

United States Sentencing Commission



Statistical Information Packet

Fiscal Years 2007 - 2011

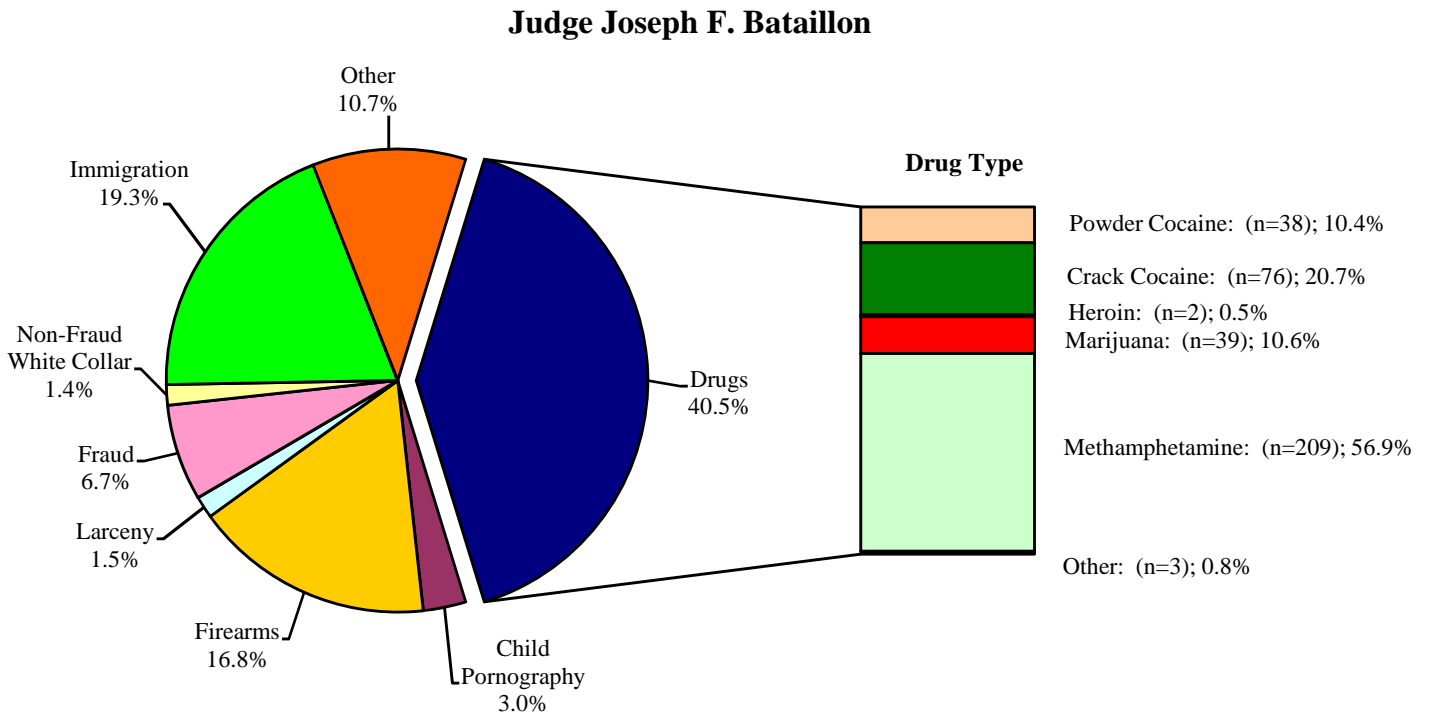
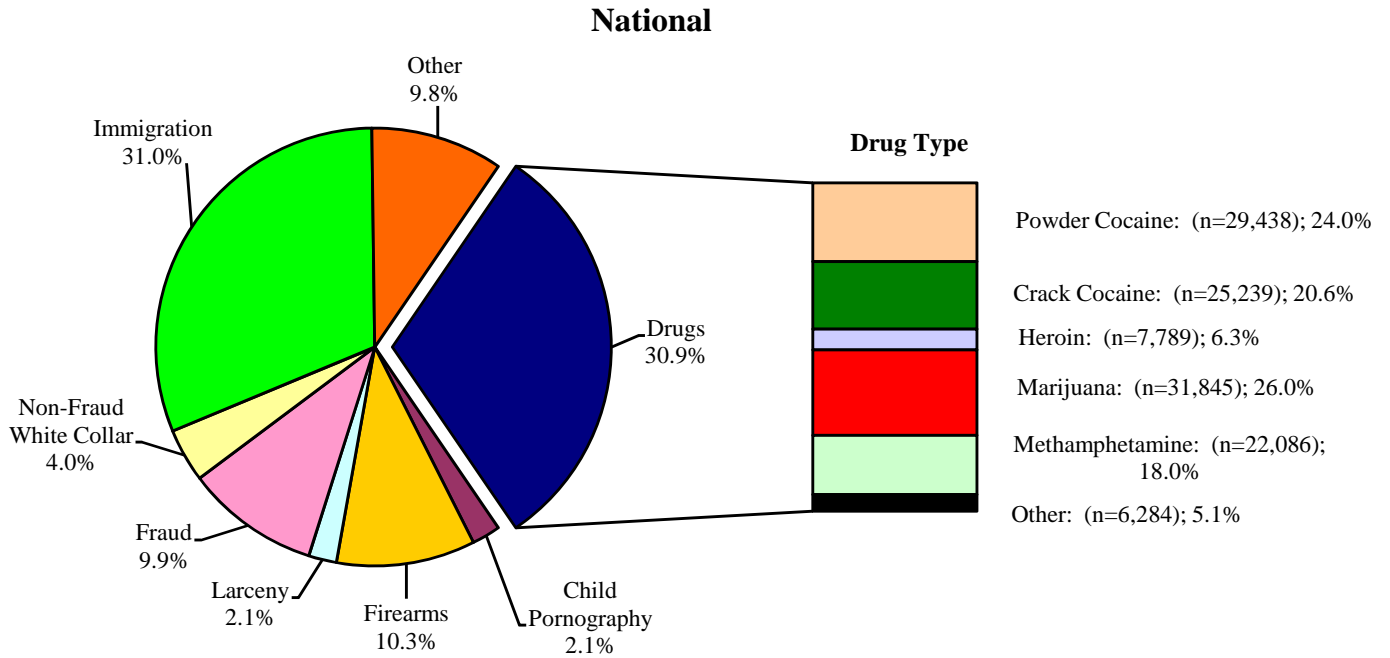
Judge Joseph F. Bataillon

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Figure A

OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Years 2007 - 2011



¹ Of the 400,862 guideline cases, 4,079 cases were excluded due to one of the following reasons: missing primary offense category (150) or missing drug type (3,929). Of the 908 guideline cases sentenced by Judge Joseph F. Bataillon, two cases were excluded due to missing drug type.

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

SOURCE: U.S. Sentencing Commission, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 1

**DISTRIBUTION OF GUIDELINE OFFENDERS IN EACH
PRIMARY OFFENSE CATEGORY
Fiscal Years 2007 - 2011**

PRIMARY OFFENSE	National		Judge Joseph F. Bataillon	
	N	%	N	%
TOTAL	400,712	100.0	908	100.0
Murder	383	0.1	2	0.2
Manslaughter	307	0.1	2	0.2
Kidnapping/Hostage Taking	253	0.1	0	0.0
Sexual Abuse	2,125	0.5	12	1.3
Assault	3,223	0.8	21	2.3
Robbery	5,221	1.3	10	1.1
Arson	328	0.1	0	0.0
Drugs - Trafficking	120,524	30.1	363	40.0
Drugs - Communication Facility	2,220	0.6	3	0.3
Drugs - Simple Possession	3,866	1.0	3	0.3
Firearms	40,696	10.2	152	16.7
Burglary/B&E	210	0.1	6	0.7
Auto Theft	377	0.1	5	0.6
Larceny	8,186	2.0	14	1.5
Fraud	39,256	9.8	61	6.7
Embezzlement	2,257	0.6	5	0.6
Forgery/Counterfeiting	4,883	1.2	2	0.2
Bribery	1,078	0.3	1	0.1
Tax	3,210	0.8	4	0.4
Money Laundering	4,273	1.1	1	0.1
Racketeering/Extortion	3,402	0.8	2	0.2
Gambling/Lottery	458	0.1	0	0.0
Civil Rights	317	0.1	0	0.0
Immigration	123,169	30.7	175	19.3
Child Pornography	8,337	2.1	27	3.0
Prison Offenses	1,975	0.5	0	0.0
Administration of Justice Offenses	5,398	1.3	21	2.3
Environmental/Wildlife	1,017	0.3	8	0.9
National Defense	311	0.1	0	0.0
Antitrust	86	0.0	0	0.0
Food & Drug	366	0.1	0	0.0
Other Miscellaneous Offenses	13,000	3.2	8	0.9

Of the 400,862 guideline cases, 150 cases were excluded due to missing information on primary offense category.

Of the 908 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, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 2

**GUILTY PLEAS AND TRIALS IN EACH CIRCUIT AND DISTRICT
Fiscal Years 2007 - 2011**

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
TOTAL	400,699	386,430	96.4	14,269	3.6
D.C. CIRCUIT	1,996	1,854	92.9	142	7.1
District of Columbia	1,996	1,854	92.9	142	7.1
FIRST CIRCUIT	9,720	9,177	94.4	543	5.6
Maine	990	913	92.2	77	7.8
Massachusetts	2,594	2,393	92.3	201	7.7
New Hampshire	1,102	1,060	96.2	42	3.8
Puerto Rico	4,300	4,118	95.8	182	4.2
Rhode Island	734	693	94.4	41	5.6
SECOND CIRCUIT	22,819	21,798	95.5	1,021	4.5
Connecticut	2,001	1,918	95.9	83	4.1
New York					
Eastern	5,828	5,506	94.5	322	5.5
Northern	2,628	2,530	96.3	98	3.7
Southern	7,918	7,481	94.5	437	5.5
Western	3,604	3,533	98.0	71	2.0
Vermont	840	830	98.8	10	1.2
THIRD CIRCUIT	15,275	14,289	93.5	986	6.5
Delaware	664	621	93.5	43	6.5
New Jersey	4,527	4,349	96.1	178	3.9
Pennsylvania					
Eastern	4,333	3,889	89.8	444	10.2
Middle	2,867	2,751	96.0	116	4.0
Western	2,485	2,372	95.5	113	4.5
Virgin Islands	399	307	76.9	92	23.1
FOURTH CIRCUIT	34,223	32,455	94.8	1,768	5.2
Maryland	3,974	3,699	93.1	275	6.9
North Carolina					
Eastern	3,581	3,449	96.3	132	3.7
Middle	2,296	2,192	95.5	104	4.5
Western	3,156	2,969	94.1	187	5.9
South Carolina	5,779	5,571	96.4	208	3.6
Virginia					
Eastern	10,050	9,434	93.9	616	6.1
Western	2,275	2,142	94.2	133	5.8
West Virginia					
Northern	1,748	1,681	96.2	67	3.8
Southern	1,364	1,318	96.6	46	3.4

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
FIFTH CIRCUIT	92,778	91,021	98.1	1,757	1.9
Louisiana					
Eastern	2,101	2,034	96.8	67	3.2
Middle	888	846	95.3	42	4.7
Western	1,881	1,729	91.9	152	8.1
Mississippi					
Northern	873	831	95.2	42	4.8
Southern	1,882	1,794	95.3	88	4.7
Texas					
Eastern	4,779	4,648	97.3	131	2.7
Northern	4,993	4,740	94.9	253	5.1
Southern	36,507	36,007	98.6	500	1.4
Western	38,874	38,392	98.8	482	1.2
SIXTH CIRCUIT	27,183	26,006	95.7	1,177	4.3
Kentucky					
Eastern	3,208	3,072	95.8	136	4.2
Western	2,401	2,302	95.9	99	4.1
Michigan					
Eastern	3,789	3,588	94.7	201	5.3
Western	2,431	2,329	95.8	102	4.2
Ohio					
Northern	3,757	3,618	96.3	139	3.7
Southern	3,303	3,199	96.9	104	3.1
Tennessee					
Eastern	3,575	3,389	94.8	186	5.2
Middle	1,601	1,540	96.2	61	3.8
Western	3,118	2,969	95.2	149	4.8
SEVENTH CIRCUIT	15,040	14,112	93.8	928	6.2
Illinois					
Central	1,868	1,763	94.4	105	5.6
Northern	4,507	4,125	91.5	382	8.5
Southern	1,633	1,547	94.7	86	5.3
Indiana					
Northern	2,251	2,105	93.5	146	6.5
Southern	1,462	1,372	93.8	90	6.2
Wisconsin					
Eastern	2,339	2,263	96.8	76	3.2
Western	980	937	95.6	43	4.4
EIGHTH CIRCUIT	25,628	24,575	95.9	1,053	4.1
Arkansas					
Eastern	1,933	1,866	96.5	67	3.5
Western	1,222	1,196	97.9	26	2.1
Iowa					
Northern	2,258	2,149	95.2	109	4.8
Southern	2,177	2,025	93.0	152	7.0
Minnesota	2,704	2,558	94.6	146	5.4
Missouri					
Eastern	4,908	4,774	97.3	134	2.7
Western	3,736	3,584	95.9	152	4.1
Nebraska	3,161	3,061	96.8	100	3.2
North Dakota	1,278	1,219	95.4	59	4.6
South Dakota	2,251	2,143	95.2	108	4.8

CIRCUIT District	TOTAL	PLEA		TRIAL	
		N	%	N	%
NINTH CIRCUIT	87,216	85,196	97.7	2,020	2.3
Alaska	795	740	93.1	55	6.9
Arizona	29,527	29,217	99.0	310	1.0
California					
Central	9,437	9,097	96.4	340	3.6
Eastern	4,923	4,779	97.1	144	2.9
Northern	3,977	3,885	97.7	92	2.3
Southern	21,326	20,968	98.3	358	1.7
Guam	310	290	93.5	20	6.5
Hawaii	1,313	1,250	95.2	63	4.8
Idaho	1,503	1,441	95.9	62	4.1
Montana	1,881	1,716	91.2	165	8.8
Nevada	2,765	2,654	96.0	111	4.0
Northern Mariana Islands	101	83	82.2	18	17.8
Oregon	3,147	3,072	97.6	75	2.4
Washington					
Eastern	1,906	1,845	96.8	61	3.2
Western	4,305	4,159	96.6	146	3.4
TENTH CIRCUIT	32,556	31,811	97.7	745	2.3
Colorado	2,758	2,664	96.6	94	3.4
Kansas	3,496	3,355	96.0	141	4.0
New Mexico	15,727	15,634	99.4	93	0.6
Oklahoma					
Eastern	499	464	93.0	35	7.0
Northern	1,015	943	92.9	72	7.1
Western	2,532	2,404	94.9	128	5.1
Utah	4,604	4,485	97.4	119	2.6
Wyoming	1,925	1,862	96.7	63	3.3
ELEVENTH CIRCUIT	36,265	34,136	94.1	2,129	5.9
Alabama					
Middle	1,221	1,126	92.2	95	7.8
Northern	2,468	2,321	94.0	147	6.0
Southern	2,088	1,974	94.5	114	5.5
Florida					
Middle	8,128	7,646	94.1	482	5.9
Northern	1,968	1,760	89.4	208	10.6
Southern	11,509	10,848	94.3	661	5.7
Georgia					
Middle	2,270	2,195	96.7	75	3.3
Northern	3,532	3,270	92.6	262	7.4
Southern	3,081	2,996	97.2	85	2.8

Of the 400,862 guideline cases, 163 cases were excluded due to missing information on mode of conviction.

SOURCE: U.S. Sentencing Commission, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 3

**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY
Fiscal Years 2007 - 2011**

PRIMARY OFFENSE	TOTAL	National				Judge Joseph F. Bataillon			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
TOTAL	400,696	386,427	96.4	14,269	3.6	885	97.5	23	2.5
Murder	383	280	73.1	103	26.9	1	50.0	1	50.0
Manslaughter	307	284	92.5	23	7.5	2	100.0	0	0.0
Kidnapping/Hostage Taking	253	214	84.6	39	15.4	0	--	0	--
Sexual Abuse	2,125	1,856	87.3	269	12.7	11	91.7	1	8.3
Assault	3,223	2,923	90.7	300	9.3	20	95.2	1	4.8
Robbery	5,221	5,027	96.3	194	3.7	10	100.0	0	0.0
Arson	328	290	88.4	38	11.6	0	--	0	--
Drugs - Trafficking	120,524	115,875	96.1	4,649	3.9	356	98.1	7	1.9
Drugs - Communication Facility	2,220	2,212	99.6	8	0.4	3	100.0	0	0.0
Drugs - Simple Possession	3,862	3,781	97.9	81	2.1	2	66.7	1	33.3
Firearms	40,696	37,868	93.1	2,828	6.9	148	97.4	4	2.6
Burglary/B&E	210	202	96.2	8	3.8	6	100.0	0	0.0
Auto Theft	377	359	95.2	18	4.8	5	100.0	0	0.0
Larceny	8,186	7,972	97.4	214	2.6	13	92.9	1	7.1
Fraud	39,255	37,242	94.9	2,013	5.1	59	96.7	2	3.3
Embezzlement	2,257	2,196	97.3	61	2.7	5	100.0	0	0.0
Forgery/Counterfeiting	4,883	4,807	98.4	76	1.6	2	100.0	0	0.0
Bribery	1,078	1,002	92.9	76	7.1	0	0.0	1	100.0
Tax	3,210	2,899	90.3	311	9.7	4	100.0	0	0.0
Money Laundering	4,273	4,004	93.7	269	6.3	1	100.0	0	0.0
Racketeering/Extortion	3,402	3,070	90.2	332	9.8	2	100.0	0	0.0
Gambling/Lottery	458	444	96.9	14	3.1	0	--	0	--
Civil Rights	317	269	84.9	48	15.1	0	--	0	--
Immigration	123,168	122,279	99.3	889	0.7	175	100.0	0	0.0
Child Pornography	8,337	7,997	95.9	340	4.1	26	96.3	1	3.7
Prison Offenses	1,975	1,934	97.9	41	2.1	0	--	0	--
Administration of Justice Offenses	5,398	5,093	94.3	305	5.7	19	90.5	2	9.5
Environmental/Wildlife	1,017	960	94.4	57	5.6	7	87.5	1	12.5
National Defense	311	283	91.0	28	9.0	0	--	0	--
Antitrust	86	84	97.7	2	2.3	0	--	0	--
Food & Drug	366	355	97.0	11	3.0	0	--	0	--
Other Miscellaneous Offenses	12,990	12,366	95.2	624	4.8	8	100.0	0	0.0

Of the 400,862 guideline cases, 166 cases were excluded due to one or both of the following reasons: missing primary offense category (150) or missing mode of conviction (163).

Of the 908 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, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 4

**TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Years 2007 - 2011**

National

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	396,828	343,840	86.6	10,818	2.7	12,973	3.3	29,197	7.4
Murder	383	375	97.9	6	1.6	1	0.3	1	0.3
Manslaughter	307	281	91.5	14	4.6	7	2.3	5	1.6
Kidnapping/Hostage Taking	252	251	99.6	1	0.4	0	0.0	0	0.0
Sexual Abuse	2,121	1,998	94.2	65	3.1	29	1.4	29	1.4
Assault	3,181	2,553	80.3	154	4.8	132	4.1	342	10.8
Robbery	5,214	4,950	94.9	131	2.5	54	1.0	79	1.5
Arson	327	306	93.6	11	3.4	5	1.5	5	1.5
Drugs - Trafficking	120,449	113,415	94.2	2,974	2.5	1,756	1.5	2,304	1.9
Drugs - Communication Facility	2,215	1,724	77.8	60	2.7	166	7.5	265	12.0
Drugs - Simple Possession	3,610	2,046	56.7	28	0.8	111	3.1	1,425	39.5
Firearms	40,634	37,332	91.9	992	2.4	1,015	2.5	1,295	3.2
Burglary/B&E	210	170	81.0	14	6.7	18	8.6	8	3.8
Auto Theft	377	289	76.7	17	4.5	31	8.2	40	10.6
Larceny	7,619	2,844	37.3	355	4.7	1,141	15.0	3,279	43.0
Fraud	39,081	27,230	69.7	2,493	6.4	3,436	8.8	5,922	15.2
Embezzlement	2,217	822	37.1	256	11.5	311	14.0	828	37.3
Forgery/Counterfeiting	4,870	3,178	65.3	312	6.4	598	12.3	782	16.1
Bribery	1,075	706	65.7	83	7.7	141	13.1	145	13.5
Tax	3,194	1,630	51.0	321	10.1	591	18.5	652	20.4
Money Laundering	4,264	3,185	74.7	206	4.8	320	7.5	553	13.0
Racketeering/Extortion	3,397	3,027	89.1	89	2.6	111	3.3	170	5.0
Gambling/Lottery	457	126	27.6	28	6.1	159	34.8	144	31.5
Civil Rights	311	185	59.5	18	5.8	43	13.8	65	20.9
Immigration	123,104	117,253	95.2	1,301	1.1	897	0.7	3,653	3.0
Child Pornography	8,329	8,071	96.9	129	1.5	69	0.8	60	0.7
Prison Offenses	1,973	1,807	91.6	71	3.6	33	1.7	62	3.1
Administration of Justice Offenses	5,305	3,378	63.7	267	5.0	490	9.2	1,170	22.1
Environmental/Wildlife	882	185	21.0	48	5.4	124	14.1	525	59.5
National Defense	306	251	82.0	17	5.6	16	5.2	22	7.2
Antitrust	81	50	61.7	9	11.1	10	12.3	12	14.8
Food & Drug	329	84	25.5	18	5.5	34	10.3	193	58.7
Other Miscellaneous Offenses	10,754	4,138	38.5	330	3.1	1,124	10.5	5,162	48.0

Of the 400,862 guideline cases, 4,034 cases were excluded due to one or more of the following reasons: missing sentencing information (307), missing primary offense category (150), or cases in which the defendant received no imprisonment or probation (3,722).

SOURCE: U.S. Sentencing Commission, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 5

TYPE OF SENTENCE IMPOSED BY PRIMARY OFFENSE CATEGORY
Fiscal Years 2007 - 2011

Judge Joseph F. Bataillon

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
TOTAL	905	822	90.8	23	2.5	21	2.3	39	4.3
Murder	2	2	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	2	2	100.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	0	0	--	0	--	0	--	0	--
Sexual Abuse	12	12	100.0	0	0.0	0	0.0	0	0.0
Assault	21	18	85.7	1	4.8	1	4.8	1	4.8
Robbery	10	10	100.0	0	0.0	0	0.0	0	0.0
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	363	353	97.2	7	1.9	0	0.0	3	0.8
Drugs - Communication Facility	3	2	66.7	0	0.0	1	33.3	0	0.0
Drugs - Simple Possession	3	3	100.0	0	0.0	0	0.0	0	0.0
Firearms	152	141	92.8	6	3.9	4	2.6	1	0.7
Burglary/B&E	6	4	66.7	1	16.7	1	16.7	0	0.0
Auto Theft	5	5	100.0	0	0.0	0	0.0	0	0.0
Larceny	14	4	28.6	1	7.1	2	14.3	7	50.0
Fraud	61	45	73.8	2	3.3	6	9.8	8	13.1
Embezzlement	5	1	20.0	0	0.0	2	40.0	2	40.0
Forgery/Counterfeiting	2	2	100.0	0	0.0	0	0.0	0	0.0
Bribery	1	0	0.0	0	0.0	0	0.0	1	100.0
Tax	4	1	25.0	1	25.0	2	50.0	0	0.0
Money Laundering	1	0	0.0	0	0.0	0	0.0	1	100.0
Racketeering/Extortion	2	1	50.0	0	0.0	0	0.0	1	50.0
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	175	169	96.6	0	0.0	1	0.6	5	2.9
Child Pornography	27	26	96.3	1	3.7	0	0.0	0	0.0
Prison Offenses	0	0	--	0	--	0	--	0	--
Administration of Justice Offenses	21	15	71.4	1	4.8	1	4.8	4	19.0
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	8	5	62.5	1	12.5	0	0.0	2	25.0

Of the 908 guideline cases sentenced by Judge Joseph F. Bataillon, three cases were excluded due to cases in which the defendant received no imprisonment or probation.

SOURCE: U.S. Sentencing Commission, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 6

**INCARCERATION RATE OF U.S. CITIZEN DEFENDANTS ELIGIBLE FOR NON-PRISON SENTENCES
BY PRIMARY OFFENSE CATEGORY
Fiscal Years 2007 - 2011**

PRIMARY OFFENSE	TOTAL	National				Judge Joseph F. Bataillon			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
TOTAL	26,439	7,831	29.6	18,608	70.4	10	23.8	32	76.2
Fraud	6,931	2,097	30.3	4,834	69.7	2	18.2	9	81.8
Larceny	3,787	746	19.7	3,041	80.3	0	0.0	8	100.0
Immigration	1,902	899	47.3	1,003	52.7	1	100.0	0	0.0
Embezzlement	1,115	228	20.4	887	79.6	0	0.0	3	100.0
Drugs - Trafficking	1,888	697	36.9	1,191	63.1	0	0.0	2	100.0
Drugs - Simple Possession	1,416	535	37.8	881	62.2	0	--	0	--
Firearms	1,162	445	38.3	717	61.7	1	50.0	1	50.0
Forgery/Counterfeiting	1,393	472	33.9	921	66.1	1	100.0	0	0.0
Other Miscellaneous Offenses	6,845	1,712	25.0	5,133	75.0	5	35.7	9	64.3

Of the 400,862 guideline cases, a U.S. Citizen was the defendant in 216,678 cases. Of these, 190,239 cases were excluded due to one or more of the following reasons: defendant ineligible for non-prison sentence (190,239), or missing sentencing information (99).

Of the 908 guideline cases sentenced by Judge Joseph F. Bataillon, 568 were U.S. Citizens. Of these, 526 cases were excluded due to the defendant being ineligible for non-prison sentence.

SOURCE: U.S. Sentencing Commission, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 7

**LENGTH OF IMPRISONMENT BY PRIMARY OFFENSE CATEGORY
Fiscal Years 2007 - 2011**

PRIMARY OFFENSE	National			Judge Joseph F. Bataillon		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
TOTAL	54	30	345,241	54	37	815
Murder	257	238	380	--	--	2
Manslaughter	60	41	292	--	--	2
Kidnapping/Hostage Taking	199	168	252	--	--	0
Sexual Abuse	105	72	2,054	61	61	12
Assault	44	30	2,642	38	30	18
Robbery	83	64	5,059	76	63	10
Arson	75	60	314	--	--	0
Drugs - Trafficking	80	60	115,197	76	60	353
Drugs - Communication Facility	42	46	1,757	--	--	2
Drugs - Simple Possession	8	3	1,883	50	70	3
Firearms	89	60	38,028	50	30	142
Burglary/B&E	23	22	180	25	11	4
Auto Theft	67	30	298	23	18	5
Larceny	18	12	3,119	17	21	5
Fraud	29	18	28,389	17	12	42
Embezzlement	16	12	1,043	--	--	1
Forgery/Counterfeiting	21	16	3,384	--	--	2
Bribery	27	18	769	--	--	0
Tax	23	18	1,929	--	--	2
Money Laundering	41	27	3,290	--	--	0
Racketeering/Extortion	93	60	3,080	--	--	1
Gambling/Lottery	12	10	147	--	--	0
Civil Rights	45	24	200	--	--	0
Immigration	19	13	113,096	22	12	160
Child Pornography	121	78	8,173	80	60	27
Prison Offenses	17	12	1,852	--	--	0
Administration of Justice Offenses	26	16	3,521	17	15	15
Environmental/Wildlife	12	8	222	--	--	2
National Defense	61	36	266	--	--	0
Antitrust	14	9	59	--	--	0
Food & Drug	24	12	96	--	--	0
Other Miscellaneous Offenses	32	12	4,270	41	15	5

Of the 400,862 guideline cases, 55,621 cases were excluded for one or more of the following reasons: zero months prison ordered (51,567), missing primary offense category (150) or missing or indeterminable sentencing information (4,054).

Of the 908 guideline cases sentenced by Judge Joseph F. Bataillon, 93 cases were excluded due to one of the following reasons: zero prison months ordered (90) or missing or indeterminable sentencing information (3).

SOURCE: U.S. Sentencing Commission, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 8

**COMPARISON OF SENTENCE IMPOSED AND POSITION
RELATIVE TO THE GUIDELINE RANGE
Fiscal Years 2007 - 2011**

	National		Judge Joseph F. Bataillon	
	N	%	N	%
TOTAL CASES¹	390,142	100.0	906	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	222,946	57.1	535	59.1
CASES SENTENCED ABOVE GUIDELINE RANGE	6,790	1.7	29	3.2
DEPARTURE ABOVE GUIDELINE RANGE	2,430	0.6	9	1.0
Upward Departure From Guideline Range ²	1,761	0.5	8	0.9
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	669	0.2	1	0.1
OTHERWISE ABOVE GUIDELINE RANGE	4,360	1.1	20	2.2
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	3,818	1.0	18	2.0
All Remaining Cases Above Guideline Range ⁵	542	0.1	2	0.2
GOVERNMENT SPONSORED BELOW RANGE⁶	100,019	25.6	150	16.6
§5K1.1 Substantial Assistance Departure	48,895	12.5	42	4.6
§5K3.1 Early Disposition Program Departure	35,545	9.1	31	3.4
Other Government Sponsored Below Range	15,579	4.0	77	8.5
NON-GOVERNMENT SPONSORED BELOW RANGE	60,387	15.5	192	21.2
DEPARTURE BELOW GUIDELINE RANGE	13,077	3.4	37	4.1
Downward Departure From Guideline Range ²	8,506	2.2	29	3.2
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 ³	4,571	1.2	8	0.9
OTHERWISE BELOW GUIDELINE RANGE	47,310	12.1	155	17.1
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 ⁴	43,480	11.1	139	15.3
All Remaining Cases Below Guideline Range ⁵	3,830	1.0	16	1.8

¹ This table reflects the 400,862 cases sentenced nationally in Fiscal Years 2007 - 2011, 908 of which were sentenced by Judge Joseph F. Bataillon. Of these, 10,720 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.

² 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*.

³ 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.

⁴ 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.

⁵ 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.

⁶ 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, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 9

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT
Fiscal Years 2007 - 2011**

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	%
TOTAL	390,142	222,946	57.1	1,761	0.5	669	0.2	3,818	1.0	542	0.1
D.C. CIRCUIT	1,966	753	38.3	12	0.6	4	0.2	13	0.7	3	0.2
District of Columbia	1,966	753	38.3	12	0.6	4	0.2	13	0.7	3	0.2
FIRST CIRCUIT	9,634	5,716	59.3	38	0.4	18	0.2	85	0.9	17	0.2
Maine	990	538	54.3	5	0.5	1	0.1	6	0.6	0	0.0
Massachusetts	2,566	1,082	42.2	20	0.8	4	0.2	29	1.1	7	0.3
New Hampshire	1,102	503	45.6	7	0.6	3	0.3	20	1.8	0	0.0
Puerto Rico	4,246	3,212	75.6	5	0.1	8	0.2	27	0.6	10	0.2
Rhode Island	730	381	52.2	1	0.1	2	0.3	3	0.4	0	0.0
SECOND CIRCUIT	22,612	9,851	43.6	48	0.2	21	0.1	90	0.4	20	0.1
Connecticut	1,995	816	40.9	9	0.5	2	0.1	11	0.6	0	0.0
New York											
Eastern	5,814	2,056	35.4	9	0.2	9	0.2	41	0.7	8	0.1
Northern	2,502	1,409	56.3	5	0.2	2	0.1	4	0.2	2	0.1
Southern	7,868	3,288	41.8	5	0.1	3	0.0	21	0.3	5	0.1
Western	3,597	1,957	54.4	15	0.4	5	0.1	11	0.3	5	0.1
Vermont	836	325	38.9	5	0.6	0	0.0	2	0.2	0	0.0
THIRD CIRCUIT	15,183	7,362	48.5	45	0.3	18	0.1	112	0.7	17	0.1
Delaware	661	294	44.5	0	0.0	0	0.0	11	1.7	0	0.0
New Jersey	4,506	2,252	50.0	8	0.2	3	0.1	20	0.4	2	0.0
Pennsylvania											
Eastern	4,299	1,704	39.6	13	0.3	6	0.1	46	1.1	8	0.2
Middle	2,856	1,355	47.4	20	0.7	4	0.1	8	0.3	2	0.1
Western	2,470	1,502	60.8	2	0.1	3	0.1	13	0.5	4	0.2
Virgin Islands	391	255	65.2	2	0.5	2	0.5	14	3.6	1	0.3
FOURTH CIRCUIT	32,366	20,906	64.6	219	0.7	102	0.3	318	1.0	38	0.1
Maryland	3,683	1,721	46.7	31	0.8	18	0.5	36	1.0	11	0.3
North Carolina											
Eastern	3,441	1,940	56.4	67	1.9	30	0.9	38	1.1	3	0.1
Middle	2,285	1,679	73.5	11	0.5	2	0.1	29	1.3	0	0.0
Western	3,140	1,929	61.4	14	0.4	5	0.2	22	0.7	2	0.1
South Carolina	5,743	3,754	65.4	29	0.5	7	0.1	28	0.5	8	0.1
Virginia											
Eastern	8,732	6,574	75.3	47	0.5	31	0.4	89	1.0	10	0.1
Western	2,252	1,313	58.3	10	0.4	6	0.3	43	1.9	2	0.1
West Virginia											
Northern	1,729	1,133	65.5	5	0.3	1	0.1	18	1.0	0	0.0
Southern	1,361	863	63.4	5	0.4	2	0.1	15	1.1	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	%
TOTAL	48,895	12.5	35,545	9.1	15,579	4.0	8,506	2.2	4,571	1.2	43,480	11.1	3,830	1.0
D.C. CIRCUIT	585	29.8	0	0.0	231	11.7	39	2.0	75	3.8	207	10.5	44	2.2
District of Columbia	585	29.8	0	0.0	231	11.7	39	2.0	75	3.8	207	10.5	44	2.2
FIRST CIRCUIT	1,100	11.4	100	1.0	577	6.0	261	2.7	151	1.6	1,462	15.2	109	1.1
Maine	267	27.0	0	0.0	4	0.4	27	2.7	8	0.8	131	13.2	3	0.3
Massachusetts	261	10.2	3	0.1	293	11.4	115	4.5	60	2.3	664	25.9	28	1.1
New Hampshire	259	23.5	0	0.0	89	8.1	30	2.7	19	1.7	164	14.9	8	0.7
Puerto Rico	261	6.1	97	2.3	176	4.1	79	1.9	57	1.3	246	5.8	68	1.6
Rhode Island	52	7.1	0	0.0	15	2.1	10	1.4	7	1.0	257	35.2	2	0.3
SECOND CIRCUIT	4,623	20.4	4	0.0	675	3.0	804	3.6	731	3.2	5,427	24.0	318	1.4
Connecticut	346	17.3	0	0.0	55	2.8	164	8.2	130	6.5	450	22.6	12	0.6
New York														
Eastern	1,343	23.1	4	0.1	253	4.4	233	4.0	278	4.8	1,474	25.4	106	1.8
Northern	566	22.6	0	0.0	39	1.6	110	4.4	39	1.6	317	12.7	9	0.4
Southern	1,223	15.5	0	0.0	151	1.9	188	2.4	201	2.6	2,630	33.4	153	1.9
Western	983	27.3	0	0.0	134	3.7	22	0.6	17	0.5	412	11.5	36	1.0
Vermont	162	19.4	0	0.0	43	5.1	87	10.4	66	7.9	144	17.2	2	0.2
THIRD CIRCUIT	3,843	25.3	1	0.0	440	2.9	254	1.7	282	1.9	2,604	17.2	205	1.4
Delaware	79	12.0	0	0.0	24	3.6	4	0.6	4	0.6	208	31.5	37	5.6
New Jersey	1,265	28.1	1	0.0	73	1.6	80	1.8	35	0.8	726	16.1	41	0.9
Pennsylvania														
Eastern	1,371	31.9	0	0.0	103	2.4	44	1.0	94	2.2	835	19.4	75	1.7
Middle	750	26.3	0	0.0	196	6.9	52	1.8	40	1.4	410	14.4	19	0.7
Western	327	13.2	0	0.0	36	1.5	72	2.9	97	3.9	398	16.1	16	0.6
Virgin Islands	51	13.0	0	0.0	8	2.0	2	0.5	12	3.1	27	6.9	17	4.3
FOURTH CIRCUIT	5,282	16.3	0	0.0	776	2.4	499	1.5	301	0.9	3,646	11.3	279	0.9
Maryland	900	24.4	0	0.0	241	6.5	77	2.1	101	2.7	491	13.3	56	1.5
North Carolina														
Eastern	1,090	31.7	0	0.0	10	0.3	26	0.8	14	0.4	201	5.8	22	0.6
Middle	320	14.0	0	0.0	4	0.2	15	0.7	6	0.3	215	9.4	4	0.2
Western	809	25.8	0	0.0	58	1.8	36	1.1	22	0.7	215	6.8	28	0.9
South Carolina	1,002	17.4	0	0.0	136	2.4	87	1.5	19	0.3	618	10.8	55	1.0
Virginia														
Eastern	404	4.6	0	0.0	131	1.5	192	2.2	119	1.4	1,035	11.9	100	1.1
Western	481	21.4	0	0.0	60	2.7	42	1.9	7	0.3	280	12.4	8	0.4
West Virginia														
Northern	147	8.5	0	0.0	130	7.5	13	0.8	5	0.3	273	15.8	4	0.2
Southern	129	9.5	0	0.0	6	0.4	11	0.8	8	0.6	318	23.4	2	0.1

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	%
FIFTH CIRCUIT	90,895	64,667	71.1	459	0.5	168	0.2	1,250	1.4	131	0.1
Louisiana											
Eastern	2,101	1,521	72.4	20	1.0	27	1.3	41	2.0	3	0.1
Middle	886	571	64.4	20	2.3	7	0.8	15	1.7	0	0.0
Western	1,797	1,354	75.3	17	0.9	13	0.7	52	2.9	12	0.7
Mississippi											
Northern	851	504	59.2	1	0.1	0	0.0	31	3.6	0	0.0
Southern	1,780	1,406	79.0	9	0.5	3	0.2	24	1.3	8	0.4
Texas											
Eastern	4,770	3,590	75.3	29	0.6	0	0.0	23	0.5	7	0.1
Northern	4,981	3,309	66.4	86	1.7	55	1.1	229	4.6	6	0.1
Southern	36,463	22,937	62.9	192	0.5	23	0.1	248	0.7	29	0.1
Western	37,266	29,475	79.1	85	0.2	40	0.1	587	1.6	66	0.2
SIXTH CIRCUIT	26,905	14,087	52.4	122	0.5	48	0.2	258	1.0	42	0.2
Kentucky											
Eastern	3,203	1,513	47.2	6	0.2	5	0.2	40	1.2	1	0.0
Western	2,344	1,483	63.3	9	0.4	0	0.0	9	0.4	1	0.0
Michigan											
Eastern	3,781	1,917	50.7	11	0.3	2	0.1	19	0.5	8	0.2
Western	2,417	1,467	60.7	33	1.4	12	0.5	53	2.2	7	0.3
Ohio											
Northern	3,749	1,988	53.0	6	0.2	3	0.1	36	1.0	6	0.2
Southern	3,284	1,243	37.9	9	0.3	15	0.5	24	0.7	9	0.3
Tennessee											
Eastern	3,551	2,153	60.6	13	0.4	4	0.1	26	0.7	9	0.3
Middle	1,505	732	48.6	12	0.8	4	0.3	16	1.1	0	0.0
Western	3,071	1,591	51.8	23	0.7	3	0.1	35	1.1	1	0.0
SEVENTH CIRCUIT	14,942	7,890	52.8	58	0.4	43	0.3	229	1.5	20	0.1
Illinois											
Central	1,860	1,019	54.8	4	0.2	0	0.0	13	0.7	1	0.1
Northern	4,465	2,035	45.6	17	0.4	10	0.2	45	1.0	6	0.1
Southern	1,618	1,212	74.9	17	1.1	23	1.4	21	1.3	2	0.1
Indiana											
Northern	2,240	1,411	63.0	3	0.1	5	0.2	31	1.4	9	0.4
Southern	1,453	786	54.1	10	0.7	2	0.1	60	4.1	0	0.0
Wisconsin											
Eastern	2,334	814	34.9	3	0.1	1	0.0	49	2.1	2	0.1
Western	972	613	63.1	4	0.4	2	0.2	10	1.0	0	0.0
EIGHTH CIRCUIT	25,538	15,242	59.7	173	0.7	64	0.3	269	1.1	34	0.1
Arkansas											
Eastern	1,925	1,248	64.8	9	0.5	8	0.4	28	1.5	4	0.2
Western	1,216	914	75.2	1	0.1	0	0.0	7	0.6	2	0.2
Iowa											
Northern	2,257	1,447	64.1	56	2.5	11	0.5	41	1.8	9	0.4
Southern	2,169	1,060	48.9	13	0.6	3	0.1	25	1.2	1	0.0
Minnesota	2,693	1,043	38.7	6	0.2	8	0.3	7	0.3	1	0.0
Missouri											
Eastern	4,886	2,891	59.2	13	0.3	5	0.1	34	0.7	3	0.1
Western	3,719	2,283	61.4	9	0.2	9	0.2	61	1.6	5	0.1
Nebraska	3,156	2,032	64.4	32	1.0	1	0.0	28	0.9	7	0.2
North Dakota	1,274	728	57.1	1	0.1	5	0.4	9	0.7	1	0.1
South Dakota	2,243	1,596	71.2	33	1.5	14	0.6	29	1.3	1	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	%
FIFTH CIRCUIT	6,497	7.1	5,466	6.0	2,865	3.2	2,735	3.0	252	0.3	5,706	6.3	699	0.8
Louisiana														
Eastern	214	10.2	0	0.0	53	2.5	36	1.7	19	0.9	147	7.0	20	1.0
Middle	172	19.4	0	0.0	4	0.5	8	0.9	6	0.7	81	9.1	2	0.2
Western	161	9.0	0	0.0	7	0.4	11	0.6	18	1.0	113	6.3	39	2.2
Mississippi														
Northern	205	24.1	0	0.0	46	5.4	3	0.4	1	0.1	49	5.8	11	1.3
Southern	148	8.3	2	0.1	8	0.4	15	0.8	5	0.3	108	6.1	44	2.5
Texas														
Eastern	422	8.8	0	0.0	337	7.1	120	2.5	30	0.6	187	3.9	25	0.5
Northern	694	13.9	1	0.0	79	1.6	33	0.7	18	0.4	448	9.0	23	0.5
Southern	2,035	5.6	4,950	13.6	1,831	5.0	1,768	4.8	49	0.1	2,321	6.4	80	0.2
Western	2,446	6.6	513	1.4	500	1.3	741	2.0	106	0.3	2,252	6.0	455	1.2
SIXTH CIRCUIT	6,514	24.2	6	0.0	844	3.1	478	1.8	519	1.9	3,663	13.6	324	1.2
Kentucky														
Eastern	1,249	39.0	0	0.0	38	1.2	17	0.5	9	0.3	304	9.5	21	0.7
Western	393	16.8	0	0.0	165	7.0	37	1.6	12	0.5	214	9.1	21	0.9
Michigan														
Eastern	800	21.2	2	0.1	88	2.3	72	1.9	68	1.8	758	20.0	36	1.0
Western	361	14.9	0	0.0	18	0.7	46	1.9	39	1.6	363	15.0	18	0.7
Ohio														
Northern	861	23.0	1	0.0	92	2.5	78	2.1	73	1.9	536	14.3	69	1.8
Southern	1,005	30.6	2	0.1	203	6.2	112	3.4	185	5.6	411	12.5	66	2.0
Tennessee														
Eastern	889	25.0	0	0.0	29	0.8	37	1.0	16	0.5	333	9.4	42	1.2
Middle	279	18.5	0	0.0	107	7.1	38	2.5	50	3.3	256	17.0	11	0.7
Western	677	22.0	1	0.0	104	3.4	41	1.3	67	2.2	488	15.9	40	1.3
SEVENTH CIRCUIT	2,521	16.9	3	0.0	504	3.4	302	2.0	476	3.2	2,617	17.5	279	1.9
Illinois														
Central	388	20.9	1	0.1	53	2.8	26	1.4	23	1.2	318	17.1	14	0.8
Northern	743	16.6	1	0.0	79	1.8	138	3.1	347	7.8	923	20.7	121	2.7
Southern	118	7.3	0	0.0	29	1.8	23	1.4	40	2.5	103	6.4	30	1.9
Indiana														
Northern	444	19.8	0	0.0	63	2.8	33	1.5	24	1.1	174	7.8	43	1.9
Southern	229	15.8	0	0.0	80	5.5	29	2.0	6	0.4	248	17.1	3	0.2
Wisconsin														
Eastern	524	22.5	0	0.0	199	8.5	20	0.9	9	0.4	645	27.6	68	2.9
Western	75	7.7	1	0.1	1	0.1	33	3.4	27	2.8	206	21.2	0	0.0
EIGHTH CIRCUIT	3,821	15.0	180	0.7	838	3.3	466	1.8	335	1.3	3,887	15.2	229	0.9
Arkansas														
Eastern	260	13.5	0	0.0	59	3.1	40	2.1	31	1.6	211	11.0	27	1.4
Western	154	12.7	0	0.0	4	0.3	11	0.9	5	0.4	113	9.3	5	0.4
Iowa														
Northern	370	16.4	31	1.4	28	1.2	8	0.4	7	0.3	244	10.8	5	0.2
Southern	440	20.3	0	0.0	122	5.6	24	1.1	19	0.9	440	20.3	22	1.0
Minnesota	714	26.5	1	0.0	45	1.7	80	3.0	92	3.4	678	25.2	18	0.7
Missouri														
Eastern	716	14.7	0	0.0	187	3.8	74	1.5	71	1.5	838	17.2	54	1.1
Western	677	18.2	0	0.0	105	2.8	40	1.1	34	0.9	457	12.3	39	1.0
Nebraska	106	3.4	141	4.5	189	6.0	66	2.1	23	0.7	496	15.7	35	1.1
North Dakota	319	25.0	7	0.5	37	2.9	34	2.7	9	0.7	114	8.9	10	0.8
South Dakota	65	2.9	0	0.0	62	2.8	89	4.0	44	2.0	296	13.2	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	%
NINTH CIRCUIT	83,249	34,704	41.7	408	0.5	109	0.1	456	0.5	130	0.2
Alaska	779	390	50.1	5	0.6	6	0.8	4	0.5	2	0.3
Arizona	26,831	10,452	39.0	249	0.9	25	0.1	72	0.3	23	0.1
California											
Central	8,799	3,225	36.7	20	0.2	28	0.3	64	0.7	22	0.3
Eastern	4,892	2,191	44.8	12	0.2	9	0.2	35	0.7	9	0.2
Northern	3,929	1,961	49.9	8	0.2	14	0.4	44	1.1	10	0.3
Southern	21,151	7,969	37.7	37	0.2	7	0.0	41	0.2	38	0.2
Guam	300	199	66.3	2	0.7	4	1.3	1	0.3	2	0.7
Hawaii	1,305	567	43.4	0	0.0	2	0.2	14	1.1	1	0.1
Idaho	1,493	677	45.3	3	0.2	1	0.1	14	0.9	1	0.1
Montana	1,867	1,335	71.5	13	0.7	4	0.2	36	1.9	7	0.4
Nevada	2,752	1,788	65.0	9	0.3	2	0.1	27	1.0	5	0.2
Northern Mariana Islands	101	76	75.2	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	3,048	1,337	43.9	11	0.4	1	0.0	29	1.0	5	0.2
Washington											
Eastern	1,899	742	39.1	15	0.8	6	0.3	44	2.3	3	0.2
Western	4,103	1,795	43.7	24	0.6	0	0.0	31	0.8	2	0.0
TENTH CIRCUIT	31,903	19,035	59.7	102	0.3	17	0.1	262	0.8	37	0.1
Colorado	2,696	1,542	57.2	5	0.2	4	0.1	22	0.8	6	0.2
Kansas	3,427	1,939	56.6	22	0.6	5	0.1	142	4.1	4	0.1
New Mexico	15,704	9,602	61.1	34	0.2	2	0.0	16	0.1	14	0.1
Oklahoma											
Eastern	495	367	74.1	3	0.6	0	0.0	2	0.4	0	0.0
Northern	1,013	731	72.2	5	0.5	0	0.0	2	0.2	0	0.0
Western	2,059	1,493	72.5	5	0.2	0	0.0	40	1.9	1	0.0
Utah	4,588	2,156	47.0	21	0.5	3	0.1	24	0.5	8	0.2
Wyoming	1,921	1,205	62.7	7	0.4	3	0.2	14	0.7	4	0.2
ELEVENTH CIRCUIT	34,949	22,733	65.0	77	0.2	57	0.2	476	1.4	53	0.2
Alabama											
Middle	1,216	718	59.0	2	0.2	2	0.2	31	2.5	0	0.0
Northern	2,385	1,513	63.4	1	0.0	4	0.2	36	1.5	2	0.1
Southern	2,086	1,324	63.5	4	0.2	3	0.1	15	0.7	2	0.1
Florida											
Middle	8,102	4,588	56.6	15	0.2	4	0.0	94	1.2	10	0.1
Northern	1,913	1,302	68.1	8	0.4	10	0.5	24	1.3	1	0.1
Southern	11,019	7,547	68.5	15	0.1	18	0.2	111	1.0	26	0.2
Georgia											
Middle	1,747	1,348	77.2	5	0.3	6	0.3	28	1.6	4	0.2
Northern	3,410	1,957	57.4	9	0.3	10	0.3	38	1.1	6	0.2
Southern	3,071	2,436	79.3	18	0.6	0	0.0	99	3.2	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	%
NINTH CIRCUIT	6,555	7.9	26,311	31.6	4,513	5.4	1,555	1.9	832	1.0	6,703	8.1	973	1.2
Alaska	101	13.0	1	0.1	82	10.5	14	1.8	46	5.9	109	14.0	19	2.4
Arizona	945	3.5	12,551	46.8	744	2.8	341	1.3	165	0.6	1,119	4.2	145	0.5
California														
Central	1,087	12.4	1,803	20.5	691	7.9	238	2.7	185	2.1	1,135	12.9	301	3.4
Eastern	622	12.7	1,246	25.5	197	4.0	81	1.7	38	0.8	416	8.5	36	0.7
Northern	378	9.6	402	10.2	456	11.6	68	1.7	93	2.4	438	11.1	57	1.5
Southern	1,019	4.8	9,468	44.8	582	2.8	569	2.7	122	0.6	1,034	4.9	265	1.3
Guam	39	13.0	0	0.0	3	1.0	2	0.7	1	0.3	42	14.0	5	1.7
Hawaii	406	31.1	0	0.0	14	1.1	9	0.7	6	0.5	276	21.1	10	0.8
Idaho	355	23.8	158	10.6	33	2.2	11	0.7	17	1.1	202	13.5	21	1.4
Montana	228	12.2	0	0.0	14	0.7	19	1.0	12	0.6	187	10.0	12	0.6
Nevada	233	8.5	0	0.0	230	8.4	37	1.3	15	0.5	360	13.1	46	1.7
Northern Mariana Islands	12	11.9	0	0.0	4	4.0	0	0.0	5	5.0	4	4.0	0	0.0
Oregon	506	16.6	177	5.8	400	13.1	59	1.9	35	1.1	460	15.1	28	0.9
Washington														
Eastern	170	9.0	347	18.3	195	10.3	29	1.5	17	0.9	325	17.1	6	0.3
Western	454	11.1	158	3.9	868	21.2	78	1.9	75	1.8	596	14.5	22	0.5
TENTH CIRCUIT	2,321	7.3	3,394	10.6	2,850	8.9	707	2.2	278	0.9	2,764	8.7	136	0.4
Colorado	526	19.5	0	0.0	109	4.0	85	3.2	27	1.0	353	13.1	17	0.6
Kansas	598	17.4	0	0.0	370	10.8	14	0.4	7	0.2	320	9.3	6	0.2
New Mexico	400	2.5	2,281	14.5	1,992	12.7	403	2.6	129	0.8	783	5.0	48	0.3
Oklahoma														
Eastern	66	13.3	0	0.0	7	1.4	2	0.4	2	0.4	45	9.1	1	0.2
Northern	155	15.3	0	0.0	5	0.5	3	0.3	2	0.2	109	10.8	1	0.1
Western	142	6.9	0	0.0	13	0.6	17	0.8	10	0.5	329	16.0	9	0.4
Utah	241	5.3	1,097	23.9	234	5.1	136	3.0	34	0.7	591	12.9	43	0.9
Wyoming	193	10.0	16	0.8	120	6.2	47	2.4	67	3.5	234	12.2	11	0.6
ELEVENTH CIRCUIT	5,233	15.0	80	0.2	466	1.3	406	1.2	339	1.0	4,794	13.7	235	0.7
Alabama														
Middle	314	25.8	0	0.0	19	1.6	7	0.6	2	0.2	117	9.6	4	0.3
Northern	508	21.3	0	0.0	18	0.8	15	0.6	6	0.3	274	11.5	8	0.3
Southern	438	21.0	0	0.0	15	0.7	13	0.6	10	0.5	256	12.3	6	0.3
Florida														
Middle	1,607	19.8	79	1.0	95	1.2	120	1.5	96	1.2	1,342	16.6	52	0.6
Northern	353	18.5	0	0.0	1	0.1	21	1.1	14	0.7	173	9.0	6	0.3
Southern	1,024	9.3	0	0.0	148	1.3	94	0.9	134	1.2	1,784	16.2	118	1.1
Georgia														
Middle	234	13.4	0	0.0	22	1.3	10	0.6	5	0.3	81	4.6	4	0.2
Northern	485	14.2	1	0.0	116	3.4	95	2.8	70	2.1	592	17.4	31	0.9
Southern	270	8.8	0	0.0	32	1.0	31	1.0	2	0.1	175	5.7	6	0.2

Of the 400,862 cases, 10,720 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 (23.0%), Western Oklahoma (18.8%), Eastern Virginia (13.2%), Arizona (9.1%), Central California (7.9%), Maryland (7.4%), Middle Tennessee (6.0%), and Southern Mississippi (5.5%).

SOURCE: U.S. Sentencing Commission, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.

Table 10

**SENTENCES RELATIVE TO THE GUIDELINE RANGE
BY SELECTED PRIMARY OFFENSE CATEGORY
Fiscal Years 2007 - 2011**

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	%
TOTAL	390,009	222,865	57.1	1,761	0.5	669	0.2	3,815	1.0	542	0.1
Robbery	5,201	3,199	61.5	60	1.2	31	0.6	105	2.0	12	0.2
Drugs - Trafficking	120,170	58,406	48.6	262	0.2	73	0.1	434	0.4	103	0.1
Drugs - Simple Possession	2,980	2,759	92.6	19	0.6	9	0.3	36	1.2	11	0.4
Firearms	40,571	25,713	63.4	338	0.8	135	0.3	652	1.6	97	0.2
Larceny	7,669	5,720	74.6	26	0.3	15	0.2	79	1.0	24	0.3
Fraud	36,844	21,714	58.9	155	0.4	92	0.2	476	1.3	70	0.2
Embezzlement	2,218	1,536	69.3	1	0.0	2	0.1	9	0.4	2	0.1
Forgery/Counterfeiting	4,817	3,289	68.3	29	0.6	15	0.3	75	1.6	12	0.2
Immigration	120,609	72,907	60.4	490	0.4	139	0.1	1,227	1.0	116	0.1
Other Miscellaneous Offenses	48,930	27,622	56.5	381	0.8	158	0.3	722	1.5	95	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	%
TOTAL	906	535	59.1	8	0.9	1	0.1	18	2.0	2	0.2
Robbery	10	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	363	210	57.9	1	0.3	0	0.0	0	0.0	1	0.3
Drugs - Simple Possession	3	3	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	152	98	64.5	0	0.0	0	0.0	1	0.7	0	0.0
Larceny	14	13	92.9	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	61	38	62.3	0	0.0	0	0.0	0	0.0	0	0.0
Embezzlement	5	4	80.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	2	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	175	99	56.6	7	4.0	1	0.6	14	8.0	1	0.6
Other Miscellaneous Offenses	121	62	51.2	0	0.0	0	0.0	3	2.5	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	BELOW
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	48,878	12.5	35,533	9.1	15,565	4.0	8,505	2.2	4,569	1.2	43,478	11.1	3,829	1.0
Robbery	564	10.8	7	0.1	179	3.4	166	3.2	123	2.4	723	13.9	32	0.6
Drugs - Trafficking	30,173	25.1	6,590	5.5	4,758	4.0	2,268	1.9	1,588	1.3	14,621	12.2	894	0.7
Drugs - Simple Possession	40	1.3	4	0.1	25	0.8	9	0.3	4	0.1	42	1.4	22	0.7
Firearms	4,681	11.5	109	0.3	1,577	3.9	849	2.1	583	1.4	5,436	13.4	401	1.0
Larceny	424	5.5	18	0.2	218	2.8	124	1.6	65	0.8	804	10.5	152	2.0
Fraud	5,700	15.5	69	0.2	1,266	3.4	702	1.9	598	1.6	5,410	14.7	592	1.6
Embezzlement	86	3.9	4	0.2	69	3.1	43	1.9	46	2.1	376	17.0	44	2.0
Forgery/Counterfeiting	538	11.2	5	0.1	102	2.1	80	1.7	49	1.0	556	11.5	67	1.4
Immigration	1,554	1.3	28,537	23.7	3,990	3.3	3,103	2.6	599	0.5	7,038	5.8	909	0.8
Other Miscellaneous Offenses	5,118	10.5	190	0.4	3,381	6.9	1,161	2.4	914	1.9	8,472	17.3	716	1.5

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	BELOW
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	42	4.6	31	3.4	77	8.5	29	3.2	8	0.9	139	15.3	16	1.8
Robbery	0	0.0	0	0.0	1	10.0	1	10.0	0	0.0	1	10.0	0	0.0
Drugs - Trafficking	31	8.5	1	0.3	29	8.0	13	3.6	5	1.4	67	18.5	5	1.4
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	3.3	0	0.0	14	9.2	7	4.6	2	1.3	23	15.1	2	1.3
Larceny	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	7.1	0	0.0
Fraud	1	1.6	0	0.0	4	6.6	3	4.9	0	0.0	15	24.6	0	0.0
Embezzlement	0	0.0	0	0.0	1	20.0	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	0	0.0	0	0.0	0	0.0	1	50.0	0	0.0	0	0.0	0	0.0
Immigration	3	1.7	30	17.1	9	5.1	2	1.1	0	0.0	5	2.9	4	2.3
Other Miscellaneous Offenses	2	1.7	0	0.0	19	15.7	2	1.7	1	0.8	27	22.3	5	4.1

Of the 400,862 guideline cases, 10,853 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 (10,720) or missing primary offense (150).

Of the 908 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, 2007 - 2011 Datafiles, USSCFY07 - USSCFY11.