

United States Sentencing Commission



Judge Sentencing Data
Fiscal Years 2012 - 2014

Prepared for
Judge Joseph F. Bataillon

SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY¹
Fiscal Years 2012 - 2014

PRIMARY OFFENSE	National			Nebraska			Judge Joseph F. Bataillon		
	Mean	Median	Number	Mean	Median	Number	Mean	Median	Number
	Months	Months		Months	Months		Months		
TOTAL	44	24	240,037	47	24	1,809	34	12	497
Murder	265	240	229	--	--	0	--	--	0
Manslaughter	58	41	162	--	--	0	--	--	0
Kidnapping/Hostage Taking	208	175	139	--	--	0	--	--	0
Sexual Abuse	132	120	1,396	69	45	18	59	48	10
Assault	32	21	2,213	20	15	42	18	18	11
Robbery	77	60	2,478	48	46	12	43	45	6
Arson	79	60	171	--	--	0	--	--	0
Drugs - Trafficking	70	54	68,312	87	70	669	65	60	145
Drugs - Communication Facility	32	30	1,131	--	--	1	--	--	0
Drugs - Simple Possession	5	6	6,126	1	0	4	--	--	1
Firearms	83	57	24,098	50	36	162	39	30	41
Burglary/B&E	22	18	116	--	--	2	--	--	1
Auto Theft	62	36	234	--	--	0	--	--	0
Larceny	9	1	4,176	7	3	20	0	0	3
Fraud	25	12	24,086	8	5	236	5	2	87
Embezzlement	10	6	1,000	16	9	4	--	--	2
Forgery/Counterfeiting	18	12	2,320	15	10	10	7	10	3
Bribery	20	13	726	--	--	0	--	--	0
Tax	15	12	1,873	7	6	23	13	12	5
Money Laundering	33	18	2,537	19	12	9	--	--	1
Racketeering/Extortion	88	57	2,647	34	15	4	--	--	2
Gambling/Lottery	5	4	235	--	--	0	--	--	0
Civil Rights	35	12	169	--	--	0	--	--	0
Immigration	16	10	73,758	10	5	425	10	6	125
Child Pornography	134	96	5,861	99	84	78	94	60	24
Prison Offenses	14	12	1,304	--	--	2	--	--	0
Administration of Justice Offenses	19	12	3,978	18	17	52	22	18	18
Environmental/Wildlife	3	0	588	2	0	6	--	--	0
National Defense	48	36	348	--	--	0	--	--	0
Antitrust	16	14	55	--	--	0	--	--	0
Food & Drug	7	0	248	--	--	2	--	--	0
Other Miscellaneous Offenses	16	0	7,323	9	2	28	8	3	12

¹ This table reflects the 240,044 cases sentenced nationally in Fiscal Years 2012 - 2014, 1,809 of which were from the District of Nebraska and 497 of which were sentenced by Judge Joseph F. Bataillon. Of these, 7 nationally were excluded due to missing or indeterminable sentencing information, while none from the District of Nebraska or sentenced by Judge Joseph F. Bataillon 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 2012 - 2014

	National		Nebraska		Judge Joseph F. Bataillon	
	N	%	N	%	N	%
TOTAL CASES¹	235,428	100.0	1,805	100.0	495	100.0
CASES SENTENCED WITHIN GUIDELINE RANGE	117,683	50.0	953	52.8	238	48.1
CASES SENTENCED ABOVE GUIDELINE RANGE	4,957	2.1	16	0.9	3	0.6
DEPARTURE ABOVE GUIDELINE RANGE	1,575	0.7	2	0.1	0	0.0
Upward Departure From Guideline Range	1,193	0.5	2	0.1	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	382	0.2	0	0.0	0	0.0
OTHERWISE ABOVE GUIDELINE RANGE	3,382	1.4	14	0.8	3	0.6
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	3,146	1.3	14	0.8	3	0.6
All Remaining Cases Above Guideline Range	236	0.1	0	0.0	0	0.0
GOVERNMENT SPONSORED BELOW RANGE	67,455	28.7	406	22.5	105	21.2
§5K1.1 Substantial Assistance Departure	28,687	12.2	94	5.2	20	4.0
§5K3.1 Early Disposition Program Departure	24,574	10.4	177	9.8	51	10.3
Other Government Sponsored Below Range	14,194	6.0	135	7.5	34	6.9
NON-GOVERNMENT SPONSORED BELOW RANGE	45,333	19.3	430	23.8	149	30.1
DEPARTURE BELOW GUIDELINE RANGE	7,993	3.4	47	2.6	26	5.3
Downward Departure From Guideline Range	5,681	2.4	34	1.9	21	4.2
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	2,312	1.0	13	0.7	5	1.0
OTHERWISE BELOW GUIDELINE RANGE	37,340	15.9	383	21.2	123	24.8
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	35,900	15.2	372	20.6	120	24.2
All Remaining Cases Below Guideline Range	1,440	0.6	11	0.6	3	0.6

AVERAGE EXTENT OF DEPARTURE FOR BELOW RANGE SENTENCES

	%	%	%
TOTAL CASES WITH BELOW RANGE SENTENCES	47.1	49.5	50.9
GOVERNMENT SPONSORED BELOW RANGE	48.0	50.0	48.6
§5K1.1 Substantial Assistance Departure	55.4	69.6	67.2
§5K3.1 Early Disposition Program Departure	40.2	44.9	44.5
Other Government Sponsored Below Range	45.6	42.9	44.2
NON-GOVERNMENT SPONSORED BELOW RANGE	45.9	49.1	52.6

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