

United States Sentencing Commission



*Judge Sentencing Data
Fiscal Years 2015 - 2016*

Prepared for
Judge John M. Gerrard

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Years 2015 - 2016

PRIMARY OFFENSE	National			Nebraska			Judge John M. Gerrard		
	Mean	Median	Number	Mean	Median	Number	Mean	Median	Number
	Months	Months		Months	Months		Months		
TOTAL	44	21	138,742	50	30	1,132	63	40	223
Murder	265	240	178	--	--	0	--	--	0
Manslaughter	74	60	109	--	--	1	--	--	0
Kidnapping/Hostage Taking	237	235	82	--	--	0	--	--	0
Sexual Abuse	137	120	1,148	39	37	7	--	--	1
Assault	29	16	1,565	18	12	37	--	--	0
Robbery	75	60	1,441	114	62	12	--	--	1
Arson	74	60	105	--	--	2	--	--	0
Drugs - Trafficking	67	50	39,269	77	63	446	103	115	96
Drugs - Communication Facility	28	24	587	--	--	0	--	--	0
Drugs - Simple Possession	5	6	4,161	--	--	2	--	--	0
Firearms	77	57	14,374	64	37	110	45	25	12
Burglary/B&E	20	12	59	--	--	0	--	--	0
Auto Theft	88	42	107	--	--	0	--	--	0
Larceny	9	0	1,948	4	2	8	--	--	2
Fraud	26	13	13,937	13	6	127	21	9	32
Embezzlement	9	0	663	4	0	5	--	--	0
Forgery/Counterfeiting	17	12	961	13	14	8	--	--	2
Bribery	25	15	414	--	--	0	--	--	0
Tax	13	10	1,084	10	1	6	--	--	2
Money Laundering	30	18	1,393	--	--	2	--	--	0
Racketeering/Extortion	82	51	1,920	37	34	10	--	--	1
Gambling/Lottery	5	0	151	--	--	0	--	--	0
Civil Rights	29	12	91	--	--	0	--	--	0
Immigration	14	8	40,822	9	4	219	9	5	40
Child Pornography	149	97	3,840	111	72	74	98	70	20
Prison Offenses	13	10	960	--	--	1	--	--	0
Administration of Justice Offenses	17	12	2,214	13	12	37	14	15	13
Environmental/Wildlife	4	0	314	0	0	3	--	--	0
National Defense	58	36	200	--	--	0	--	--	0
Antitrust	20	7	36	--	--	0	--	--	0
Food & Drug	7	0	261	--	--	0	--	--	0
Other Miscellaneous Offenses	17	0	4,348	9	0	15	--	--	1

¹ This table reflects the 138,745 cases sentenced nationally in fiscal years 2015 - 2016, 1,132 of which were from the District of Nebraska and 223 of which were sentenced by Judge John M. Gerrard. Of these, three nationally were excluded due to missing or indeterminable sentencing information, while none from the District of Nebraska or sentenced by Judge John M. Gerrard were excluded. Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1.

**COMPARISON OF SENTENCE IMPOSED AND
POSITION RELATIVE TO THE GUIDELINE RANGE¹**

Fiscal Years 2015 - 2016

	National		Nebraska		Judge John M. Gerrard	
	N	%	N	%	N	%
TOTAL CASES¹	135,231	100.0	1,130	100.0	223	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	64,781	47.9	552	48.8	106	47.5
CASES SENTENCED ABOVE GUIDELINE RANGE	3,123	2.3	19	1.7	4	1.8
DEPARTURE ABOVE GUIDELINE RANGE	863	0.6	0	0.0	0	0.0
Upward Departure From Guideline Range	666	0.5	0	0.0	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	197	0.1	0	0.0	0	0.0
OTHERWISE ABOVE GUIDELINE RANGE	2,260	1.7	19	1.7	4	1.8
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	2,133	1.6	19	1.7	4	1.8
All Remaining Cases Above Guideline Range	127	0.1	0	0.0	0	0.0
GOVERNMENT SPONSORED BELOW RANGE	38,870	28.7	283	25.0	49	22.0
§5K1.1 Substantial Assistance Departure	15,913	11.8	57	5.0	17	7.6
§5K3.1 Early Disposition Program Departure	12,254	9.1	95	8.4	25	11.2
Other Government Sponsored Below Range	10,703	7.9	131	11.6	7	3.1
NON-GOVERNMENT SPONSORED BELOW RANGE	28,457	21.0	276	24.4	64	28.7
DEPARTURE BELOW GUIDELINE RANGE	3,972	2.9	25	2.2	4	1.8
Downward Departure From Guideline Range	2,842	2.1	12	1.1	1	0.4
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	1,130	0.8	13	1.2	3	1.3
OTHERWISE BELOW GUIDELINE RANGE	24,485	18.1	251	22.2	60	26.9
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	23,716	17.5	237	21.0	58	26.0
All Remaining Cases Below Guideline Range	769	0.6	14	1.2	2	0.9

AVERAGE EXTENT OF DEPARTURE FOR BELOW RANGE SENTENCES

	%	%	%
TOTAL CASES WITH BELOW RANGE SENTENCES	49.2	50.4	49.4
GOVERNMENT SPONSORED BELOW RANGE	51.0	50.4	52.8
§5K1.1 Substantial Assistance Departure	56.3	68.9	73.5
§5K3.1 Early Disposition Program Departure	46.8	46.4	44.7
Other Government Sponsored Below Range	48.0	45.0	27.7
NON-GOVERNMENT SPONSORED BELOW RANGE	46.7	50.4	46.8

¹See *Sourcebook of Federal Sentencing Statistics*, Appendix A, for definition of the terms used on this page.