

Table 5.40

Sentences within and departures from U.S. Sentencing Commission guidelines

By primary offense, fiscal year 1995

Primary offense	Total cases	Downward departures					
		Substantial assistance departure ^a		Other downward departure		Upward departure	
		Number	Percent	Number	Percent	Number	Percent
Total	31,593	7,263	23.0%	3,102	9.8%	333	1.1%
Murder	56	12	21.4	10	17.9	8	14.3
Manslaughter	43	0	X	5	11.6	5	11.6
Kidnaping, hostage-taking	48	11	22.9	9	18.8	4	8.3
Sexual abuse	162	2	1.2	40	24.7	7	4.3
Assault	312	8	2.6	41	13.1	13	4.2
Robbery	1,380	196	14.2	164	11.9	39	2.8
Arson	80	16	20.0	16	20.0	5	6.3
Drug offenses							
Trafficking	12,452	4,627	37.2	1,207	9.7	29	0.2
Communication facility	196	70	35.7	35	17.9	4	2.0
Simple possession	467	18	3.9	10	2.1	12	2.6
Firearms	2,122	306	14.4	225	10.6	49	2.3
Burglary, breaking and entering	64	5	7.8	4	6.3	1	1.6
Auto theft	134	27	20.1	16	11.9	2	1.5
Larceny	2,026	147	7.3	90	4.4	28	1.4
Fraud	4,989	850	17.0	381	7.6	49	1.0
Embezzlement	695	43	6.2	79	11.4	1	0.1
Forgery, counterfeiting	674	83	12.3	31	4.6	6	0.9
Bribery	259	61	23.6	23	8.9	5	1.9
Tax	610	75	12.3	45	7.4	3	0.5
Money laundering	714	237	33.2	66	9.2	3	0.4
Racketeering, extortion	303	97	32.0	34	11.2	6	2.0
Gambling, lottery	205	67	32.7	12	5.9	0	X
Civil rights	93	14	15.1	6	6.5	2	2.2
Immigration	1,883	65	3.5	402	21.3	33	1.8
Pornography, prostitution	85	13	15.3	15	17.6	2	2.4
Prison offenses	332	17	5.1	26	7.8	4	1.2
Administration of justice offenses	622	103	16.6	58	9.3	6	1.0
Environmental, wildlife	105	16	15.2	6	5.7	0	X
National defense	29	5	17.2	7	24.1	0	X
Anti-trust	17	8	47.1	0	X	0	X
Food and drug	46	8	17.4	3	6.5	0	X
Other	390	56	14.4	36	9.2	7	1.8

Note: See Note, table 5.34. Of the 38,500 guideline cases, complete information was received on 33,504 cases. Of these 33,504 cases, 139 were excluded due to one or more of the following conditions: missing primary offense category, 61; missing guideline range information, 14; missing sentencing information, 36; missing departure information, 26; and missing statutory information, 13. Also, 1,772 cases were excluded due to several logical criteria other than missing information.

^aCases departed downward based on a motion by the Government for a reduced sentence due to the defendant's substantial assistance to authorities.

Source: U.S. Sentencing Commission, *Annual Report 1995* (Washington, DC: U.S. Sentencing Commission, 1996), p. 92.