

# United States Sentencing Commission



## *Statistical Information Packet*

*Fiscal Years 2007 - 2011*

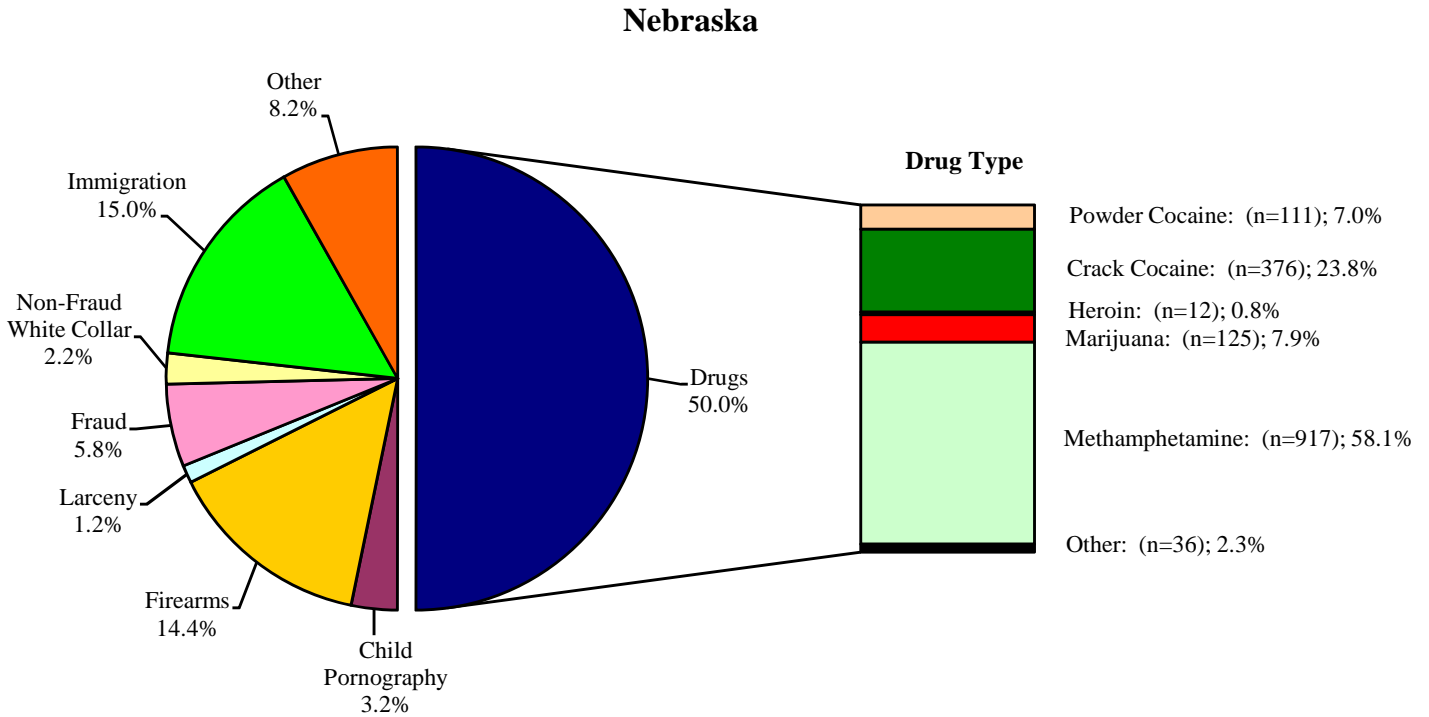
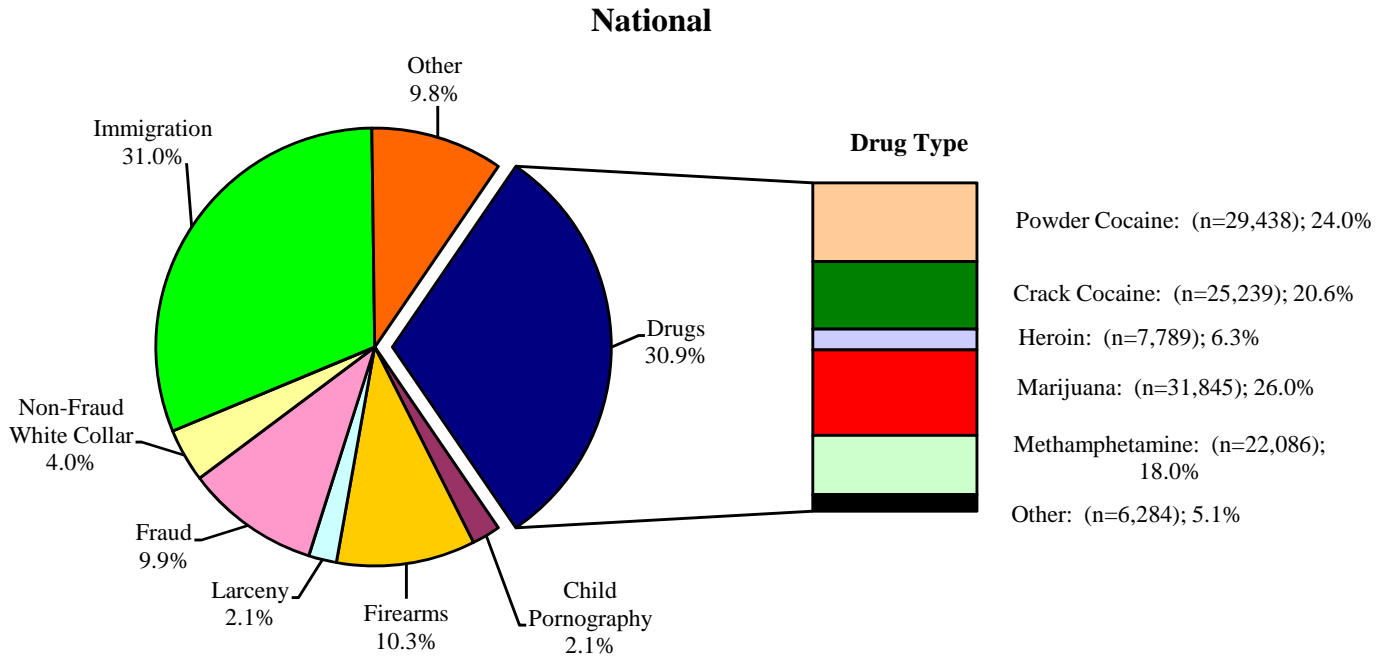
*District of Nebraska*

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**Figure A**

**OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**Fiscal Years 2007 - 2011**



<sup>1</sup> 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 3,161 guideline cases from the District of Nebraska, ten cases were excluded due to missing drug type.

<sup>2</sup> 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		Nebraska	
	N	%	N	%
<b>TOTAL</b>	<b>400,712</b>	<b>100.0</b>	<b>3,161</b>	<b>100.0</b>
Murder	383	0.1	2	0.1
Manslaughter	307	0.1	4	0.1
Kidnapping/Hostage Taking	253	0.1	1	0.0
Sexual Abuse	2,125	0.5	31	1.0
Assault	3,223	0.8	49	1.6
Robbery	5,221	1.3	27	0.9
Arson	328	0.1	0	0.0
Drugs - Trafficking	120,524	30.1	1,575	49.8
Drugs - Communication Facility	2,220	0.6	3	0.1
Drugs - Simple Possession	3,866	1.0	9	0.3
Firearms	40,696	10.2	453	14.3
Burglary/B&E	210	0.1	8	0.3
Auto Theft	377	0.1	5	0.2
Larceny	8,186	2.0	39	1.2
Fraud	39,256	9.8	182	5.8
Embezzlement	2,257	0.6	17	0.5
Forgery/Counterfeiting	4,883	1.2	29	0.9
Bribery	1,078	0.3	2	0.1
Tax	3,210	0.8	15	0.5
Money Laundering	4,273	1.1	5	0.2
Racketeering/Extortion	3,402	0.8	13	0.4
Gambling/Lottery	458	0.1	0	0.0
Civil Rights	317	0.1	0	0.0
Immigration	123,169	30.7	474	15.0
Child Pornography	8,337	2.1	101	3.2
Prison Offenses	1,975	0.5	2	0.1
Administration of Justice Offenses	5,398	1.3	63	2.0
Environmental/Wildlife	1,017	0.3	23	0.7
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	29	0.9

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

Of the 3,161 guideline cases from the District of Nebraska, 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	%
<b>TOTAL</b>	<b>400,699</b>	<b>386,430</b>	<b>96.4</b>	<b>14,269</b>	<b>3.6</b>
<b>D.C. CIRCUIT</b>	<b>1,996</b>	<b>1,854</b>	<b>92.9</b>	<b>142</b>	<b>7.1</b>
District of Columbia	1,996	1,854	92.9	142	7.1
<b>FIRST CIRCUIT</b>	<b>9,720</b>	<b>9,177</b>	<b>94.4</b>	<b>543</b>	<b>5.6</b>
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
<b>SECOND CIRCUIT</b>	<b>22,819</b>	<b>21,798</b>	<b>95.5</b>	<b>1,021</b>	<b>4.5</b>
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
<b>THIRD CIRCUIT</b>	<b>15,275</b>	<b>14,289</b>	<b>93.5</b>	<b>986</b>	<b>6.5</b>
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
<b>FOURTH CIRCUIT</b>	<b>34,223</b>	<b>32,455</b>	<b>94.8</b>	<b>1,768</b>	<b>5.2</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>92,778</b>	<b>91,021</b>	<b>98.1</b>	<b>1,757</b>	<b>1.9</b>
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
<b>SIXTH CIRCUIT</b>	<b>27,183</b>	<b>26,006</b>	<b>95.7</b>	<b>1,177</b>	<b>4.3</b>
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
<b>SEVENTH CIRCUIT</b>	<b>15,040</b>	<b>14,112</b>	<b>93.8</b>	<b>928</b>	<b>6.2</b>
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
<b>EIGHTH CIRCUIT</b>	<b>25,628</b>	<b>24,575</b>	<b>95.9</b>	<b>1,053</b>	<b>4.1</b>
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	%
<b>NINTH CIRCUIT</b>	<b>87,216</b>	<b>85,196</b>	<b>97.7</b>	<b>2,020</b>	<b>2.3</b>
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
<b>TENTH CIRCUIT</b>	<b>32,556</b>	<b>31,811</b>	<b>97.7</b>	<b>745</b>	<b>2.3</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>36,265</b>	<b>34,136</b>	<b>94.1</b>	<b>2,129</b>	<b>5.9</b>
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				Nebraska			
		PLEA		TRIAL		PLEA		TRIAL	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>400,696</b>	<b>386,427</b>	<b>96.4</b>	<b>14,269</b>	<b>3.6</b>	<b>3,061</b>	<b>96.8</b>	<b>100</b>	<b>3.2</b>
<b>Murder</b>	<b>383</b>	280	73.1	103	26.9	1	50.0	1	50.0
<b>Manslaughter</b>	<b>307</b>	284	92.5	23	7.5	4	100.0	0	0.0
<b>Kidnapping/Hostage Taking</b>	<b>253</b>	214	84.6	39	15.4	1	100.0	0	0.0
<b>Sexual Abuse</b>	<b>2,125</b>	1,856	87.3	269	12.7	28	90.3	3	9.7
<b>Assault</b>	<b>3,223</b>	2,923	90.7	300	9.3	46	93.9	3	6.1
<b>Robbery</b>	<b>5,221</b>	5,027	96.3	194	3.7	25	92.6	2	7.4
<b>Arson</b>	<b>328</b>	290	88.4	38	11.6	0	--	0	--
<b>Drugs - Trafficking</b>	<b>120,524</b>	115,875	96.1	4,649	3.9	1,521	96.6	54	3.4
<b>Drugs - Communication Facility</b>	<b>2,220</b>	2,212	99.6	8	0.4	3	100.0	0	0.0
<b>Drugs - Simple Possession</b>	<b>3,862</b>	3,781	97.9	81	2.1	8	88.9	1	11.1
<b>Firearms</b>	<b>40,696</b>	37,868	93.1	2,828	6.9	433	95.6	20	4.4
<b>Burglary/B&amp;E</b>	<b>210</b>	202	96.2	8	3.8	8	100.0	0	0.0
<b>Auto Theft</b>	<b>377</b>	359	95.2	18	4.8	5	100.0	0	0.0
<b>Larceny</b>	<b>8,186</b>	7,972	97.4	214	2.6	37	94.9	2	5.1
<b>Fraud</b>	<b>39,255</b>	37,242	94.9	2,013	5.1	178	97.8	4	2.2
<b>Embezzlement</b>	<b>2,257</b>	2,196	97.3	61	2.7	17	100.0	0	0.0
<b>Forgery/Counterfeiting</b>	<b>4,883</b>	4,807	98.4	76	1.6	29	100.0	0	0.0
<b>Bribery</b>	<b>1,078</b>	1,002	92.9	76	7.1	1	50.0	1	50.0
<b>Tax</b>	<b>3,210</b>	2,899	90.3	311	9.7	12	80.0	3	20.0
<b>Money Laundering</b>	<b>4,273</b>	4,004	93.7	269	6.3	5	100.0	0	0.0
<b>Racketeering/Extortion</b>	<b>3,402</b>	3,070	90.2	332	9.8	13	100.0	0	0.0
<b>Gambling/Lottery</b>	<b>458</b>	444	96.9	14	3.1	0	--	0	--
<b>Civil Rights</b>	<b>317</b>	269	84.9	48	15.1	0	--	0	--
<b>Immigration</b>	<b>123,168</b>	122,279	99.3	889	0.7	474	100.0	0	0.0
<b>Child Pornography</b>	<b>8,337</b>	7,997	95.9	340	4.1	99	98.0	2	2.0
<b>Prison Offenses</b>	<b>1,975</b>	1,934	97.9	41	2.1	2	100.0	0	0.0
<b>Administration of Justice Offenses</b>	<b>5,398</b>	5,093	94.3	305	5.7	61	96.8	2	3.2
<b>Environmental/Wildlife</b>	<b>1,017</b>	960	94.4	57	5.6	21	91.3	2	8.7
<b>National Defense</b>	<b>311</b>	283	91.0	28	9.0	0	--	0	--
<b>Antitrust</b>	<b>86</b>	84	97.7	2	2.3	0	--	0	--
<b>Food &amp; Drug</b>	<b>366</b>	355	97.0	11	3.0	0	--	0	--
<b>Other Miscellaneous Offenses</b>	<b>12,990</b>	12,366	95.2	624	4.8	29	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 3,161 guideline cases from the District of Nebraska, no cases were excluded due to missing 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	%
<b>TOTAL</b>	<b>396,828</b>	<b>343,840</b>	<b>86.6</b>	<b>10,818</b>	<b>2.7</b>	<b>12,973</b>	<b>3.3</b>	<b>29,197</b>	<b>7.4</b>
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**

Nebraska

PRIMARY OFFENSE	TOTAL	Prison		Prison/Community Split Sentence		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>3,155</b>	<b>2,896</b>	<b>91.8</b>	<b>53</b>	<b>1.7</b>	<b>75</b>	<b>2.4</b>	<b>131</b>	<b>4.2</b>
Murder	2	2	100.0	0	0.0	0	0.0	0	0.0
Manslaughter	4	4	100.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	1	1	100.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	31	30	96.8	0	0.0	0	0.0	1	3.2
Assault	49	44	89.8	1	2.0	2	4.1	2	4.1
Robbery	27	27	100.0	0	0.0	0	0.0	0	0.0
Arson	0	0	--	0	--	0	--	0	--
Drugs - Trafficking	1,574	1,546	98.2	13	0.8	7	0.4	8	0.5
Drugs - Communication Facility	3	2	66.7	0	0.0	1	33.3	0	0.0
Drugs - Simple Possession	9	7	77.8	0	0.0	0	0.0	2	22.2
Firearms	453	422	93.2	11	2.4	11	2.4	9	2.0
Burglary/B&E	8	6	75.0	1	12.5	1	12.5	0	0.0
Auto Theft	5	5	100.0	0	0.0	0	0.0	0	0.0
Larceny	39	13	33.3	2	5.1	7	17.9	17	43.6
Fraud	182	131	72.0	8	4.4	23	12.6	20	11.0
Embezzlement	17	3	17.6	2	11.8	6	35.3	6	35.3
Forgery/Counterfeiting	29	19	65.5	3	10.3	3	10.3	4	13.8
Bribery	2	0	0.0	1	50.0	0	0.0	1	50.0
Tax	15	6	40.0	3	20.0	3	20.0	3	20.0
Money Laundering	5	3	60.0	0	0.0	1	20.0	1	20.0
Racketeering/Extortion	13	12	92.3	0	0.0	0	0.0	1	7.7
Gambling/Lottery	0	0	--	0	--	0	--	0	--
Civil Rights	0	0	--	0	--	0	--	0	--
Immigration	474	451	95.1	0	0.0	3	0.6	20	4.2
Child Pornography	101	98	97.0	1	1.0	2	2.0	0	0.0
Prison Offenses	2	1	50.0	0	0.0	0	0.0	1	50.0
Administration of Justice Offenses	63	46	73.0	4	6.3	3	4.8	10	15.9
Environmental/Wildlife	19	1	5.3	1	5.3	1	5.3	16	84.2
National Defense	0	0	--	0	--	0	--	0	--
Antitrust	0	0	--	0	--	0	--	0	--
Food & Drug	0	0	--	0	--	0	--	0	--
Other Miscellaneous Offenses	28	16	57.1	2	7.1	1	3.6	9	32.1

Of the 3,161 guideline cases from the District of Nebraska, six 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				Nebraska			
		Prison Sentence		Non-Prison Sentence		Prison Sentence		Non-Prison Sentence	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>26,439</b>	<b>7,831</b>	<b>29.6</b>	<b>18,608</b>	<b>70.4</b>	<b>23</b>	<b>18.5</b>	<b>101</b>	<b>81.5</b>
<b>Fraud</b>	<b>6,931</b>	2,097	30.3	4,834	69.7	8	27.6	21	72.4
<b>Larceny</b>	<b>3,787</b>	746	19.7	3,041	80.3	0	0.0	17	100.0
<b>Immigration</b>	<b>1,902</b>	899	47.3	1,003	52.7	2	33.3	4	66.7
<b>Embezzlement</b>	<b>1,115</b>	228	20.4	887	79.6	0	0.0	9	100.0
<b>Drugs - Trafficking</b>	<b>1,888</b>	697	36.9	1,191	63.1	1	11.1	8	88.9
<b>Drugs - Simple Possession</b>	<b>1,416</b>	535	37.8	881	62.2	0	0.0	2	100.0
<b>Firearms</b>	<b>1,162</b>	445	38.3	717	61.7	2	33.3	4	66.7
<b>Forgery/Counterfeiting</b>	<b>1,393</b>	472	33.9	921	66.1	2	40.0	3	60.0
<b>Other Miscellaneous Offenses</b>	<b>6,845</b>	1,712	25.0	5,133	75.0	8	19.5	33	80.5

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 3,161 guideline cases from the District of Nebraska, a U.S. Citizen was the defendant in 2,079 cases. Of these, 1,955 cases were excluded because the defendant was ineligible for a 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			Nebraska		
	Mean Months	Median Months	Number	Mean Months	Median Months	Number
<b>TOTAL</b>	<b>54</b>	<b>30</b>	<b>345,241</b>	<b>69</b>	<b>60</b>	<b>2,897</b>
<b>Murder</b>	257	238	380	--	--	2
<b>Manslaughter</b>	60	41	292	60	57	4
<b>Kidnapping/Hostage Taking</b>	199	168	252	--	--	1
<b>Sexual Abuse</b>	105	72	2,054	52	36	30
<b>Assault</b>	44	30	2,642	35	29	44
<b>Robbery</b>	83	64	5,059	92	84	27
<b>Arson</b>	75	60	314	--	--	0
<b>Drugs - Trafficking</b>	80	60	115,197	95	78	1,547
<b>Drugs - Communication Facility</b>	42	46	1,757	--	--	2
<b>Drugs - Simple Possession</b>	8	3	1,883	49	60	7
<b>Firearms</b>	89	60	38,028	57	36	423
<b>Burglary/B&amp;E</b>	23	22	180	22	11	6
<b>Auto Theft</b>	67	30	298	23	18	5
<b>Larceny</b>	18	12	3,119	18	21	15
<b>Fraud</b>	29	18	28,389	19	12	129
<b>Embezzlement</b>	16	12	1,043	9	9	5
<b>Forgery/Counterfeiting</b>	21	16	3,384	18	16	22
<b>Bribery</b>	27	18	769	--	--	1
<b>Tax</b>	23	18	1,929	19	18	9
<b>Money Laundering</b>	41	27	3,290	16	12	3
<b>Racketeering/Extortion</b>	93	60	3,080	31	20	12
<b>Gambling/Lottery</b>	12	10	147	--	--	0
<b>Civil Rights</b>	45	24	200	--	--	0
<b>Immigration</b>	19	13	113,096	21	12	437
<b>Child Pornography</b>	121	78	8,173	90	72	99
<b>Prison Offenses</b>	17	12	1,852	--	--	1
<b>Administration of Justice Offenses</b>	26	16	3,521	22	18	47
<b>Environmental/Wildlife</b>	12	8	222	--	--	2
<b>National Defense</b>	61	36	266	--	--	0
<b>Antitrust</b>	14	9	59	--	--	0
<b>Food &amp; Drug</b>	24	12	96	--	--	0
<b>Other Miscellaneous Offenses</b>	32	12	4,270	30	19	17

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 3,161 guideline cases from the District of Nebraska, 264 cases were excluded due to one of the following reasons: zero months prison ordered (258) or missing or indeterminable sentencing information (6).

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		Nebraska	
	N	%	N	%
<b>TOTAL CASES<sup>1</sup></b>	<b>390,142</b>	<b>100.0</b>	<b>3,156</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>222,946</b>	<b>57.1</b>	<b>2,032</b>	<b>64.4</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>6,790</b>	<b>1.7</b>	<b>68</b>	<b>2.2</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>2,430</b>	<b>0.6</b>	<b>33</b>	<b>1.0</b>
Upward Departure From Guideline Range <sup>2</sup>	1,761	0.5	32	1.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	669	0.2	1	0.0
<b>OTHERWISE ABOVE GUIDELINE RANGE</b>	<b>4,360</b>	<b>1.1</b>	<b>35</b>	<b>1.1</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	3,818	1.0	28	0.9
All Remaining Cases Above Guideline Range <sup>5</sup>	542	0.1	7	0.2
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>100,019</b>	<b>25.6</b>	<b>436</b>	<b>13.8</b>
§5K1.1 Substantial Assistance Departure	48,895	12.5	106	3.4
§5K3.1 Early Disposition Program Departure	35,545	9.1	141	4.5
Other Government Sponsored Below Range	15,579	4.0	189	6.0
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>60,387</b>	<b>15.5</b>	<b>620</b>	<b>19.6</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>13,077</b>	<b>3.4</b>	<b>89</b>	<b>2.8</b>
Downward Departure From Guideline Range <sup>2</sup>	8,506	2.2	66	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	4,571	1.2	23	0.7
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>47,310</b>	<b>12.1</b>	<b>531</b>	<b>16.8</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	43,480	11.1	496	15.7
All Remaining Cases Below Guideline Range <sup>5</sup>	3,830	1.0	35	1.1

<sup>1</sup> This table reflects the 400,862 cases sentenced nationally in Fiscal Years 2007 - 2011, 3,161 of which were from the District of Nebraska. Of these, 10,720 cases nationally and five cases from the District of Nebraska were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range.

<sup>2</sup> 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*.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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	%
<b>TOTAL</b>	<b>390,142</b>	<b>222,946</b>	<b>57.1</b>	<b>1,761</b>	<b>0.5</b>	<b>669</b>	<b>0.2</b>	<b>3,818</b>	<b>1.0</b>	<b>542</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>1,966</b>	<b>753</b>	<b>38.3</b>	<b>12</b>	<b>0.6</b>	<b>4</b>	<b>0.2</b>	<b>13</b>	<b>0.7</b>	<b>3</b>	<b>0.2</b>
District of Columbia	1,966	753	38.3	12	0.6	4	0.2	13	0.7	3	0.2
<b>FIRST CIRCUIT</b>	<b>9,634</b>	<b>5,716</b>	<b>59.3</b>	<b>38</b>	<b>0.4</b>	<b>18</b>	<b>0.2</b>	<b>85</b>	<b>0.9</b>	<b>17</b>	<b>0.2</b>
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
<b>SECOND CIRCUIT</b>	<b>22,612</b>	<b>9,851</b>	<b>43.6</b>	<b>48</b>	<b>0.2</b>	<b>21</b>	<b>0.1</b>	<b>90</b>	<b>0.4</b>	<b>20</b>	<b>0.1</b>
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
<b>THIRD CIRCUIT</b>	<b>15,183</b>	<b>7,362</b>	<b>48.5</b>	<b>45</b>	<b>0.3</b>	<b>18</b>	<b>0.1</b>	<b>112</b>	<b>0.7</b>	<b>17</b>	<b>0.1</b>
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
<b>FOURTH CIRCUIT</b>	<b>32,366</b>	<b>20,906</b>	<b>64.6</b>	<b>219</b>	<b>0.7</b>	<b>102</b>	<b>0.3</b>	<b>318</b>	<b>1.0</b>	<b>38</b>	<b>0.1</b>
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	%
<b>TOTAL</b>	<b>48,895</b>	<b>12.5</b>	<b>35,545</b>	<b>9.1</b>	<b>15,579</b>	<b>4.0</b>	<b>8,506</b>	<b>2.2</b>	<b>4,571</b>	<b>1.2</b>	<b>43,480</b>	<b>11.1</b>	<b>3,830</b>	<b>1.0</b>
<b>D.C. CIRCUIT</b>	<b>585</b>	<b>29.8</b>	<b>0</b>	<b>0.0</b>	<b>231</b>	<b>11.7</b>	<b>39</b>	<b>2.0</b>	<b>75</b>	<b>3.8</b>	<b>207</b>	<b>10.5</b>	<b>44</b>	<b>2.2</b>
District of Columbia	585	29.8	0	0.0	231	11.7	39	2.0	75	3.8	207	10.5	44	2.2
<b>FIRST CIRCUIT</b>	<b>1,100</b>	<b>11.4</b>	<b>100</b>	<b>1.0</b>	<b>577</b>	<b>6.0</b>	<b>261</b>	<b>2.7</b>	<b>151</b>	<b>1.6</b>	<b>1,462</b>	<b>15.2</b>	<b>109</b>	<b>1.1</b>
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
<b>SECOND CIRCUIT</b>	<b>4,623</b>	<b>20.4</b>	<b>4</b>	<b>0.0</b>	<b>675</b>	<b>3.0</b>	<b>804</b>	<b>3.6</b>	<b>731</b>	<b>3.2</b>	<b>5,427</b>	<b>24.0</b>	<b>318</b>	<b>1.4</b>
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
<b>THIRD CIRCUIT</b>	<b>3,843</b>	<b>25.3</b>	<b>1</b>	<b>0.0</b>	<b>440</b>	<b>2.9</b>	<b>254</b>	<b>1.7</b>	<b>282</b>	<b>1.9</b>	<b>2,604</b>	<b>17.2</b>	<b>205</b>	<b>1.4</b>
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
<b>FOURTH CIRCUIT</b>	<b>5,282</b>	<b>16.3</b>	<b>0</b>	<b>0.0</b>	<b>776</b>	<b>2.4</b>	<b>499</b>	<b>1.5</b>	<b>301</b>	<b>0.9</b>	<b>3,646</b>	<b>11.3</b>	<b>279</b>	<b>0.9</b>
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	%
<b>FIFTH CIRCUIT</b>	<b>90,895</b>	<b>64,667</b>	<b>71.1</b>	<b>459</b>	<b>0.5</b>	<b>168</b>	<b>0.2</b>	<b>1,250</b>	<b>1.4</b>	<b>131</b>	<b>0.1</b>
<b>Louisiana</b>											
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
<b>Mississippi</b>											
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
<b>Texas</b>											
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
<b>SIXTH CIRCUIT</b>	<b>26,905</b>	<b>14,087</b>	<b>52.4</b>	<b>122</b>	<b>0.5</b>	<b>48</b>	<b>0.2</b>	<b>258</b>	<b>1.0</b>	<b>42</b>	<b>0.2</b>
<b>Kentucky</b>											
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
<b>Michigan</b>											
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
<b>Ohio</b>											
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
<b>Tennessee</b>											
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
<b>SEVENTH CIRCUIT</b>	<b>14,942</b>	<b>7,890</b>	<b>52.8</b>	<b>58</b>	<b>0.4</b>	<b>43</b>	<b>0.3</b>	<b>229</b>	<b>1.5</b>	<b>20</b>	<b>0.1</b>
<b>Illinois</b>											
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
<b>Indiana</b>											
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
<b>Wisconsin</b>											
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
<b>EIGHTH CIRCUIT</b>	<b>25,538</b>	<b>15,242</b>	<b>59.7</b>	<b>173</b>	<b>0.7</b>	<b>64</b>	<b>0.3</b>	<b>269</b>	<b>1.1</b>	<b>34</b>	<b>0.1</b>
<b>Arkansas</b>											
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
<b>Iowa</b>											
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
<b>Missouri</b>											
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	%
<b>FIFTH CIRCUIT</b>	<b>6,497</b>	<b>7.1</b>	<b>5,466</b>	<b>6.0</b>	<b>2,865</b>	<b>3.2</b>	<b>2,735</b>	<b>3.0</b>	<b>252</b>	<b>0.3</b>	<b>5,706</b>	<b>6.3</b>	<b>699</b>	<b>0.8</b>
<b>Louisiana</b>														
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
<b>Mississippi</b>														
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
<b>Texas</b>														
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
<b>SIXTH CIRCUIT</b>	<b>6,514</b>	<b>24.2</b>	<b>6</b>	<b>0.0</b>	<b>844</b>	<b>3.1</b>	<b>478</b>	<b>1.8</b>	<b>519</b>	<b>1.9</b>	<b>3,663</b>	<b>13.6</b>	<b>324</b>	<b>1.2</b>
<b>Kentucky</b>														
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
<b>Michigan</b>														
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
<b>Ohio</b>														
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
<b>Tennessee</b>														
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
<b>SEVENTH CIRCUIT</b>	<b>2,521</b>	<b>16.9</b>	<b>3</b>	<b>0.0</b>	<b>504</b>	<b>3.4</b>	<b>302</b>	<b>2.0</b>	<b>476</b>	<b>3.2</b>	<b>2,617</b>	<b>17.5</b>	<b>279</b>	<b>1.9</b>
<b>Illinois</b>														
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
<b>Indiana</b>														
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
<b>Wisconsin</b>														
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
<b>EIGHTH CIRCUIT</b>	<b>3,821</b>	<b>15.0</b>	<b>180</b>	<b>0.7</b>	<b>838</b>	<b>3.3</b>	<b>466</b>	<b>1.8</b>	<b>335</b>	<b>1.3</b>	<b>3,887</b>	<b>15.2</b>	<b>229</b>	<b>0.9</b>
<b>Arkansas</b>														
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
<b>Iowa</b>														
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
<b>Missouri</b>														
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	%
<b>NINTH CIRCUIT</b>	<b>83,249</b>	<b>34,704</b>	<b>41.7</b>	<b>408</b>	<b>0.5</b>	<b>109</b>	<b>0.1</b>	<b>456</b>	<b>0.5</b>	<b>130</b>	<b>0.2</b>
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
<b>TENTH CIRCUIT</b>	<b>31,903</b>	<b>19,035</b>	<b>59.7</b>	<b>102</b>	<b>0.3</b>	<b>17</b>	<b>0.1</b>	<b>262</b>	<b>0.8</b>	<b>37</b>	<b>0.1</b>
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
<b>ELEVENTH CIRCUIT</b>	<b>34,949</b>	<b>22,733</b>	<b>65.0</b>	<b>77</b>	<b>0.2</b>	<b>57</b>	<b>0.2</b>	<b>476</b>	<b>1.4</b>	<b>53</b>	<b>0.2</b>
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	%
<b>NINTH CIRCUIT</b>	<b>6,555</b>	<b>7.9</b>	<b>26,311</b>	<b>31.6</b>	<b>4,513</b>	<b>5.4</b>	<b>1,555</b>	<b>1.9</b>	<b>832</b>	<b>1.0</b>	<b>6,703</b>	<b>8.1</b>	<b>973</b>	<b>1.2</b>
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
<b>California</b>														
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
<b>Washington</b>														
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
<b>TENTH CIRCUIT</b>	<b>2,321</b>	<b>7.3</b>	<b>3,394</b>	<b>10.6</b>	<b>2,850</b>	<b>8.9</b>	<b>707</b>	<b>2.2</b>	<b>278</b>	<b>0.9</b>	<b>2,764</b>	<b>8.7</b>	<b>136</b>	<b>0.4</b>
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
<b>Oklahoma</b>														
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
<b>ELEVENTH CIRCUIT</b>	<b>5,233</b>	<b>15.0</b>	<b>80</b>	<b>0.2</b>	<b>466</b>	<b>1.3</b>	<b>406</b>	<b>1.2</b>	<b>339</b>	<b>1.0</b>	<b>4,794</b>	<b>13.7</b>	<b>235</b>	<b>0.7</b>
<b>Alabama</b>														
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
<b>Florida</b>														
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
<b>Georgia</b>														
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	%
<b>TOTAL</b>	<b>390,009</b>	<b>222,865</b>	<b>57.1</b>	<b>1,761</b>	<b>0.5</b>	<b>669</b>	<b>0.2</b>	<b>3,815</b>	<b>1.0</b>	<b>542</b>	<b>0.1</b>
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

**Nebraska**

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	%
<b>TOTAL</b>	<b>3,156</b>	<b>2,032</b>	<b>64.4</b>	<b>32</b>	<b>1.0</b>	<b>1</b>	<b>0.0</b>	<b>28</b>	<b>0.9</b>	<b>7</b>	<b>0.2</b>
Robbery	27	16	59.3	1	3.7	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	1,574	1,115	70.8	3	0.2	0	0.0	1	0.1	2	0.1
Drugs - Simple Possession	9	7	77.8	0	0.0	0	0.0	0	0.0	0	0.0
Firearms	453	315	69.5	0	0.0	0	0.0	1	0.2	0	0.0
Larceny	39	32	82.1	0	0.0	0	0.0	0	0.0	0	0.0
Fraud	182	105	57.7	6	3.3	0	0.0	2	1.1	1	0.5
Embezzlement	17	12	70.6	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	29	18	62.1	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	474	230	48.5	19	4.0	1	0.2	20	4.2	4	0.8
Other Miscellaneous Offenses	352	182	51.7	3	0.9	0	0.0	4	1.1	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	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>48,878</b>	<b>12.5</b>	<b>35,533</b>	<b>9.1</b>	<b>15,565</b>	<b>4.0</b>	<b>8,505</b>	<b>2.2</b>	<b>4,569</b>	<b>1.2</b>	<b>43,478</b>	<b>11.1</b>	<b>3,829</b>	<b>1.0</b>
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

### Nebraska

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	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>106</b>	<b>3.4</b>	<b>141</b>	<b>4.5</b>	<b>189</b>	<b>6.0</b>	<b>66</b>	<b>2.1</b>	<b>23</b>	<b>0.7</b>	<b>496</b>	<b>15.7</b>	<b>35</b>	<b>1.1</b>
Robbery	2	7.4	0	0.0	1	3.7	3	11.1	0	0.0	4	14.8	0	0.0
Drugs - Trafficking	72	4.6	2	0.1	60	3.8	39	2.5	17	1.1	253	16.1	10	0.6
Drugs - Simple Possession	1	11.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	11.1
Firearms	7	1.5	0	0.0	26	5.7	13	2.9	5	1.1	84	18.5	2	0.4
Larceny	0	0.0	0	0.0	1	2.6	1	2.6	0	0.0	3	7.7	2	5.1
Fraud	5	2.7	0	0.0	16	8.8	3	1.6	0	0.0	43	23.6	1	0.5
Embezzlement	0	0.0	0	0.0	1	5.9	0	0.0	0	0.0	4	23.5	0	0.0
Forgery/Counterfeiting	3	10.3	0	0.0	1	3.4	1	3.4	0	0.0	4	13.8	2	6.9
Immigration	4	0.8	139	29.3	31	6.5	3	0.6	0	0.0	14	3.0	9	1.9
Other Miscellaneous Offenses	12	3.4	0	0.0	52	14.8	3	0.9	1	0.3	87	24.7	8	2.3

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 3,161 guideline cases from the District of Nebraska, five 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.