

# United States Sentencing Commission



*Judge Sentencing Data*  
*Fiscal Years 2015 - 2016*

Prepared for  
**Judge Joseph F. Bataillon**

**SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Years 2015 - 2016**

PRIMARY OFFENSE	National			Nebraska			Judge Joseph F. Bataillon		
	Mean	Median	Number	Mean	Median	Number	Mean	Median	Number
	Months	Months		Months	Months		Months	Months	
<b>TOTAL</b>	<b>44</b>	<b>21</b>	<b>138,742</b>	<b>50</b>	<b>30</b>	<b>1,132</b>	<b>40</b>	<b>24</b>	<b>348</b>
<b>Murder</b>	265	240	178	--	--	0	--	--	0
<b>Manslaughter</b>	74	60	109	--	--	1	--	--	0
<b>Kidnapping/Hostage Taking</b>	237	235	82	--	--	0	--	--	0
<b>Sexual Abuse</b>	137	120	1,148	39	37	7	12	0	3
<b>Assault</b>	29	16	1,565	18	12	37	18	16	15
<b>Robbery</b>	75	60	1,441	114	62	12	76	74	4
<b>Arson</b>	74	60	105	--	--	2	--	--	2
<b>Drugs - Trafficking</b>	67	50	39,269	77	63	446	62	48	130
<b>Drugs - Communication Facility</b>	28	24	587	--	--	0	--	--	0
<b>Drugs - Simple Possession</b>	5	6	4,161	--	--	2	--	--	0
<b>Firearms</b>	77	57	14,374	64	37	110	48	36	34
<b>Burglary/B&amp;E</b>	20	12	59	--	--	0	--	--	0
<b>Auto Theft</b>	88	42	107	--	--	0	--	--	0
<b>Larceny</b>	9	0	1,948	4	2	8	--	--	2
<b>Fraud</b>	26	13	13,937	13	6	127	11	6	36
<b>Embezzlement</b>	9	0	663	4	0	5	--	--	2
<b>Forgery/Counterfeiting</b>	17	12	961	13	14	8	15	12	3
<b>Bribery</b>	25	15	414	--	--	0	--	--	0
<b>Tax</b>	13	10	1,084	10	1	6	--	--	1
<b>Money Laundering</b>	30	18	1,393	--	--	2	--	--	1
<b>Racketeering/Extortion</b>	82	51	1,920	37	34	10	--	--	2
<b>Gambling/Lottery</b>	5	0	151	--	--	0	--	--	0
<b>Civil Rights</b>	29	12	91	--	--	0	--	--	0
<b>Immigration</b>	14	8	40,822	9	4	219	9	4	68
<b>Child Pornography</b>	149	97	3,840	111	72	74	84	60	24
<b>Prison Offenses</b>	13	10	960	--	--	1	--	--	1
<b>Administration of Justice Offenses</b>	17	12	2,214	13	12	37	15	14	10
<b>Environmental/Wildlife</b>	4	0	314	0	0	3	--	--	0
<b>National Defense</b>	58	36	200	--	--	0	--	--	0
<b>Antitrust</b>	20	7	36	--	--	0	--	--	0
<b>Food &amp; Drug</b>	7	0	261	--	--	0	--	--	0
<b>Other Miscellaneous Offenses</b>	17	0	4,348	9	0	15	5	0	10

<sup>1</sup> 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 348 of which were sentenced by Judge Joseph F. Bataillon. Of these, three 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 RANGE<sup>1</sup>**

**Fiscal Years 2015 - 2016**

	National		Nebraska		Judge Joseph F. Bataillon	
	N	%	N	%	N	%
<b>TOTAL CASES<sup>1</sup></b>	<b>135,231</b>	<b>100.0</b>	<b>1,130</b>	<b>100.0</b>	<b>348</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>64,781</b>	<b>47.9</b>	<b>552</b>	<b>48.8</b>	<b>156</b>	<b>44.8</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>3,123</b>	<b>2.3</b>	<b>19</b>	<b>1.7</b>	<b>4</b>	<b>1.1</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>863</b>	<b>0.6</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
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
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>2,260</b>	<b>1.7</b>	<b>19</b>	<b>1.7</b>	<b>4</b>	<b>1.1</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	2,133	1.6	19	1.7	4	1.1
All Remaining Cases Above Guideline Range	127	0.1	0	0.0	0	0.0
<b>GOVERNMENT SPONSORED BELOW RANGE</b>	<b>38,870</b>	<b>28.7</b>	<b>283</b>	<b>25.0</b>	<b>97</b>	<b>27.9</b>
§5K1.1 Substantial Assistance Departure	15,913	11.8	57	5.0	21	6.0
§5K3.1 Early Disposition Program Departure	12,254	9.1	95	8.4	24	6.9
Other Government Sponsored Below Range	10,703	7.9	131	11.6	52	14.9
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>28,457</b>	<b>21.0</b>	<b>276</b>	<b>24.4</b>	<b>91</b>	<b>26.1</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>3,972</b>	<b>2.9</b>	<b>25</b>	<b>2.2</b>	<b>16</b>	<b>4.6</b>
Downward Departure From Guideline Range	2,842	2.1	12	1.1	7	2.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	1,130	0.8	13	1.2	9	2.6
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>24,485</b>	<b>18.1</b>	<b>251</b>	<b>22.2</b>	<b>75</b>	<b>21.6</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	23,716	17.5	237	21.0	73	21.0
All Remaining Cases Below Guideline Range	769	0.6	14	1.2	2	0.6

**AVERAGE EXTENT OF DEPARTURE FOR BELOW RANGE SENTENCES**

	%	%	%
<b>TOTAL CASES WITH BELOW RANGE SENTENCES</b>	<b>49.2</b>	<b>50.4</b>	<b>50.6</b>
<b>GOVERNMENT SPONSORED BELOW RANGE</b>	<b>51.0</b>	<b>50.4</b>	<b>50.9</b>
§5K1.1 Substantial Assistance Departure	56.3	68.9	75.4
§5K3.1 Early Disposition Program Departure	46.8	46.4	42.5
Other Government Sponsored Below Range	48.0	45.0	44.8
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>46.7</b>	<b>50.4</b>	<b>50.4</b>

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