

NASC 2009 Annual Conference
Fifteen Years of NASC: Looking Back, Moving Forward



Sentencing Since *Booker*

Data on

Cases Sentenced After the Decisions in

United States v. Booker

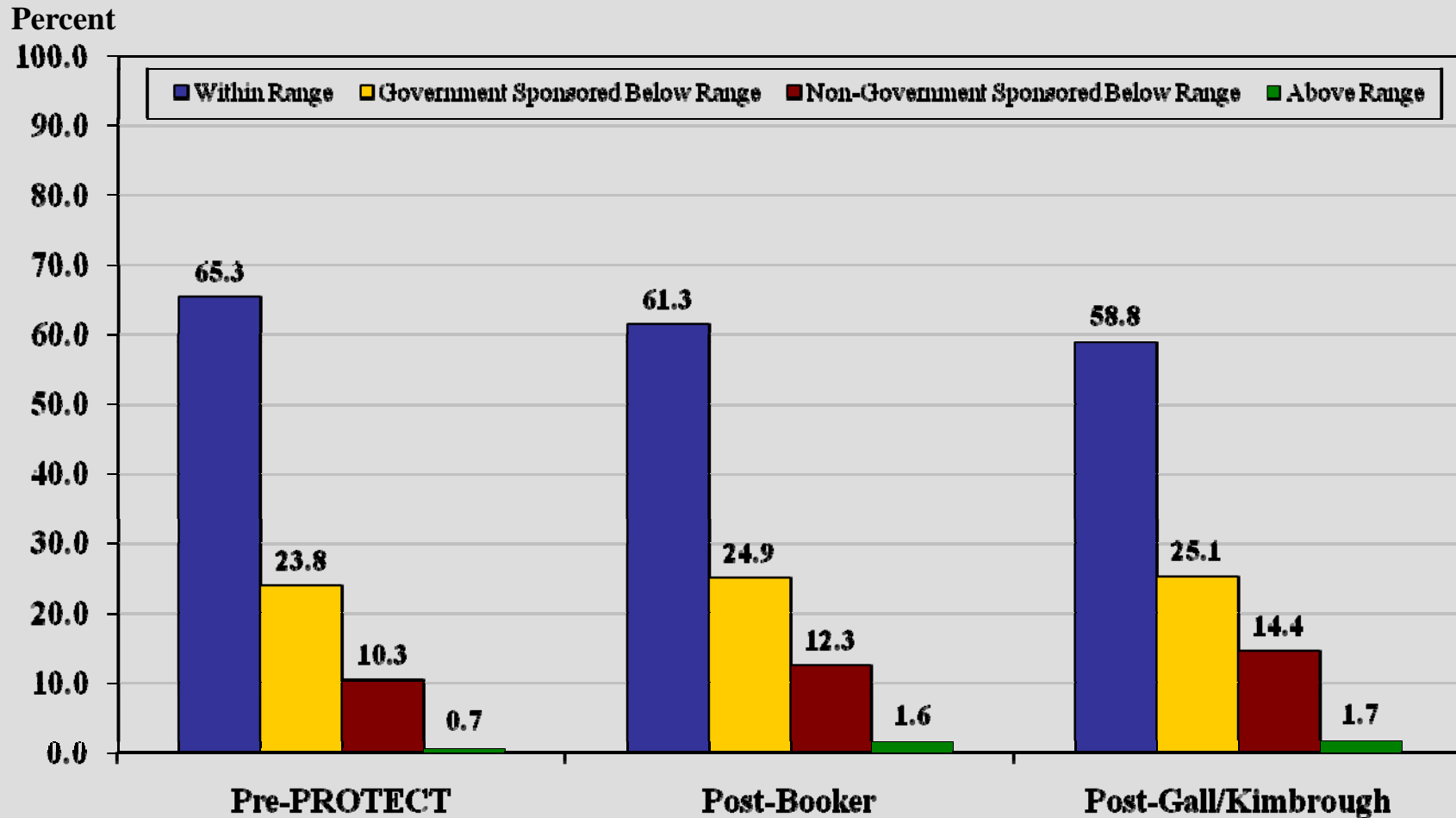
(January 12, 2005)

Gall v. United States

Kimbrough v. United States

(December 10, 2007)

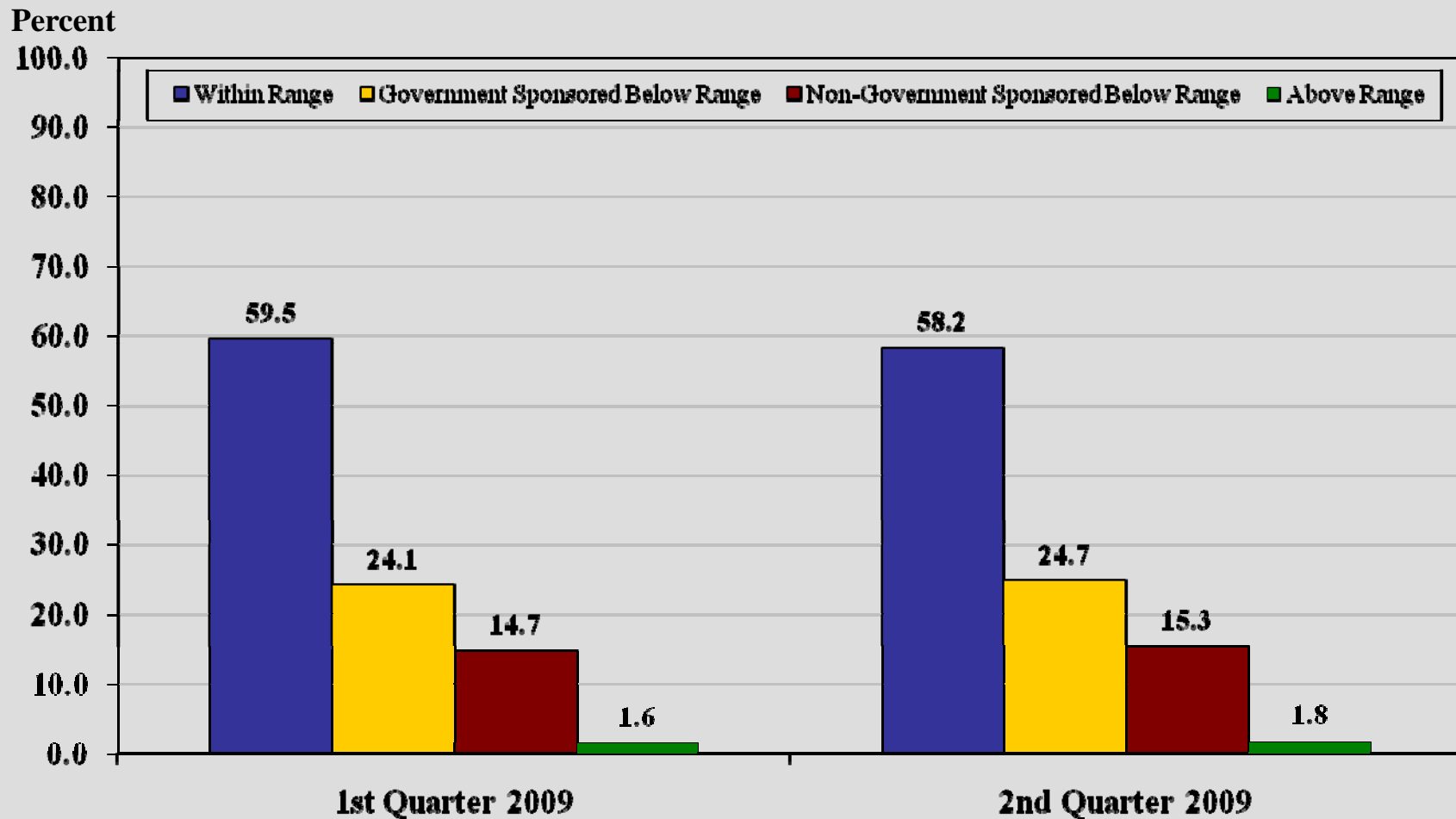
Position of Sentence Relative to the Guideline Range – All Circuits



Pre-PROTECT data reflects cases sentenced between October 1, 2000 and March 31, 2003. Post-Booker data reflects cases sentenced subsequent to the date of *United States v. Booker* (January 12, 2005) through December 9, 2007. Preliminary post-Gall/Kimbrough data reflect the cases sentenced subsequent to the date of *Gall v. United States* and *Kimbrough v. United States* (December 10, 2007) through March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded.

SOURCE: U.S. Sentencing Commission, 2001-2008 Data files, USSCFY01 - USSCFY08 and Preliminary 2009 Data file, USSCFY2009.

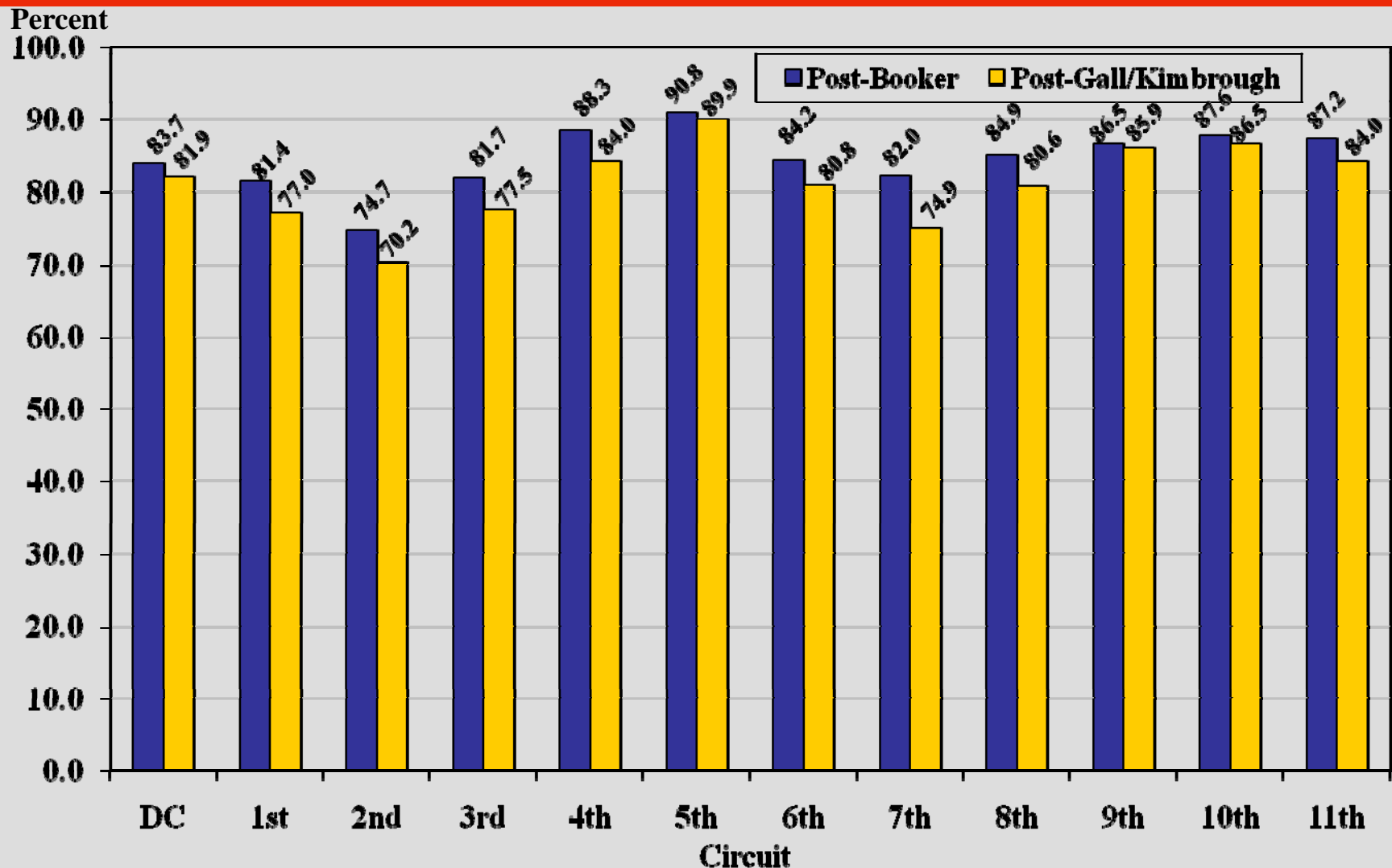
Position of Sentence Relative to the Guideline Range – All Circuits



First Quarter and Preliminary 2nd Quarter FY 2009 data reflect the cases sentenced subsequent to March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded.

SOURCE: U.S. Sentencing Commission, Preliminary 2009 Data file, USSCFY2009.

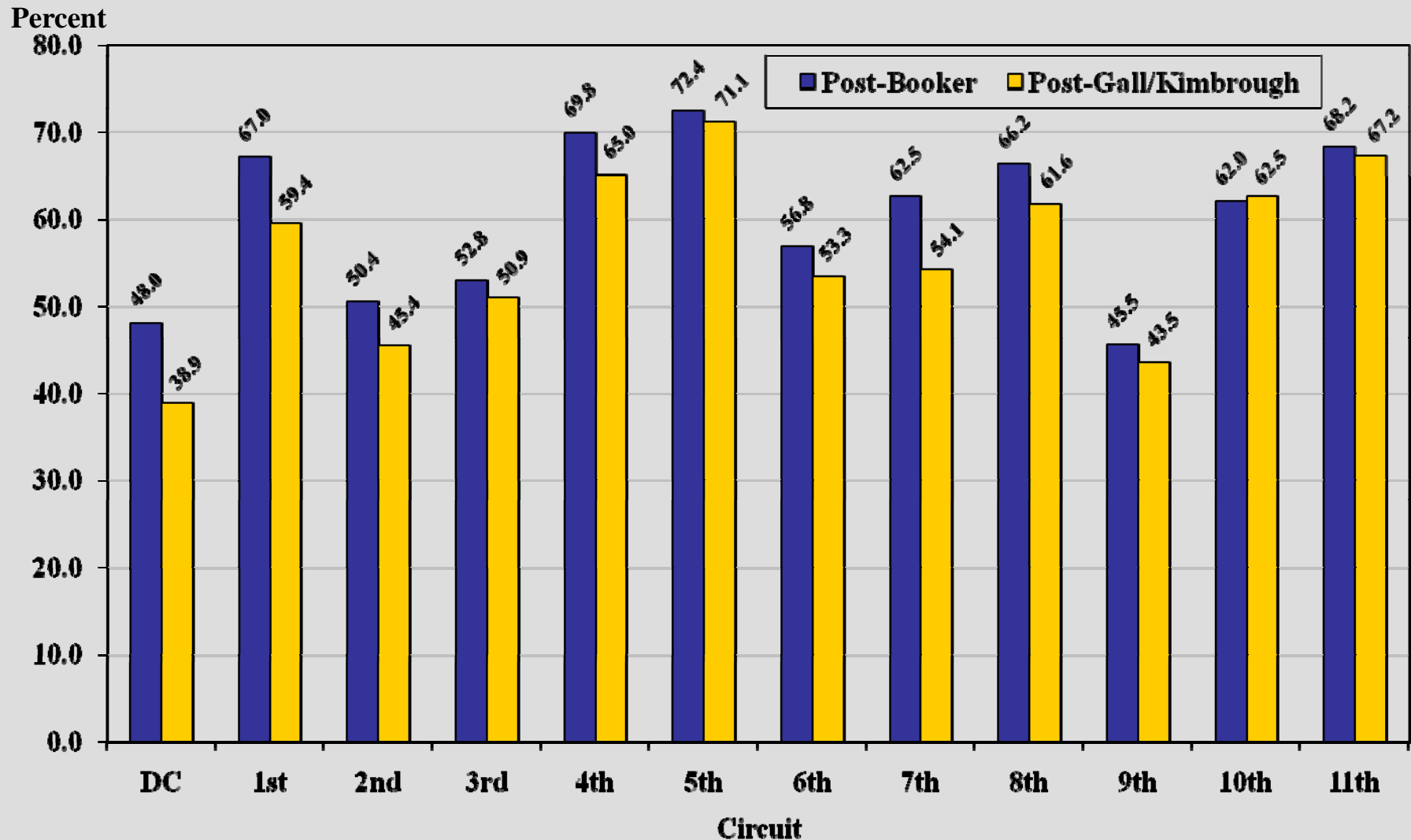
Combined Rates of Within Guideline and Government Sponsored Below Range Departures



Post-Booker data reflects cases sentenced subsequent to the date of *United States v. Booker* (January 12, 2005) through December 9, 2007. Preliminary post-Gall/Kimbrough data reflect the cases sentenced subsequent to the date of *Gall v. United States* and *Kimbrough v. United States* (December 10, 2007) through March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded.

SOURCE: U.S. Sentencing Commission, 2005-2008 Data files, USSCFY05 - USSCFY08 and Preliminary 2009 Data file, USSCFY2009.

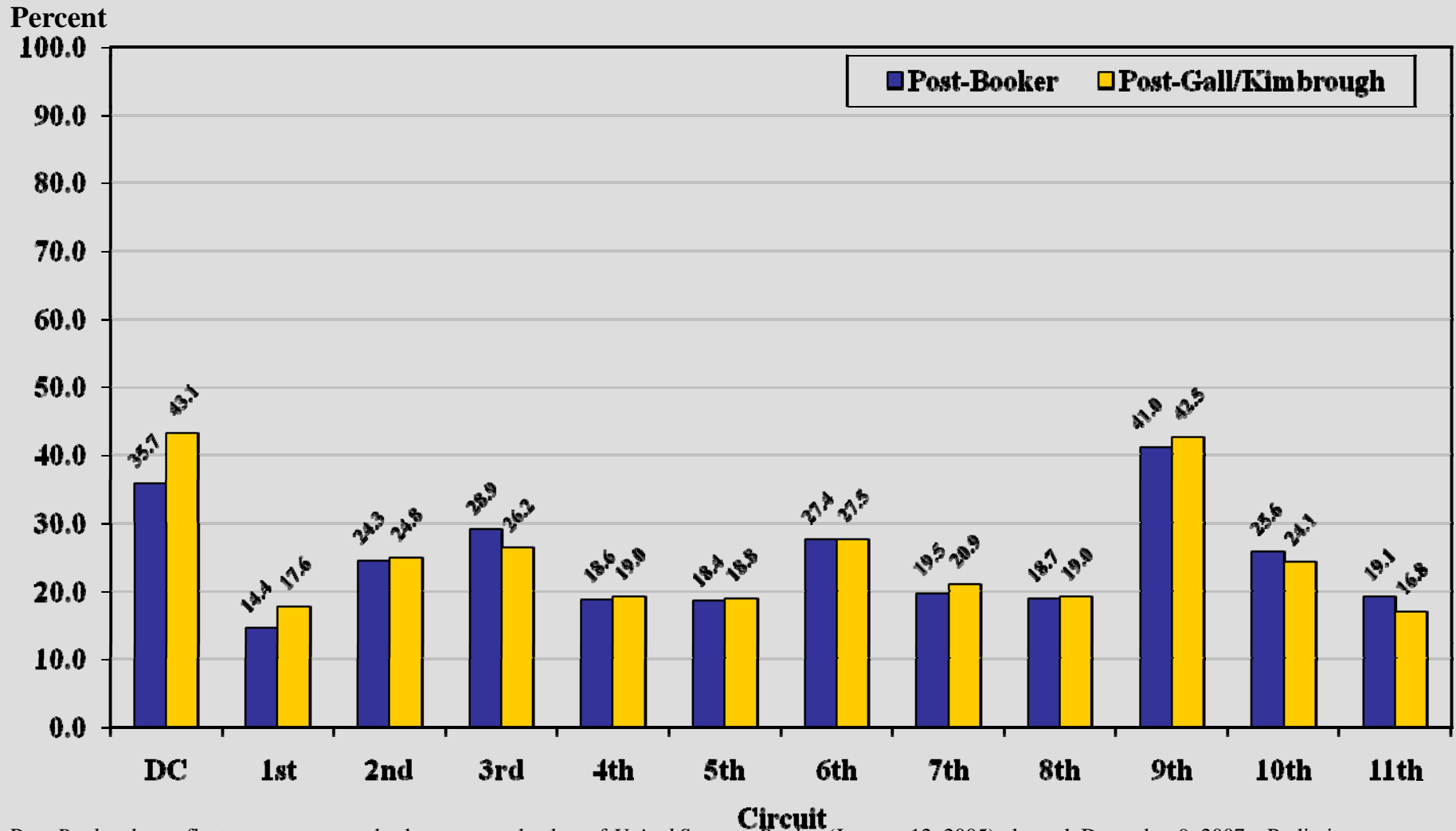
Within Range Rates by Circuit



Post-Booker data reflects cases sentenced subsequent to the date of *United States v. Booker* (January 12, 2005) through December 9, 2007. Preliminary post-Gall/Kimbrough data reflect the cases sentenced subsequent to the date of *Gall v. United States* and *Kimbrough v. United States* (December 10, 2007) through March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded.

SOURCE: U.S. Sentencing Commission, 2005-2008 Data files, USSCFY05 - USSCFY08 and Preliminary 2009 Data file, USSCFY2009.

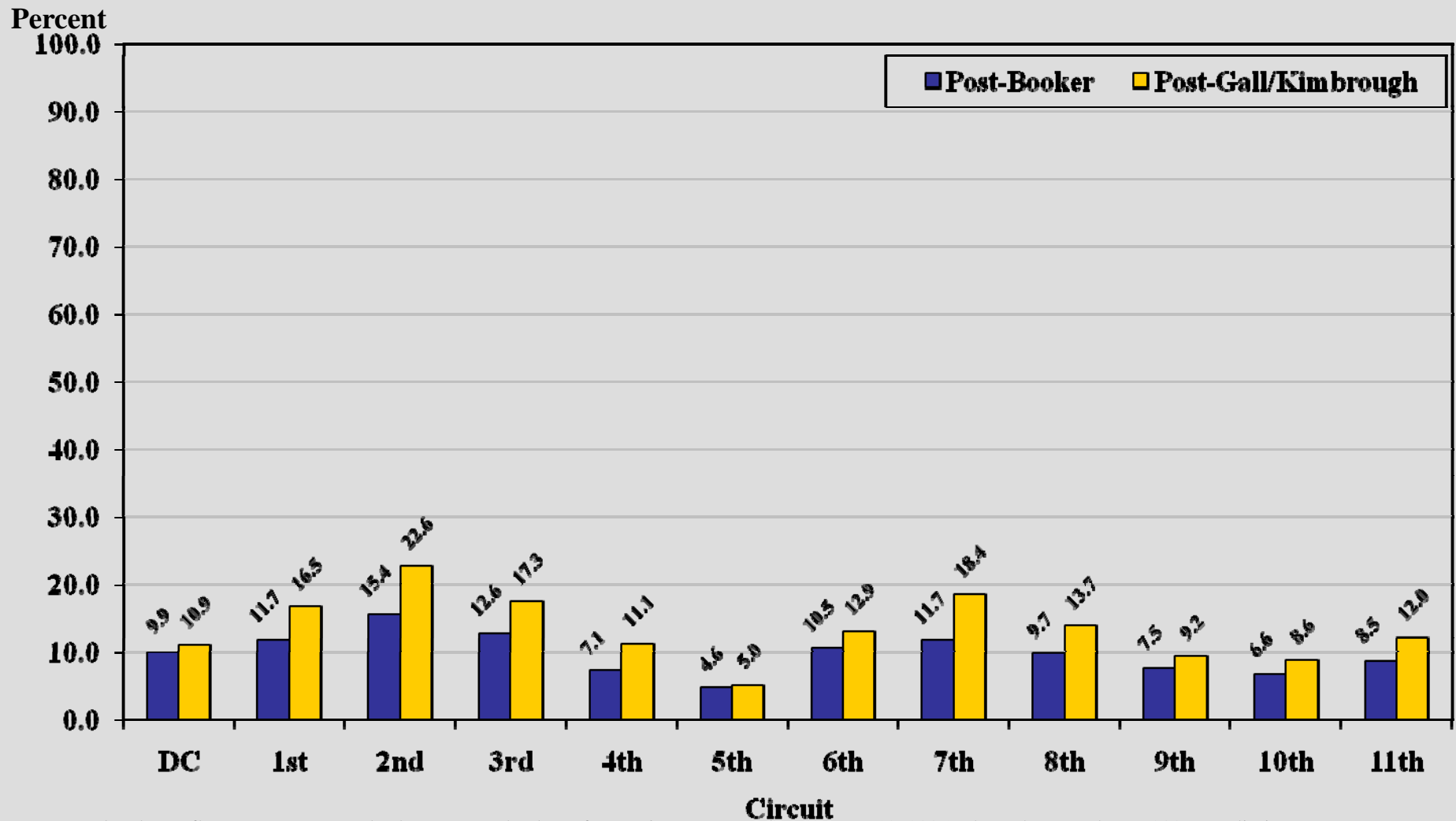
Government Sponsored Below Range Sentence Rates by Circuit



Post-Booker data reflects cases sentenced subsequent to the date of *United States v. Booker* (January 12, 2005) through December 9, 2007. Preliminary post-Gall/Kimbrough data reflect the cases sentenced subsequent to the date of *Gall v. United States* and *Kimbrough v. United States* (December 10, 2007) through March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded.

SOURCE: U.S. Sentencing Commission, 2005-2008 Data files, USSCFY05 - USSCFY08 and Preliminary 2009 Data file, USSCFY2009.

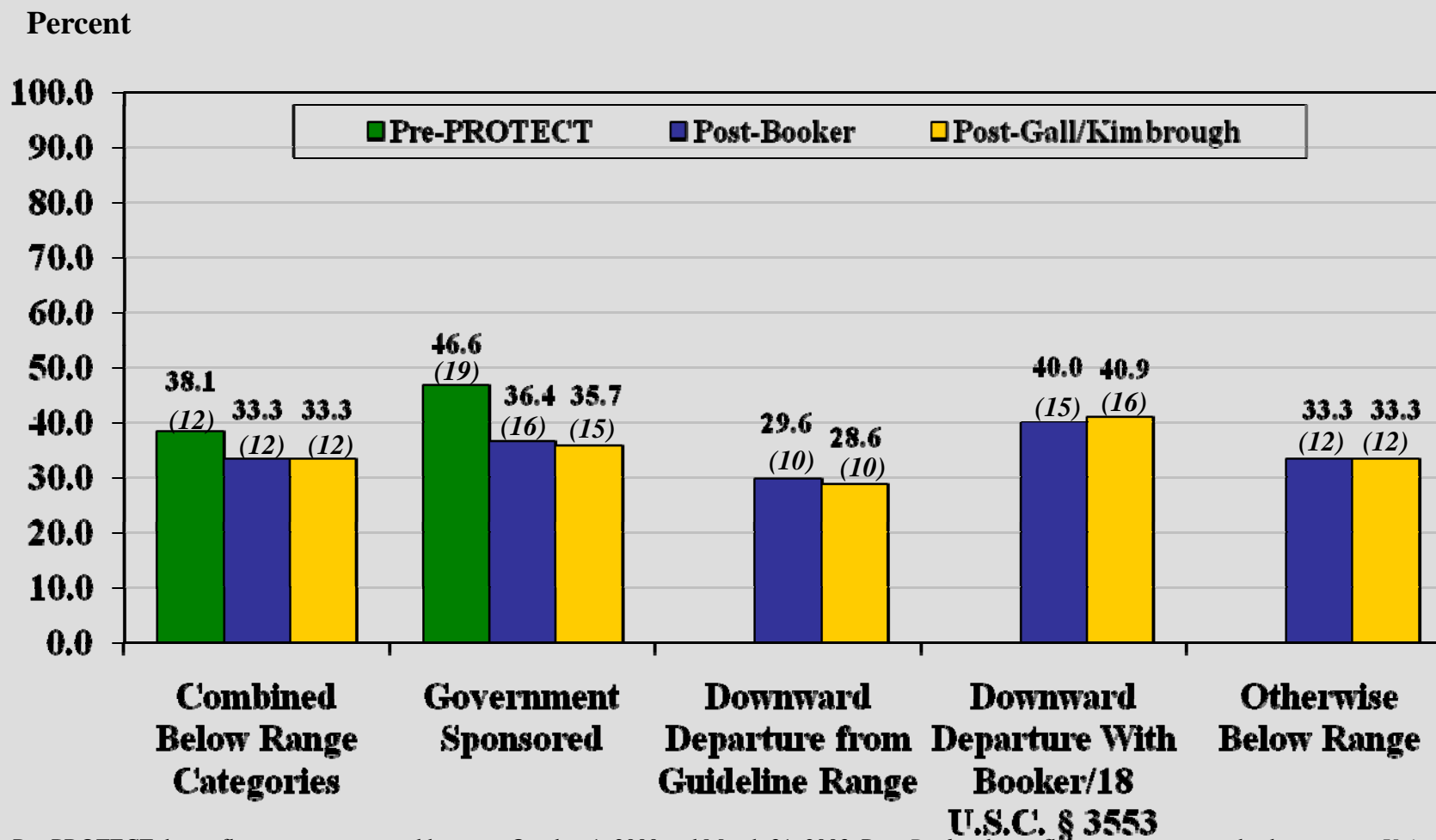
Non-Government Sponsored Below Range Sentence Rates by Circuit



Post-Booker data reflects cases sentenced subsequent to the date of *United States v. Booker* (January 12, 2005) through December 9, 2007. Preliminary post-Gall/Kimbrough data reflect the cases sentenced subsequent to the date of *Gall v. United States* and *Kimbrough v. United States* (December 10, 2007) through March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded.

SOURCE: U.S. Sentencing Commission, 2005-2008 Data files, USSCFY05 - USSCFY08 and Preliminary 2009 Data file, USSCFY2009.

Degree of Decrease for Government Sponsored and Non-Government Sponsored Below Range Sentences



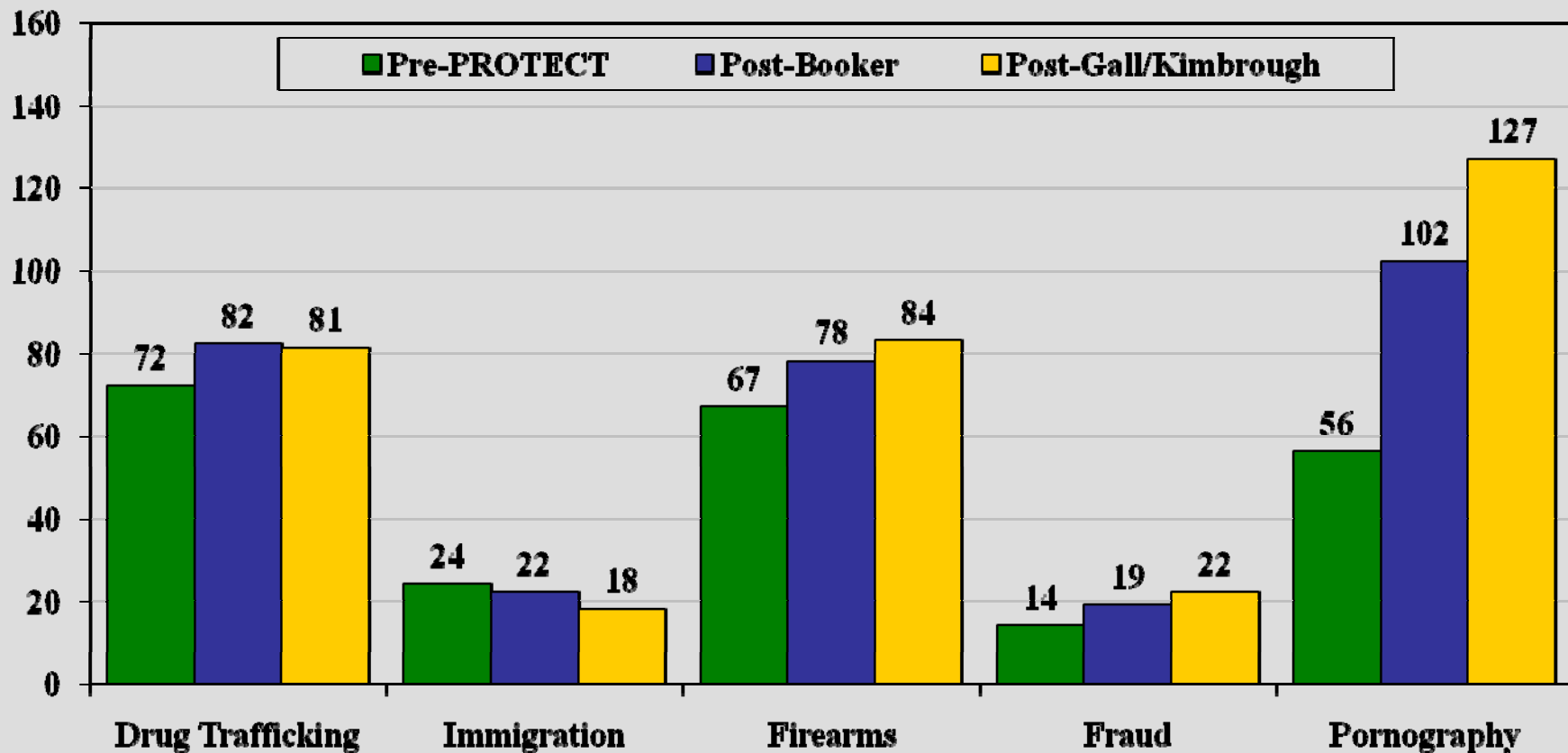
Pre-PROTECT data reflects cases sentenced between October 1, 2000 and March 31, 2003. Post-Booker data reflects cases sentenced subsequent to *United States v. Booker* (January 12, 2005) through December 9, 2007. Preliminary post-Gall/Kimbrough data reflect the cases sentenced subsequent to the date of *Gall v. United States* and *Kimbrough v. United States* (December 10, 2007) through March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded. Numbers in parenthesis represent the median decrease in months from the guideline minimum.

Combined Below Range Categories include all non-government sponsored below range cases, which are broken into their component parts in the subsequent columns.

SOURCE: U.S. Sentencing Commission, 2001-2008, Data files, USSCFY01 - USSCFY08 and Preliminary 2009 Data file, USSCFY09.

Average Sentence Length for Major Offense Types Pre-PROTECT, Post-Booker, and Post-Gall/Kimbrough

Months



Pre-PROTECT data reflects cases sentenced between October 1, 2000 and March 31, 2003. Post-Booker data reflects cases sentenced subsequent to *United States v. Booker* (January 12, 2005) through December 9, 2007. Preliminary post-Gall/Kimbrough data reflect the cases sentenced subsequent to the date of *Gall v. United States* and *Kimbrough v. United States* (December 10, 2007) through March 31, 2009, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by May 14, 2009. Cases missing information required for analysis were excluded. Probation sentences are included in the calculation of the average as zero months. In addition, the information presented in this graph includes time of confinement as described in USSG §5C1.1.

SOURCE: U.S. Sentencing Commission, 2001-2008 Data files, USSCFY01 - USSCFY08 and Preliminary 2009 Data file, USSCFY2009.



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