1
<b>Racketeering/Extortion</b>	93	60	3,367	36	12	3
<b>Gambling/Lottery</b>	12	12	133	--	--	0
<b>Civil Rights</b>	47	24	201	--	--	0
<b>Immigration</b>	19	12	120,116	22	12	168
<b>Child Pornography</b>	124	84	8,872	80	60	33
<b>Prison Offenses</b>	16	12	1,941	--	--	0
<b>Administration of Justice Offenses</b>	25	18	3,830	20	21	13
<b>Environmental/Wildlife</b>	11	7	222	--	--	2
<b>National Defense</b>	60	37	345	--	--	0
<b>Antitrust</b>	13	12	67	--	--	0
<b>Food &amp; Drug</b>	22	12	97	--	--	0
<b>Other Miscellaneous Offenses</b>	34	12	4,433	32	12	7

Of the 412,170 guideline cases, 57,894 cases were excluded for one or more of the following reasons: zero months of prison ordered (53,915), missing primary offense category (50) or missing or indeterminable sentencing information (3,979).

Of the 884 guideline cases sentenced by Judge Joseph F. Bataillon, 93 cases were excluded due to one of the following reasons: zero months of prison ordered (91) or missing or indeterminable sentencing information (2).

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

**Table 8**

**COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE  
Fiscal Years 2008 - 2012**

	National		Judge Joseph F. Bataillon	
	N	%	N	%
<b>TOTAL CASES<sup>1</sup></b>	<b>402,923</b>	<b>100.0</b>	<b>882</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>223,775</b>	<b>55.5</b>	<b>503</b>	<b>57.0</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>7,361</b>	<b>1.8</b>	<b>26</b>	<b>2.9</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>2,541</b>	<b>0.6</b>	<b>9</b>	<b>1.0</b>
Upward Departure From Guideline Range <sup>2</sup>	1,888	0.5	8	0.9
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	653	0.2	1	0.1
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>4,820</b>	<b>1.2</b>	<b>17</b>	<b>1.9</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	4,304	1.1	15	1.7
All Remaining Cases Above Guideline Range <sup>5</sup>	516	0.1	2	0.2
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>105,110</b>	<b>26.1</b>	<b>148</b>	<b>16.8</b>
§5K1.1 Substantial Assistance Departure	48,523	12.0	37	4.2
§5K3.1 Early Disposition Program Departure	39,588	9.8	39	4.4
Other Government Sponsored Below Range	16,999	4.2	72	8.2
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>66,677</b>	<b>16.5</b>	<b>205</b>	<b>23.2</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>13,015</b>	<b>3.2</b>	<b>29</b>	<b>3.3</b>
Downward Departure From Guideline Range <sup>2</sup>	8,646	2.1	21	2.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	4,369	1.1	8	0.9
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>53,662</b>	<b>13.3</b>	<b>176</b>	<b>20.0</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	50,010	12.4	160	18.1
All Remaining Cases Below Guideline Range <sup>5</sup>	3,652	0.9	16	1.8

<sup>1</sup> This table reflects the 412,170 cases sentenced nationally in Fiscal Years 2008 - 2012, 884 of which were sentenced by Judge Joseph F. Bataillon. Of these, 9,247 cases nationally and two cases sentenced by Judge Joseph F. Bataillon were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

<sup>2</sup> All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup> All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup> All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup> All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup> Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

**Table 9**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT  
Fiscal Years 2008 - 2012**

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>402,923</b>	<b>223,775</b>	<b>55.5</b>	<b>1,888</b>	<b>0.5</b>	<b>653</b>	<b>0.2</b>	<b>4,304</b>	<b>1.1</b>	<b>516</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>1,871</b>	<b>686</b>	<b>36.7</b>	<b>12</b>	<b>0.6</b>	<b>3</b>	<b>0.2</b>	<b>15</b>	<b>0.8</b>	<b>2</b>	<b>0.1</b>
District of Columbia	1,871	686	36.7	12	0.6	3	0.2	15	0.8	2	0.1
<b>FIRST CIRCUIT</b>	<b>10,212</b>	<b>5,955</b>	<b>58.3</b>	<b>41</b>	<b>0.4</b>	<b>19</b>	<b>0.2</b>	<b>122</b>	<b>1.2</b>	<b>21</b>	<b>0.2</b>
Maine	990	520	52.5	5	0.5	1	0.1	8	0.8	0	0.0
Massachusetts	2,508	988	39.4	16	0.6	6	0.2	31	1.2	8	0.3
New Hampshire	1,021	447	43.8	6	0.6	3	0.3	19	1.9	0	0.0
Puerto Rico	4,909	3,627	73.9	14	0.3	8	0.2	61	1.2	13	0.3
Rhode Island	784	373	47.6	0	0.0	1	0.1	3	0.4	0	0.0
<b>SECOND CIRCUIT</b>	<b>22,633</b>	<b>9,266</b>	<b>40.9</b>	<b>48</b>	<b>0.2</b>	<b>20</b>	<b>0.1</b>	<b>110</b>	<b>0.5</b>	<b>18</b>	<b>0.1</b>
Connecticut	2,032	799	39.3	9	0.4	1	0.0	19	0.9	1	0.0
New York											
Eastern	5,736	1,906	33.2	7	0.1	7	0.1	44	0.8	6	0.1
Northern	2,683	1,478	55.1	8	0.3	2	0.1	3	0.1	2	0.1
Southern	7,753	2,927	37.8	3	0.0	4	0.1	27	0.3	5	0.1
Western	3,504	1,835	52.4	17	0.5	6	0.2	14	0.4	4	0.1
Vermont	925	321	34.7	4	0.4	0	0.0	3	0.3	0	0.0
<b>THIRD CIRCUIT</b>	<b>14,951</b>	<b>6,982</b>	<b>46.7</b>	<b>47</b>	<b>0.3</b>	<b>16</b>	<b>0.1</b>	<b>117</b>	<b>0.8</b>	<b>18</b>	<b>0.1</b>
Delaware	648	259	40.0	0	0.0	0	0.0	12	1.9	0	0.0
New Jersey	4,345	2,121	48.8	7	0.2	3	0.1	20	0.5	2	0.0
Pennsylvania											
Eastern	4,340	1,661	38.3	14	0.3	4	0.1	55	1.3	7	0.2
Middle	2,773	1,290	46.5	21	0.8	4	0.1	7	0.3	2	0.1
Western	2,495	1,433	57.4	3	0.1	3	0.1	10	0.4	4	0.2
Virgin Islands	350	218	62.3	2	0.6	2	0.6	13	3.7	3	0.9
<b>FOURTH CIRCUIT</b>	<b>32,744</b>	<b>20,228</b>	<b>61.8</b>	<b>234</b>	<b>0.7</b>	<b>104</b>	<b>0.3</b>	<b>396</b>	<b>1.2</b>	<b>40</b>	<b>0.1</b>
Maryland	4,051	1,718	42.4	38	0.9	16	0.4	62	1.5	12	0.3
North Carolina											
Eastern	3,627	1,995	55.0	75	2.1	33	0.9	43	1.2	2	0.1
Middle	2,285	1,660	72.6	12	0.5	2	0.1	36	1.6	1	0.0
Western	2,816	1,659	58.9	14	0.5	5	0.2	25	0.9	2	0.1
South Carolina	5,544	3,411	61.5	33	0.6	6	0.1	29	0.5	8	0.1
Virginia											
Eastern	9,221	6,801	73.8	48	0.5	34	0.4	109	1.2	11	0.1
Western	2,005	1,075	53.6	9	0.4	4	0.2	49	2.4	2	0.1
West Virginia											
Northern	1,786	1,114	62.4	2	0.1	2	0.1	23	1.3	0	0.0
Southern	1,409	795	56.4	3	0.2	2	0.1	20	1.4	2	0.1

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>48,523</b>	<b>12.0</b>	<b>39,588</b>	<b>9.8</b>	<b>16,999</b>	<b>4.2</b>	<b>8,646</b>	<b>2.1</b>	<b>4,369</b>	<b>1.1</b>	<b>50,010</b>	<b>12.4</b>	<b>3,652</b>	<b>0.9</b>
<b>D.C. CIRCUIT</b>	<b>530</b>	<b>28.3</b>	<b>2</b>	<b>0.1</b>	<b>240</b>	<b>12.8</b>	<b>53</b>	<b>2.8</b>	<b>67</b>	<b>3.6</b>	<b>221</b>	<b>11.8</b>	<b>40</b>	<b>2.1</b>
District of Columbia	530	28.3	2	0.1	240	12.8	53	2.8	67	3.6	221	11.8	40	2.1
<b>FIRST CIRCUIT</b>	<b>1,102</b>	<b>10.8</b>	<b>121</b>	<b>1.2</b>	<b>730</b>	<b>7.1</b>	<b>225</b>	<b>2.2</b>	<b>143</b>	<b>1.4</b>	<b>1,615</b>	<b>15.8</b>	<b>118</b>	<b>1.2</b>
Maine	270	27.3	0	0.0	5	0.5	30	3.0	5	0.5	141	14.2	5	0.5
Massachusetts	251	10.0	4	0.2	362	14.4	85	3.4	55	2.2	678	27.0	24	1.0
New Hampshire	230	22.5	0	0.0	93	9.1	18	1.8	19	1.9	180	17.6	6	0.6
Puerto Rico	293	6.0	117	2.4	247	5.0	88	1.8	60	1.2	299	6.1	82	1.7
Rhode Island	58	7.4	0	0.0	23	2.9	4	0.5	4	0.5	317	40.4	1	0.1
<b>SECOND CIRCUIT</b>	<b>4,550</b>	<b>20.1</b>	<b>29</b>	<b>0.1</b>	<b>720</b>	<b>3.2</b>	<b>748</b>	<b>3.3</b>	<b>673</b>	<b>3.0</b>	<b>6,172</b>	<b>27.3</b>	<b>279</b>	<b>1.2</b>
Connecticut	360	17.7	0	0.0	57	2.8	145	7.1	112	5.5	515	25.3	14	0.7
New York														
Eastern	1,269	22.1	10	0.2	281	4.9	224	3.9	242	4.2	1,651	28.8	89	1.6
Northern	586	21.8	0	0.0	40	1.5	91	3.4	34	1.3	422	15.7	17	0.6
Southern	1,217	15.7	19	0.2	135	1.7	176	2.3	196	2.5	2,912	37.6	132	1.7
Western	934	26.7	0	0.0	146	4.2	21	0.6	16	0.5	486	13.9	25	0.7
Vermont	184	19.9	0	0.0	61	6.6	91	9.8	73	7.9	186	20.1	2	0.2
<b>THIRD CIRCUIT</b>	<b>3,712</b>	<b>24.8</b>	<b>14</b>	<b>0.1</b>	<b>562</b>	<b>3.8</b>	<b>213</b>	<b>1.4</b>	<b>249</b>	<b>1.7</b>	<b>2,830</b>	<b>18.9</b>	<b>191</b>	<b>1.3</b>
Delaware	78	12.0	0	0.0	32	4.9	4	0.6	3	0.5	225	34.7	35	5.4
New Jersey	1,209	27.8	5	0.1	89	2.0	56	1.3	38	0.9	756	17.4	39	0.9
Pennsylvania														
Eastern	1,362	31.4	6	0.1	138	3.2	46	1.1	76	1.8	899	20.7	72	1.7
Middle	655	23.6	0	0.0	250	9.0	48	1.7	35	1.3	449	16.2	12	0.4
Western	359	14.4	3	0.1	45	1.8	56	2.2	92	3.7	467	18.7	20	0.8
Virgin Islands	49	14.0	0	0.0	8	2.3	3	0.9	5	1.4	34	9.7	13	3.7
<b>FOURTH CIRCUIT</b>	<b>5,290</b>	<b>16.2</b>	<b>12</b>	<b>0.0</b>	<b>1,004</b>	<b>3.1</b>	<b>511</b>	<b>1.6</b>	<b>253</b>	<b>0.8</b>	<b>4,398</b>	<b>13.4</b>	<b>274</b>	<b>0.8</b>
Maryland	998	24.6	7	0.2	359	8.9	69	1.7	91	2.2	626	15.5	55	1.4
North Carolina														
Eastern	1,166	32.1	0	0.0	11	0.3	25	0.7	14	0.4	239	6.6	24	0.7
Middle	298	13.0	0	0.0	4	0.2	16	0.7	5	0.2	246	10.8	5	0.2
Western	727	25.8	0	0.0	66	2.3	36	1.3	20	0.7	239	8.5	23	0.8
South Carolina	991	17.9	2	0.0	160	2.9	82	1.5	16	0.3	751	13.5	55	1.0
Virginia														
Eastern	380	4.1	2	0.0	169	1.8	219	2.4	87	0.9	1,264	13.7	97	1.1
Western	435	21.7	0	0.0	67	3.3	46	2.3	9	0.4	302	15.1	7	0.3
West Virginia														
Northern	155	8.7	1	0.1	155	8.7	8	0.4	3	0.2	318	17.8	5	0.3
Southern	140	9.9	0	0.0	13	0.9	10	0.7	8	0.6	413	29.3	3	0.2

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>94,692</b>	<b>66,983</b>	<b>70.7</b>	<b>487</b>	<b>0.5</b>	<b>166</b>	<b>0.2</b>	<b>1,354</b>	<b>1.4</b>	<b>121</b>	<b>0.1</b>
Louisiana											
Eastern	2,039	1,407	69.0	25	1.2	25	1.2	51	2.5	5	0.2
Middle	950	577	60.7	21	2.2	6	0.6	18	1.9	0	0.0
Western	1,726	1,220	70.7	18	1.0	15	0.9	63	3.7	11	0.6
Mississippi											
Northern	833	520	62.4	0	0.0	0	0.0	34	4.1	0	0.0
Southern	1,657	1,301	78.5	5	0.3	2	0.1	23	1.4	5	0.3
Texas											
Eastern	4,713	3,430	72.8	44	0.9	1	0.0	33	0.7	7	0.1
Northern	4,931	3,095	62.8	85	1.7	65	1.3	203	4.1	6	0.1
Southern	37,462	23,608	63.0	204	0.5	26	0.1	261	0.7	24	0.1
Western	40,381	31,825	78.8	85	0.2	26	0.1	668	1.7	63	0.2
<b>SIXTH CIRCUIT</b>	<b>27,293</b>	<b>13,920</b>	<b>51.0</b>	<b>131</b>	<b>0.5</b>	<b>50</b>	<b>0.2</b>	<b>315</b>	<b>1.2</b>	<b>36</b>	<b>0.1</b>
Kentucky											
Eastern	3,127	1,495	47.8	7	0.2	5	0.2	47	1.5	1	0.0
Western	2,253	1,378	61.2	8	0.4	0	0.0	8	0.4	1	0.0
Michigan											
Eastern	3,928	1,978	50.4	12	0.3	1	0.0	26	0.7	5	0.1
Western	2,439	1,482	60.8	31	1.3	14	0.6	57	2.3	7	0.3
Ohio											
Northern	3,777	1,913	50.6	6	0.2	2	0.1	46	1.2	8	0.2
Southern	3,287	1,161	35.3	13	0.4	12	0.4	30	0.9	6	0.2
Tennessee											
Eastern	3,842	2,276	59.2	15	0.4	5	0.1	36	0.9	6	0.2
Middle	1,536	672	43.8	16	1.0	5	0.3	25	1.6	1	0.1
Western	3,104	1,565	50.4	23	0.7	6	0.2	40	1.3	1	0.0
<b>SEVENTH CIRCUIT</b>	<b>15,200</b>	<b>7,685</b>	<b>50.6</b>	<b>64</b>	<b>0.4</b>	<b>44</b>	<b>0.3</b>	<b>248</b>	<b>1.6</b>	<b>21</b>	<b>0.1</b>
Illinois											
Central	1,885	1,037	55.0	5	0.3	0	0.0	15	0.8	1	0.1
Northern	4,473	1,953	43.7	15	0.3	11	0.2	47	1.1	5	0.1
Southern	1,687	1,234	73.1	21	1.2	20	1.2	25	1.5	4	0.2
Indiana											
Northern	2,219	1,346	60.7	5	0.2	7	0.3	33	1.5	7	0.3
Southern	1,574	837	53.2	10	0.6	1	0.1	68	4.3	1	0.1
Wisconsin											
Eastern	2,428	754	31.1	3	0.1	1	0.0	52	2.1	3	0.1
Western	934	524	56.1	5	0.5	4	0.4	8	0.9	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>25,394</b>	<b>14,383</b>	<b>56.6</b>	<b>170</b>	<b>0.7</b>	<b>59</b>	<b>0.2</b>	<b>324</b>	<b>1.3</b>	<b>30</b>	<b>0.1</b>
Arkansas											
Eastern	1,958	1,253	64.0	9	0.5	8	0.4	46	2.3	4	0.2
Western	1,362	1,007	73.9	2	0.1	0	0.0	6	0.4	2	0.1
Iowa											
Northern	2,193	1,351	61.6	55	2.5	13	0.6	42	1.9	7	0.3
Southern	2,224	983	44.2	8	0.4	1	0.0	27	1.2	1	0.0
Minnesota	2,600	898	34.5	5	0.2	7	0.3	12	0.5	1	0.0
Missouri											
Eastern	4,704	2,602	55.3	13	0.3	5	0.1	46	1.0	3	0.1
Western	3,688	2,091	56.7	11	0.3	6	0.2	80	2.2	5	0.1
Nebraska	3,053	1,868	61.2	26	0.9	1	0.0	29	0.9	5	0.2
North Dakota	1,352	754	55.8	1	0.1	5	0.4	13	1.0	2	0.1
South Dakota	2,260	1,576	69.7	40	1.8	13	0.6	23	1.0	0	0.0



CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>6,729</b>	<b>7.1</b>	<b>5,259</b>	<b>5.6</b>	<b>2,547</b>	<b>2.7</b>	<b>3,077</b>	<b>3.2</b>	<b>275</b>	<b>0.3</b>	<b>6,901</b>	<b>7.3</b>	<b>793</b>	<b>0.8</b>
<b>Louisiana</b>														
Eastern	215	10.5	2	0.1	53	2.6	39	1.9	24	1.2	173	8.5	20	1.0
Middle	184	19.4	11	1.2	5	0.5	5	0.5	5	0.5	116	12.2	2	0.2
Western	156	9.0	1	0.1	10	0.6	9	0.5	17	1.0	172	10.0	34	2.0
<b>Mississippi</b>														
Northern	176	21.1	0	0.0	29	3.5	4	0.5	1	0.1	60	7.2	9	1.1
Southern	138	8.3	0	0.0	9	0.5	16	1.0	4	0.2	118	7.1	36	2.2
<b>Texas</b>														
Eastern	409	8.7	8	0.2	405	8.6	107	2.3	28	0.6	216	4.6	25	0.5
Northern	748	15.2	13	0.3	114	2.3	32	0.6	19	0.4	532	10.8	19	0.4
Southern	2,129	5.7	4,814	12.9	1,368	3.7	2,043	5.5	71	0.2	2,830	7.6	84	0.2
Western	2,574	6.4	410	1.0	554	1.4	822	2.0	106	0.3	2,684	6.6	564	1.4
<b>SIXTH CIRCUIT</b>	<b>6,385</b>	<b>23.4</b>	<b>35</b>	<b>0.1</b>	<b>999</b>	<b>3.7</b>	<b>477</b>	<b>1.7</b>	<b>513</b>	<b>1.9</b>	<b>4,149</b>	<b>15.2</b>	<b>283</b>	<b>1.0</b>
<b>Kentucky</b>														
Eastern	1,150	36.8	0	0.0	54	1.7	16	0.5	9	0.3	328	10.5	15	0.5
Western	392	17.4	18	0.8	160	7.1	38	1.7	12	0.5	223	9.9	15	0.7
<b>Michigan</b>														
Eastern	757	19.3	5	0.1	112	2.9	63	1.6	61	1.6	882	22.5	26	0.7
Western	330	13.5	0	0.0	15	0.6	51	2.1	50	2.1	387	15.9	15	0.6
<b>Ohio</b>														
Northern	907	24.0	1	0.0	96	2.5	63	1.7	62	1.6	608	16.1	65	1.7
Southern	949	28.9	7	0.2	258	7.8	122	3.7	179	5.4	482	14.7	68	2.1
<b>Tennessee</b>														
Eastern	967	25.2	0	0.0	39	1.0	46	1.2	21	0.5	395	10.3	36	0.9
Middle	281	18.3	0	0.0	159	10.4	35	2.3	46	3.0	290	18.9	6	0.4
Western	652	21.0	4	0.1	106	3.4	43	1.4	73	2.4	554	17.8	37	1.2
<b>SEVENTH CIRCUIT</b>	<b>2,481</b>	<b>16.3</b>	<b>22</b>	<b>0.1</b>	<b>609</b>	<b>4.0</b>	<b>304</b>	<b>2.0</b>	<b>518</b>	<b>3.4</b>	<b>2,953</b>	<b>19.4</b>	<b>251</b>	<b>1.7</b>
<b>Illinois</b>														
Central	368	19.5	1	0.1	53	2.8	25	1.3	23	1.2	345	18.3	12	0.6
Northern	697	15.6	16	0.4	80	1.8	122	2.7	371	8.3	1,050	23.5	106	2.4
Southern	119	7.1	0	0.0	38	2.3	23	1.4	53	3.1	119	7.1	31	1.8
<b>Indiana</b>														
Northern	438	19.7	1	0.0	80	3.6	37	1.7	27	1.2	200	9.0	38	1.7
Southern	232	14.7	0	0.0	104	6.6	24	1.5	4	0.3	290	18.4	3	0.2
<b>Wisconsin</b>														
Eastern	549	22.6	1	0.0	252	10.4	16	0.7	5	0.2	731	30.1	61	2.5
Western	78	8.4	3	0.3	2	0.2	57	6.1	35	3.7	218	23.3	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>3,825</b>	<b>15.1</b>	<b>223</b>	<b>0.9</b>	<b>947</b>	<b>3.7</b>	<b>421</b>	<b>1.7</b>	<b>315</b>	<b>1.2</b>	<b>4,487</b>	<b>17.7</b>	<b>210</b>	<b>0.8</b>
<b>Arkansas</b>														
Eastern	223	11.4	0	0.0	60	3.1	38	1.9	32	1.6	257	13.1	28	1.4
Western	175	12.8	5	0.4	5	0.4	12	0.9	5	0.4	138	10.1	5	0.4
<b>Iowa</b>														
Northern	386	17.6	31	1.4	31	1.4	6	0.3	5	0.2	263	12.0	3	0.1
Southern	475	21.4	1	0.0	166	7.5	12	0.5	17	0.8	509	22.9	24	1.1
Minnesota	668	25.7	5	0.2	41	1.6	66	2.5	77	3.0	804	30.9	16	0.6
<b>Missouri</b>														
Eastern	688	14.6	1	0.0	219	4.7	64	1.4	78	1.7	937	19.9	48	1.0
Western	708	19.2	0	0.0	130	3.5	34	0.9	27	0.7	569	15.4	27	0.7
Nebraska	109	3.6	165	5.4	193	6.3	41	1.3	23	0.8	556	18.2	37	1.2
North Dakota	335	24.8	12	0.9	40	3.0	35	2.6	11	0.8	136	10.1	8	0.6
South Dakota	58	2.6	3	0.1	62	2.7	113	5.0	40	1.8	318	14.1	14	0.6

CIRCUIT District	TOTAL	SENTENCED WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>90,677</b>	<b>36,640</b>	<b>40.4</b>	<b>471</b>	<b>0.5</b>	<b>105</b>	<b>0.1</b>	<b>528</b>	<b>0.6</b>	<b>131</b>	<b>0.1</b>
Alaska	864	374	43.3	5	0.6	7	0.8	6	0.7	2	0.2
Arizona	31,420	13,068	41.6	305	1.0	22	0.1	89	0.3	24	0.1
California											
Central	9,326	3,110	33.3	26	0.3	27	0.3	88	0.9	22	0.2
Eastern	4,982	2,140	43.0	13	0.3	7	0.1	42	0.8	10	0.2
Northern	4,026	1,939	48.2	5	0.1	15	0.4	52	1.3	8	0.2
Southern	23,300	7,869	33.8	44	0.2	6	0.0	41	0.2	47	0.2
Guam	291	189	64.9	1	0.3	4	1.4	1	0.3	1	0.3
Hawaii	1,192	504	42.3	1	0.1	1	0.1	12	1.0	1	0.1
Idaho	1,527	687	45.0	5	0.3	1	0.1	13	0.9	1	0.1
Montana	1,895	1,297	68.4	13	0.7	3	0.2	40	2.1	7	0.4
Nevada	2,722	1,679	61.7	13	0.5	1	0.0	35	1.3	3	0.1
Northern Mariana Islands	97	77	79.4	0	0.0	1	1.0	0	0.0	0	0.0
Oregon	3,122	1,243	39.8	7	0.2	0	0.0	34	1.1	4	0.1
Washington											
Eastern	1,842	710	38.5	16	0.9	9	0.5	44	2.4	1	0.1
Western	4,071	1,754	43.1	17	0.4	1	0.0	31	0.8	0	0.0
<b>TENTH CIRCUIT</b>	<b>32,362</b>	<b>18,967</b>	<b>58.6</b>	<b>116</b>	<b>0.4</b>	<b>14</b>	<b>0.0</b>	<b>259</b>	<b>0.8</b>	<b>29</b>	<b>0.1</b>
Colorado	2,735	1,464	53.5	5	0.2	4	0.1	20	0.7	4	0.1
Kansas	3,483	1,886	54.1	23	0.7	6	0.2	130	3.7	3	0.1
New Mexico	16,244	10,032	61.8	44	0.3	2	0.0	23	0.1	14	0.1
Oklahoma											
Eastern	496	352	71.0	2	0.4	0	0.0	3	0.6	0	0.0
Northern	986	669	67.8	6	0.6	0	0.0	1	0.1	0	0.0
Western	2,255	1,590	70.5	4	0.2	0	0.0	45	2.0	1	0.0
Utah	4,350	1,903	43.7	22	0.5	0	0.0	23	0.5	4	0.1
Wyoming	1,813	1,071	59.1	10	0.6	2	0.1	14	0.8	3	0.2
<b>ELEVENTH CIRCUIT</b>	<b>34,894</b>	<b>22,080</b>	<b>63.3</b>	<b>67</b>	<b>0.2</b>	<b>53</b>	<b>0.2</b>	<b>516</b>	<b>1.5</b>	<b>49</b>	<b>0.1</b>
Alabama											
Middle	1,184	688	58.1	2	0.2	2	0.2	33	2.8	0	0.0
Northern	2,273	1,455	64.0	1	0.0	4	0.2	33	1.5	3	0.1
Southern	2,183	1,362	62.4	4	0.2	2	0.1	17	0.8	1	0.0
Florida											
Middle	8,188	4,404	53.8	15	0.2	5	0.1	108	1.3	9	0.1
Northern	1,842	1,233	66.9	6	0.3	5	0.3	22	1.2	2	0.1
Southern	10,937	7,274	66.5	12	0.1	19	0.2	125	1.1	26	0.2
Georgia											
Middle	1,770	1,376	77.7	3	0.2	9	0.5	29	1.6	3	0.2
Northern	3,457	1,874	54.2	9	0.3	7	0.2	46	1.3	3	0.1
Southern	3,060	2,414	78.9	15	0.5	0	0.0	103	3.4	2	0.1

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW RANGE DEPARTURE		BELOW RANGE DEPARTURE W/BOOKER		BELOW RANGE W/BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>6,705</b>	<b>7.4</b>	<b>30,018</b>	<b>33.1</b>	<b>5,145</b>	<b>5.7</b>	<b>1,644</b>	<b>1.8</b>	<b>761</b>	<b>0.8</b>	<b>7,646</b>	<b>8.4</b>	<b>883</b>	<b>1.0</b>
Alaska	144	16.7	1	0.1	110	12.7	11	1.3	45	5.2	143	16.6	16	1.9
Arizona	935	3.0	14,013	44.6	897	2.9	395	1.3	138	0.4	1,408	4.5	126	0.4
<b>California</b>														
Central	1,109	11.9	2,114	22.7	778	8.3	259	2.8	181	1.9	1,314	14.1	298	3.2
Eastern	617	12.4	1,387	27.8	193	3.9	68	1.4	30	0.6	446	9.0	29	0.6
Northern	367	9.1	443	11.0	525	13.0	56	1.4	88	2.2	484	12.0	44	1.1
Southern	1,248	5.4	11,132	47.8	687	2.9	637	2.7	128	0.5	1,230	5.3	231	1.0
Guam	49	16.8	0	0.0	4	1.4	3	1.0	1	0.3	33	11.3	5	1.7
Hawaii	346	29.0	0	0.0	10	0.8	9	0.8	4	0.3	293	24.6	11	0.9
Idaho	363	23.8	152	10.0	38	2.5	16	1.0	15	1.0	217	14.2	19	1.2
Montana	247	13.0	0	0.0	28	1.5	16	0.8	11	0.6	221	11.7	12	0.6
Nevada	236	8.7	34	1.2	227	8.3	48	1.8	10	0.4	392	14.4	44	1.6
Northern Mariana Islands	9	9.3	0	0.0	3	3.1	0	0.0	4	4.1	3	3.1	0	0.0
Oregon	503	16.1	274	8.8	456	14.6	43	1.4	33	1.1	506	16.2	19	0.6
<b>Washington</b>														
Eastern	154	8.4	291	15.8	223	12.1	27	1.5	19	1.0	340	18.5	8	0.4
Western	378	9.3	177	4.3	966	23.7	56	1.4	54	1.3	616	15.1	21	0.5
<b>TENTH CIRCUIT</b>	<b>2,215</b>	<b>6.8</b>	<b>3,740</b>	<b>11.6</b>	<b>2,900</b>	<b>9.0</b>	<b>600</b>	<b>1.9</b>	<b>253</b>	<b>0.8</b>	<b>3,149</b>	<b>9.7</b>	<b>120</b>	<b>0.4</b>
Colorado	512	18.7	46	1.7	180	6.6	67	2.4	25	0.9	395	14.4	13	0.5
Kansas	556	16.0	19	0.5	438	12.6	21	0.6	11	0.3	382	11.0	8	0.2
New Mexico	396	2.4	2,527	15.6	1,843	11.3	347	2.1	119	0.7	845	5.2	52	0.3
<b>Oklahoma</b>														
Eastern	70	14.1	0	0.0	10	2.0	2	0.4	3	0.6	53	10.7	1	0.2
Northern	163	16.5	1	0.1	2	0.2	7	0.7	3	0.3	134	13.6	0	0.0
Western	149	6.6	0	0.0	21	0.9	17	0.8	12	0.5	410	18.2	6	0.3
Utah	194	4.5	1,117	25.7	253	5.8	106	2.4	18	0.4	679	15.6	31	0.7
Wyoming	175	9.7	30	1.7	153	8.4	33	1.8	62	3.4	251	13.8	9	0.5
<b>ELEVENTH CIRCUIT</b>	<b>4,999</b>	<b>14.3</b>	<b>113</b>	<b>0.3</b>	<b>596</b>	<b>1.7</b>	<b>373</b>	<b>1.1</b>	<b>349</b>	<b>1.0</b>	<b>5,489</b>	<b>15.7</b>	<b>210</b>	<b>0.6</b>
<b>Alabama</b>														
Middle	289	24.4	4	0.3	23	1.9	8	0.7	3	0.3	128	10.8	4	0.3
Northern	457	20.1	0	0.0	15	0.7	10	0.4	7	0.3	279	12.3	9	0.4
Southern	436	20.0	0	0.0	16	0.7	14	0.6	10	0.5	315	14.4	6	0.3
<b>Florida</b>														
Middle	1,551	18.9	75	0.9	110	1.3	116	1.4	101	1.2	1,650	20.2	44	0.5
Northern	324	17.6	3	0.2	1	0.1	24	1.3	16	0.9	200	10.9	6	0.3
Southern	994	9.1	24	0.2	172	1.6	82	0.7	145	1.3	1,963	17.9	101	0.9
<b>Georgia</b>														
Middle	198	11.2	5	0.3	26	1.5	6	0.3	5	0.3	106	6.0	4	0.2
Northern	480	13.9	1	0.0	198	5.7	87	2.5	59	1.7	667	19.3	26	0.8
Southern	270	8.8	1	0.0	35	1.1	26	0.8	3	0.1	181	5.9	10	0.3

Of the 412,170 cases, 9,247 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Middle Georgia (19.0%), Western Oklahoma (9.9%), Eastern Virginia (9.5%), Arizona (6.8%), Maryland (6.6%), Western Louisiana (5.6%), and Middle Tennessee (5.0%).

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.

**Table 10**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE  
BY SELECTED PRIMARY OFFENSE CATEGORY  
Fiscal Years 2008 - 2012**

**National**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>402,882</b>	<b>223,752</b>	<b>55.5</b>	<b>1,888</b>	<b>0.5</b>	<b>653</b>	<b>0.2</b>	<b>4,304</b>	<b>1.1</b>	<b>516</b>	<b>0.1</b>
Robbery	4,941	2,929	59.3	63	1.3	31	0.6	115	2.3	12	0.2
Drugs - Trafficking	120,682	55,979	46.4	290	0.2	74	0.1	520	0.4	95	0.1
Drugs - Simple Possession	3,572	3,370	94.3	17	0.5	7	0.2	32	0.9	7	0.2
Firearms	40,339	24,651	61.1	366	0.9	134	0.3	796	2.0	99	0.2
Larceny	7,393	5,387	72.9	22	0.3	17	0.2	89	1.2	18	0.2
Fraud	37,921	21,241	56.0	159	0.4	83	0.2	510	1.3	65	0.2
Embezzlement	2,088	1,382	66.2	1	0.0	2	0.1	9	0.4	2	0.1
Forgery/Counterfeiting	4,576	3,047	66.6	24	0.5	18	0.4	85	1.9	10	0.2
Immigration	129,961	77,584	59.7	543	0.4	141	0.1	1,285	1.0	117	0.1
Other Miscellaneous Offenses	51,409	28,182	54.8	403	0.8	146	0.3	863	1.7	91	0.2

**Judge Joseph F. Bataillon**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		ABOVE RANGE DEPARTURE		ABOVE RANGE DEPARTURE W/BOOKER		ABOVE RANGE W/BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>882</b>	<b>503</b>	<b>57.0</b>	<b>8</b>	<b>0.9</b>	<b>1</b>	<b>0.1</b>	<b>15</b>	<b>1.7</b>	<b>2</b>	<b>0.2</b>
Robbery	10	8	80.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	316	180	57.0	1	0.3	0	0.0	0	0.0	1	0.3
Drugs - Simple Possession	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	137	90	65.7	0	0.0	0	0.0	1	0.7	0	0.0
Larceny	11	10	90.9	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	86	49	57.0	0	0.0	0	0.0	0	0.0	0	0.0
Embezzlement	5	5	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	3	2	66.7	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	183	98	53.6	7	3.8	1	0.5	9	4.9	1	0.5
Other Miscellaneous Offenses	129	59	45.7	0	0.0	0	0.0	5	3.9	0	0.0

### National

PRIMARY OFFENSE	§5K1.1		§5K3.1		OTHER		BELOW		BELOW RANGE		BELOW		REMAINING	
	SUBSTANTIAL		EARLY		GOV'T		RANGE		DEPARTURE		RANGE		BELOW	
	ASSISTANCE	DISPOSITION	SPONSORED	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	BELOW	RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>48,513</b>	<b>12.0</b>	<b>39,585</b>	<b>9.8</b>	<b>16,995</b>	<b>4.2</b>	<b>8,646</b>	<b>2.1</b>	<b>4,369</b>	<b>1.1</b>	<b>50,010</b>	<b>12.4</b>	<b>3,651</b>	<b>0.9</b>
Robbery	523	10.6	9	0.2	204	4.1	137	2.8	114	2.3	777	15.7	27	0.5
Drugs - Trafficking	29,802	24.7	7,317	6.1	5,274	4.4	2,240	1.9	1,512	1.3	16,770	13.9	809	0.7
Drugs - Simple Possession	36	1.0	5	0.1	26	0.7	8	0.2	1	0.0	40	1.1	23	0.6
Firearms	4,547	11.3	83	0.2	1,885	4.7	790	2.0	509	1.3	6,095	15.1	384	1.0
Larceny	411	5.6	12	0.2	226	3.1	110	1.5	65	0.9	899	12.2	137	1.9
Fraud	6,033	15.9	74	0.2	1,599	4.2	658	1.7	596	1.6	6,347	16.7	556	1.5
Embezzlement	83	4.0	5	0.2	77	3.7	43	2.1	36	1.7	403	19.3	45	2.2
Forgery/Counterfeiting	472	10.3	6	0.1	115	2.5	79	1.7	41	0.9	619	13.5	60	1.3
Immigration	1,504	1.2	31,911	24.6	3,610	2.8	3,422	2.6	594	0.5	8,305	6.4	945	0.7
Other Miscellaneous Offenses	5,102	9.9	163	0.3	3,979	7.7	1,159	2.3	901	1.8	9,755	19.0	665	1.3

### Judge Joseph F. Bataillon

PRIMARY OFFENSE	§5K1.1		§5K3.1		OTHER		BELOW		BELOW RANGE		BELOW		REMAINING	
	SUBSTANTIAL		EARLY		GOV'T		RANGE		DEPARTURE		RANGE		BELOW	
	ASSISTANCE	DISPOSITION	SPONSORED	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	DEPARTURE	W/BOOKER	W/BOOKER	RANGE	BELOW	RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>37</b>	<b>4.2</b>	<b>39</b>	<b>4.4</b>	<b>72</b>	<b>8.2</b>	<b>21</b>	<b>2.4</b>	<b>8</b>	<b>0.9</b>	<b>160</b>	<b>18.1</b>	<b>16</b>	<b>1.8</b>
Robbery	0	0.0	0	0.0	1	10.0	0	0.0	0	0.0	1	10.0	0	0.0
Drugs - Trafficking	24	7.6	1	0.3	23	7.3	13	4.1	5	1.6	63	19.9	5	1.6
Drugs - Simple Possession	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	5	3.6	0	0.0	14	10.2	4	2.9	2	1.5	20	14.6	1	0.7
Larceny	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	9.1	0	0.0
Fraud	1	1.2	0	0.0	4	4.7	2	2.3	0	0.0	28	32.6	2	2.3
Embezzlement	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	33.3	0	0.0
Immigration	2	1.1	38	20.8	11	6.0	1	0.5	0	0.0	12	6.6	3	1.6
Other Miscellaneous Offenses	5	3.9	0	0.0	19	14.7	1	0.8	1	0.8	34	26.4	5	3.9

Of the 412,170 guideline cases, 9,288 cases were excluded due to one or both of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (9,247) or missing primary offense (50).

Of the 884 guideline cases sentenced by Judge Joseph F. Bataillon, two cases were excluded due to missing information from the from the submitted documents that prevented the comparison of the sentence and the guideline range.

SOURCE: U.S. Sentencing Commission, 2008 - 2012 Datafiles, USSCFY08 - USSCFY12.