

# United States Sentencing Commission



*Judge Sentencing Data  
Fiscal Years 2012 - 2014*

Prepared for  
**Judge John M. Gerrard**

**SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Years 2012 - 2014**

PRIMARY OFFENSE	National			Nebraska			Judge John M. Gerrard		
	Mean	Median	Number	Mean	Median	Number	Mean	Median	Number
	Months	Months		Months	Months		Months		
<b>TOTAL</b>	<b>44</b>	<b>24</b>	<b>240,037</b>	<b>47</b>	<b>24</b>	<b>1,809</b>	<b>64</b>	<b>37</b>	<b>246</b>
<b>Murder</b>	265	240	229	--	--	0	--	--	0
<b>Manslaughter</b>	58	41	162	--	--	0	--	--	0
<b>Kidnapping/Hostage Taking</b>	208	175	139	--	--	0	--	--	0
<b>Sexual Abuse</b>	132	120	1,396	69	45	18	--	--	0
<b>Assault</b>	32	21	2,213	20	15	42	22	24	3
<b>Robbery</b>	77	60	2,478	48	46	12	71	57	3
<b>Arson</b>	79	60	171	--	--	0	--	--	0
<b>Drugs - Trafficking</b>	70	54	68,312	87	70	669	111	104	102
<b>Drugs - Communication Facility</b>	32	30	1,131	--	--	1	--	--	0
<b>Drugs - Simple Possession</b>	5	6	6,126	1	0	4	--	--	0
<b>Firearms</b>	83	57	24,098	50	36	162	90	61	16
<b>Burglary/B&amp;E</b>	22	18	116	--	--	2	--	--	1
<b>Auto Theft</b>	62	36	234	--	--	0	--	--	0
<b>Larceny</b>	9	1	4,176	7	3	20	18	6	3
<b>Fraud</b>	25	12	24,086	8	5	236	8	6	29
<b>Embezzlement</b>	10	6	1,000	16	9	4	--	--	2
<b>Forgery/Counterfeiting</b>	18	12	2,320	15	10	10	--	--	0
<b>Bribery</b>	20	13	726	--	--	0	--	--	0
<b>Tax</b>	15	12	1,873	7	6	23	7	6	6
<b>Money Laundering</b>	33	18	2,537	19	12	9	--	--	1
<b>Racketeering/Extortion</b>	88	57	2,647	34	15	4	--	--	0
<b>Gambling/Lottery</b>	5	4	235	--	--	0	--	--	0
<b>Civil Rights</b>	35	12	169	--	--	0	--	--	0
<b>Immigration</b>	16	10	73,758	10	5	425	9	5	52
<b>Child Pornography</b>	134	96	5,861	99	84	78	109	90	15
<b>Prison Offenses</b>	14	12	1,304	--	--	2	--	--	0
<b>Administration of Justice Offenses</b>	19	12	3,978	18	17	52	18	18	8
<b>Environmental/Wildlife</b>	3	0	588	2	0	6	--	--	1
<b>National Defense</b>	48	36	348	--	--	0	--	--	0
<b>Antitrust</b>	16	14	55	--	--	0	--	--	0
<b>Food &amp; Drug</b>	7	0	248	--	--	2	--	--	0
<b>Other Miscellaneous Offenses</b>	16	0	7,323	9	2	28	8	3	4

<sup>1</sup> 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 246 of which were sentenced by Judge John M. Gerrard. Of these, 7 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 RANGE<sup>1</sup>**

**Fiscal Years 2012 - 2014**

	National		Nebraska		Judge John M. Gerrard	
	N	%	N	%	N	%
<b>TOTAL CASES<sup>1</sup></b>	<b>235,428</b>	<b>100.0</b>	<b>1,805</b>	<b>100.0</b>	<b>246</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>117,683</b>	<b>50.0</b>	<b>953</b>	<b>52.8</b>	<b>140</b>	<b>56.9</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>4,957</b>	<b>2.1</b>	<b>16</b>	<b>0.9</b>	<b>1</b>	<b>0.4</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>1,575</b>	<b>0.7</b>	<b>2</b>	<b>0.1</b>	<b>1</b>	<b>0.4</b>
Upward Departure From Guideline Range	1,193	0.5	2	0.1	1	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	382	0.2	0	0.0	0	0.0
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>3,382</b>	<b>1.4</b>	<b>14</b>	<b>0.8</b>	<b>0</b>	<b>0.0</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	3,146	1.3	14	0.8	0	0.0
All Remaining Cases Above Guideline Range	236	0.1	0	0.0	0	0.0
<b>GOVERNMENT SPONSORED BELOW RANGE</b>	<b>67,455</b>	<b>28.7</b>	<b>406</b>	<b>22.5</b>	<b>40</b>	<b>16.3</b>
§5K1.1 Substantial Assistance Departure	28,687	12.2	94	5.2	8	3.3
§5K3.1 Early Disposition Program Departure	24,574	10.4	177	9.8	21	8.5
Other Government Sponsored Below Range	14,194	6.0	135	7.5	11	4.5
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>45,333</b>	<b>19.3</b>	<b>430</b>	<b>23.8</b>	<b>65</b>	<b>26.4</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>7,993</b>	<b>3.4</b>	<b>47</b>	<b>2.6</b>	<b>5</b>	<b>2.0</b>
Downward Departure From Guideline Range	5,681	2.4	34	1.9	4	1.6
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	2,312	1.0	13	0.7	1	0.4
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>37,340</b>	<b>15.9</b>	<b>383</b>	<b>21.2</b>	<b>60</b>	<b>24.4</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	35,900	15.2	372	20.6	60	24.4
All Remaining Cases Below Guideline Range	1,440	0.6	11	0.6	0	0.0

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

	%	%	%
<b>TOTAL CASES WITH BELOW RANGE SENTENCES</b>	<b>47.1</b>	<b>49.5</b>	<b>48.1</b>
<b>GOVERNMENT SPONSORED BELOW RANGE</b>	<b>48.0</b>	<b>50.0</b>	<b>53.6</b>
§5K1.1 Substantial Assistance Departure	55.4	69.6	68.3
§5K3.1 Early Disposition Program Departure	40.2	44.9	45.9
Other Government Sponsored Below Range	45.6	42.9	57.1
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>45.9</b>	<b>49.1</b>	<b>44.7</b>

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