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DISTRICT OF OREGON**

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January 24, 2016

Honorable Kathleen Cardone, Chair  
Ad Hoc Committee to Review  
Criminal Justice Act Program  
Thurgood Marshall Federal Judiciary Bldg.  
1 Columbus Circle, NE  
Washington, DC 20544

Re: Testimony of Lisa Hay, Federal Public Defender, District of Oregon

Dear Judge Cardone:

Thank you for the opportunity to testify before the Committee to Review the Criminal Justice Act Program and to submit written comments for consideration as you conduct this important work. Others before me have testified eloquently about the important role of defense counsel in our adversary system and the urgent need to support and secure effective representation in all districts. I will not repeat the quotes from *Gideon* or *To Kill A Mocking Bird* here, but please count me among the passionate defenders of our role in this system—as the voice of the accused, as the watchdog of civil liberties, as the check on government power—who urge this Committee to propose both short term and long term structural solutions to ensure the autonomy and security of the defense function.

My Background

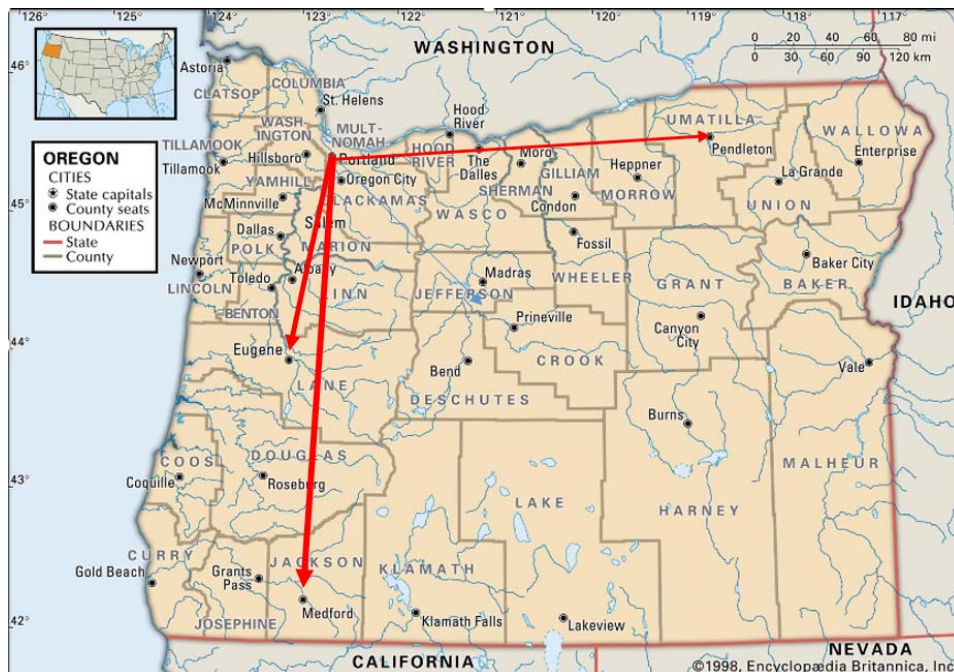
I have been the Federal Public Defender in Oregon for about 16 months, having been selected by the Ninth Circuit after the retirement of our longtime defender Steve Wax. I previously was an Assistant Federal Public Defender in the office for over a decade. My comments below are informed both by my experiences as an AFPD, which included working collaboratively with CJA panel attorneys, and by my more recent immersion into the world of CJA management and responding to the Administrative Office, subjects that were foreign to me as a line attorney.

### Testimony Topics

I understand that the Portland testimony will focus in part on two of the 14 topics under consideration by the Committee: the quality of representation under the CJA, and the availability of reliable data to evaluate the overall cost and effectiveness of the federal defender program. My comments below about our practice in Oregon are intended to offer input on those subjects. Because our offices manages the CJA panel for the court, I also offer comments on the subject of CJA management.

### Description of the Practice in Oregon

Oregon's 98,000 square miles and four million people are served by four federal courthouses in Portland, Eugene, Medford, and Pendleton, Oregon. Ten article III judges and eight magistrate judges hold court in the various locations. Our office, like the U.S. Attorney's office, operates a main office in Portland and branch offices in Eugene and Medford. We staff the Pendleton office (235 miles one way from Portland) from Portland as needed. The FPD manages a CJA panel office in Portland, with three fulltime employees, to support the panel attorneys in all locations.



Our practice includes the ordinary federal mix of guns, drugs, fraud, child pornography, and immigration violations, but we also have an unusually high number of bank robberies, “Len

Bias” heroin cases, and sex trafficking charges.<sup>1</sup> In addition, Oregon is home to seven Indian reservations. Each year we represent a significant number of Native American clients charged with violent felonies, sex abuse, and drug offenses. Additional violent felonies are charged out of the federal medium security prison in Sheridan, Oregon. We do not have a capital habeas unit, but we have attorneys qualified to handle the cases and currently represent four petitioners. We also accept non-capital habeas corpus representations from the court. In FY14 we had 8 habeas petitions granted by the court or resolved in the petitioner’s favor based on an agreement with the State. One former habeas client, Lisa Roberts, will testify before the Committee. She was exonerated and her state conviction vacated after our attorneys pursued DNA evidence and investigated cell phone location data.

Our philosophy, supported by our judges and U.S. Attorney’s office, is grounded in a holistic, “whole client” approach to representation. We believe that by understanding our client and the full set of circumstances that brought him or her into the criminal justice system, we can begin working to achieve many of the goals of sentencing – rehabilitation, deterrence, protection of the community, and promoting respect for the law – at the beginning of the case, not just when a prison sentence is considered. To that end, we investigate personal history, hire mental health experts, argue at length and repeatedly for pretrial release, track down family members, offer encouragement to clients to enroll in school, drug treatment, anger management, or other appropriate services, and consider with our clients what a crime-free future for them could look like. In some cases, planning for the future has involved removal of gang tattoos. In other cases, attorneys have investigated past criminal convictions to demonstrate the unfairness of a previously imposed sex offender label. In all cases, are clients are treated as more than just the criminal charges chosen by the U.S. Attorney.

We do not have a “rocket docket”—far from it—because our judges and prosecutors recognize that the rehabilitative efforts made by a defendant pretrial and presentence may have a more positive and far-reaching impact for society than any term of incarceration. They recognize that a thorough investigation takes time, they are willing to review our evidence of a client’s history and progress in rehabilitation, and they take seriously the responsibility to assess factors under 18 U.S.C. §3553(a) and to arrive at a sentence “no greater than necessary” to meet the sentencing

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<sup>1</sup> See Les Zaitz, *Drug cartels in Oregon: “Len Bias” strategy a potent tool for law enforcement*, THE OREGONIAN, June 21, 2013 (noting Oregon leads the nation in Len Bias prosecutions), [http://www.oregonlive.com/pacific-northwestnews/index.ssf/2013/06/drug\\_cartels\\_in\\_oregon\\_len\\_bia.html](http://www.oregonlive.com/pacific-northwestnews/index.ssf/2013/06/drug_cartels_in_oregon_len_bia.html); Bryan Denson, *Problem of Sex Trafficking in Portland Backed Up By New Numbers, Authorities Say*, THE OREGONIAN, August 5, 2013, [http://www.oregonlive.com/portland/index.ssf/2013/08/portlands\\_role\\_as\\_hub\\_of\\_child.html](http://www.oregonlive.com/portland/index.ssf/2013/08/portlands_role_as_hub_of_child.html).

goals established by Congress. When some of those goals have already been achieved during the course of the representation, the term of incarceration can be lower.

According to the U.S. Sentencing Commission’s FY15 statistics, 17% of federal cases in Oregon received a sentence reduction under U.S.S.G. §5K for cooperation, but an additional 30% received a reduction for other government-sponsored reasons (not including fast-track policies). Attachment 1, USSC Preliminary Fourth Quarter Data Report, Table 2, p. 7. The latter statistic is far higher than the national average of 7.7%. Although the exact savings from these negotiated reductions are difficult to quantify, every year of prison avoided saves approximately \$30,000 in federal prison costs and represents an unmeasurable savings to families, children, employers and communities when a rehabilitated offender can be welcomed home early.

Even when the U.S. Attorney’s office does not agree with the sentences we propose, the judges in Oregon are willing to take into consideration the detailed sentencing materials defense attorneys provide and to impose reduced sentences in some cases. By expending time and money at the start of the case on defense investigation and client rehabilitation, we save money at the end of the case by reducing the years of prison that must be paid for. A study of bank robbery and gun cases sentenced in federal court in Oregon over the six years from 2010-2016, for example, shows that the court saved almost \$5 million in bank robbery cases and over \$10 million in gun cases by imposing sentences lower than those requested in the government sentencing memoranda.

<u>Bank Robbery Cases terminated between 01/01/2010 - 12/15/2015</u>						
<i>Type of case</i>	<i># of cases</i>	<i>years of jail time AUSA requested</i>	<i>Actual years of jail time imposed</i>	<i>years of jail time saved</i>	<i>cost to jail per year as of 2014</i>	<i>potential \$ saved</i>
Bank Robbery - CJA	37	330	299	31	\$ 30,619.85	\$ 962,076
Bank Robbery - FPD	133	775	651	123	\$ 30,619.85	\$ 3,776,346
Bank Robbery - No data	34 ?	?	?	?	\$ 30,619.85	?
	204	1104	950	155	\$ 30,619.85	\$ 4,738,422

<b>Felon in Possession Cases terminated between 01/01/2010 - 12/17/2015</b>						
<i>Type of case</i>	<i># of cases</i>	<i>years of jail time AUSA requested</i>	<i>Actual years of jail time imposed</i>	<i>years of jail time saved</i>	<i>cost to jail per year as of 2014</i>	<i>potential \$ saved</i>
Felon in Possession - CJA	135	906	782	124	\$ 30,619.85	\$ 3,809,721.74
Felon in Possession - FPD	276	1328	1143	185	\$ 30,619.85	\$ 5,671,102.42
Felon in Possession - Retained	31	239	196	44	\$ 30,619.85	\$ 1,334,413.06
Felon in Possession - No data	167 ?	?	?	?	\$ 30,619.85	?
	609	2474	2121	353	\$ 30,619.85	\$ 10,815,237.22

The savings to the system are likely even greater than reflected in these charts, as defense work and negotiation will often have already lowered the recommendation made by the government by the time of the sentencing memorandum. Not all negotiation is based on mitigating circumstances and client rehabilitation. Defense work may also result in negotiated reductions by uncovering weaknesses in evidence, identifying potential constitutional violations in methods by which evidence was obtained, or arguing that legal errors in calculation of guidelines or in characterization of prior convictions overstate the potential sentence.

CAPS: Court-Assisted Pretrial Supervision

A notable program in Oregon that may not exist in many other jurisdictions is CAPS, the court-assisted pretrial supervision program designed by our magistrate judges. About 45% of criminal defendants in this district (excluding immigration cases) were released pretrial in the calendar year ending December 2013. For high risk defendants, including those charged with bank robbery, gun offenses, and sex trafficking, the court may require participation in CAPS as a condition of release. As Magistrate Judge John Acosta will likely explain in his testimony, the CAPS program is individually tailored to each defendant, time-intensive (often requiring weekly meetings with the court, defense counsel, pretrial services, and the defendant), and effective. The judge might give homework assignments, ask about progress at work or school, discuss strategies to avoid relapse, or review and plan a resolution for a supervision failure. Many defendants have commented on the important role this personal attention from the judge played in their rehabilitation. Some defendants return to meet with the magistrate judges again, after serving a prison sentence or being placed on probation, because the support is effective and welcome. The Committee is likely to hear from CAPS graduates at the hearings.

### Reentry Court

In April of 2005, through the collaborative efforts of the FPD, the judiciary, the probation office, and the U.S. Attorney's Office, the District of Oregon created what has become a nationally-admired model for re-entry courts. Initially called "Drug Court," the program was designed to offer defendants on supervised release "a creative blend of treatment and sanction alternatives to effectively address offender behavior, rehabilitation, and the safety of our community." Interagency Agreement of April 12, 2005 (case # 5-mc-9114). Under the leadership of Chief Judge Aiken, our drug court, now called Reentry Court, has expanded, and sessions are now held in Portland, Eugene and Medford. In contrast to CAPS, which provides pretrial structure and support for defendants, the Reentry Court supports clients who have completed their prison sentences and are on supervised release. Judge Aiken will likely testify about the successes of this program. The FPD staffs the reentry courts with three AFPDs and two paralegals. Meetings occur bi-weekly and the AFPDs maintain frequent (sometimes daily) contact with participants.

### Collaboration with the U.S. Attorney's Office

Although adversaries in the courtroom, the FPD and U.S. Attorney's Office have successfully collaborated outside of the courtroom in order to promote justice and an efficient, effective court system. As examples, the USAO has agreed to notify the FPD a day in advance, when possible, of planned multi-defendant arrests. This allows the FPD to ensure that enough attorneys are available the next day in lock-up to cover the pretrial interviews and explain charges to the arrestees. The later arraignments and release hearings in magistrate court run more smoothly and defendants who are eligible for release do not spend any extra time in custody. We believe it is imperative that every defendant have counsel present during a pretrial release interview in order to protect Fifth Amendment rights against self-incrimination.

The USAO also alerts the FPD when pre-indictment counsel might be needed to advise an indigent arrestee on a new, fast-moving case (such as a Len Bias case). These calls may occur late at night or on weekends, but when possible the FPD responds. Even when the FPD has a conflict, the USAO contacts the FPD in order to obtain a CJA panel attorney for fast, pre-indictment assistance. Use of the FPD as an institutional buffer avoids the appearance that the USAO is itself selecting the attorney for defendants who have invoked their right to counsel, while affording the indigent defendant the same access to counsel that a wealthy defendant might have. In many cases, quick access to counsel and an explanation to the client of the federal charges can result in a negotiated resolution of the case before a trial date is even set.

### Measuring the Quality and Effectiveness of Representation under the CJA

As should be evident from the description of the practice in Oregon and the earlier testimony in Santa Fe and Miami, the Committee faces no small task in seeking to measure the quality of representation under the Criminal Justice Act. Practices vary among districts due to differences in USAO charging decisions and willingness to negotiate; judicial expectations;

geography; community resources and available partnerships with state agencies for treatment or other services; offense types; populations served; and many other factors. Practitioners may meet the ABA Standards for Defense Function in different ways.

In my opinion, in order to assess whether defense counsel are acting as “the accused’s counselor and advocate with courage and devotion” as recommended under ABA standards, we should ask the defendants themselves.<sup>2</sup> Did they feel they were treated with respect and dignity? Did their lawyer act as their advocate? Were their questions answered? The length of sentence imposed may not be as important as the treatment the individual received during the process. The effectiveness of representation should be measured, at least in part, from the perspective of those represented. A serious effort to gather that data would require surveys of defendants. A poor proxy could be constructed through a review of petitions alleging ineffective assistance of counsel.<sup>3</sup>

Additional measures of quality could focus on the process of representation, including presence of counsel at pretrial interview and arraignment; number of client meetings; evidence that important proceedings or milestones were communicated to the defendant; and appropriate use of investigators or other experts in the defense. The effectiveness of representation could be measured in part by motion and trial outcomes, and the variance between potential sentence and actual.

The ABA also posits that defense counsel “should seek to reform and improve the administration of criminal justice” and should take note of “inadequacies or injustices in the substantive or procedural law.” Standard 4.12. Our defense attorneys act in accordance with this directive through involvement in CAPS and reentry courts, efforts to streamline arraignments and ensure speedy pretrial release, provision of pre-indictment counselling, teaching CLEs, filing motions to dismiss or suppress, and many other efforts. There is no single set of data that can effectively be used to measure this.

In sum, national efforts to measure the effectiveness and quality of representation will always be hampered by the lack of specific, objective data that can be meaningfully gathered across the country. Given the varied practices in the districts, each court and FPD should be encouraged

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<sup>2</sup> The ABA Standards for Criminal Justice, Defense Standard 4.12, can be found at [http://www.americanbar.org/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_dfunc\\_blk.html#1.2](http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_dfunc_blk.html#1.2).

<sup>3</sup> Data in ECF indicate that from 2010-2014 in Oregon, petitions under 28 U.S.C. §2255 were filed in 3-5% of the criminal cases closed the year earlier, while the national average was 6-8%. Not all petitions under §2255 allege errors of counsel, however, and the number of petitions filed may more accurately reflect the state of prison library resources than the sentiments of the defendants.



to discuss and define their understanding of effective, high quality representation, and to propose methods for achieving it.

### CJA Panel Administration

In his written testimony, our CJA Panel Representative Thomas Coan accurately describes our CJA Plan and the role of the Federal Defender in managing the CJA panel. In brief:

- Panel Selection: the FPD serves on the panel screening committee and coordinates the selection of new panel members every four years. Current panel members reapply and new applicants are evaluated. The committee presents a list of proposed members to the Chief Judge for approval. Our panel is highly selective and more qualified applicants apply than are able to be admitted.

- Assignment of Counsel: The court determines whether a defendant qualifies for court-appointed counsel and issues an order appointing counsel. The FPD either undertakes the representation or provides the court with the name of the next available CJA panel attorney for appointment. By having the FPD maintain the list of CJA attorneys and propose the next counsel to assign, our plan avoids both the appearance and possibility of improper judicial influence over the choice of counsel provided to any defendant. The plan's procedures are generally followed by the court, although adherence is not 100%.

- CJA vouchers: The FPD employs three people fulltime in a panel office housed within the federal defender offices but walled off from the case work of the office. The employees conduct a technical audit of CJA vouchers (for math errors, errors in dates billed, and for compliance with regulations on reimbursable and non-reimbursable costs) and also perform an initial reasonableness review to determine if requested expert or investigative services fall within the norm of work within the district or are otherwise justified. If approved, these requests are sent through evoucher to the Article III judge for certification. The panel office often calls attorneys to request additional justification or explanation, or to propose that a lesser amount be requested. Vouchers for attorney fees are similarly reviewed. All vouchers in excess of the statutory maximum are also reviewed by the Federal Defender or Chief Deputy Defender to be certain the work conforms with reasonable defense practices and was necessary for the defense. Some attorneys are asked to reduce their requested fees if excessive time was expended for certain work or the fees otherwise exceed the normal range expected for the type of case litigated. The Article III judges sometimes call the FPD to gather further information about a voucher or to request that the attorney explain the reasonableness of the work. Ultimately, the Article III judge and the circuit approve vouchers in evoucher.

The FPD does not have a conflict in reviewing CJA vouchers because the FPD budget and CJA budgets are not connected or interchangeable; no money saved for the CJA returns to the FPD. The FPD does not repeat case information from CJA vouchers within the office. If the



federal defender personally represents a party connected to a CJA case, the chief deputy reviews those CJA vouchers, and vica versa.

- CJA Panel Case Coordination: Our panel office is undertaking new efforts to assist in coordinating the discovery in multi-defendant cases. As the Committee has heard, the gigabytes and terabytes of digital information received can be overwhelming for the panel. During this last year we met with the US Attorney's office and certain CJA attorneys to agree on a format of discovery and to establish test protocols for processing it. Our goal is to eliminate duplicate discovery processing efforts by having a single entity—either a private contractor or a person in the FPD panel office—code and organize the discovery so that it can be viewed and searched in a useful database. We have held two group trainings and individual lessons to teach CJA panel attorneys how to use these newer platforms for discovery review.

#### Comments on CJA Panel Management

Our CJA panel office provides many of the services that the Prado Committee sought to achieve in 1993 through its proposal for local boards to manage the CJA panel. The model effectively insulates CJA defense attorneys from the judiciary. There are some important differences, however.

First, the Prado Committee suggested that an unpaid local board could hire and supervise a CJA administrator, possibly part-time, to perform all of the tasks set out in the report. Perhaps that was possible in 1993, but today it is unrealistic. As noted, we have three full-time employees to assist the panel, and my Chief Deputy and I spend many hours each week on voucher reviews. I recently spent several full days interviewing applicants for the new panel and meeting with the panel selection committees in Portland and Eugene. We also serve as a resource for the panel and invite them to call with questions about recent developments in the law, finding an expert, or other case issues. Our new efforts to coordinate multi-defendant cases through our panel office also are time-intensive. We are willing to expend the time and resources on the panel because having a united, strong defense bar improves the quality of the criminal justice system, which helps all of our clients. A separate administrator would not have the institutional knowledge and perspective of the FPD that comes from managing what is essentially a medium-sized law firm. The FPD is more likely than a separate administrator to be aware of areas for efficiency, new developments in the law, and systemic solutions that can be proposed to the court.

Second, under the Prado Committee plan, the local administrator would prepare a proposed annual budget for the CJA panel in the district. The current budget for the CJA panel is maintained nationally by the Administrative Office. Our CJA panel office plays no role in developing a district-wide budget, and different skills might be needed in the office were that role to be assigned. The national budget better serves the needs of indigent defense by providing maximum flexibility to address yearly variations in workload and resource needs of CJA cases in each district.

Third, under the Prado Committee plan, the local board would nominate the federal defender and evaluate his or her performance. Our CJA panel office is hired by the FPD and there is no local board.

### Conclusion

Many aspects of criminal defense work will depend on the district in which the representation occurs. While it is understandable that the Committee would seek to measure the quality of defense representation, the relevant data points are unlikely to be consistent across the country. I recommend that the Committee instead adopt proposed standards for defense practices (as in the ABA model) and then recommend that the court and FPD meet in each district to gauge whether the standards are being met.

CJA panel management by the FPD works well in this district. Although some adjustments could be made to our CJA plan, I recommend that similar panel offices be created within FPD offices to support the panel and insulate vouchers and panel selection from the appearance of judicial interference.

Thank you for considering these comments as part of your study of the CJA Program. I look forward to providing additional testimony on February 4<sup>th</sup>.

Sincerely,

*/s/ Lisa Hay*

Lisa Hay  
Federal Public Defender

# **U.S. Sentencing Commission Preliminary Quarterly Data Report**



**4<sup>th</sup> Quarter Release  
Preliminary Fiscal Year 2015 Data  
Through September 30, 2015**

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**4th Quarter 2015 Preliminary Cumulative Data (October 1, 2014, through September 30, 2015)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>67,642</b>	<b>31,949</b>	<b>47.2</b>	<b>344</b>	<b>0.5</b>	<b>95</b>	<b>0.1</b>	<b>985</b>	<b>1.5</b>	<b>61</b>	<b>0.1</b>
<b>D.C. CIRCUIT</b>	<b>253</b>	<b>79</b>	<b>31.2</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>0.8</b>	<b>3</b>	<b>1.2</b>	<b>0</b>	<b>0.0</b>
District of Columbia	253	79	31.2	0	0.0	2	0.8	3	1.2	0	0.0
<b>FIRST CIRCUIT</b>	<b>2,402</b>	<b>1,269</b>	<b>52.8</b>	<b>15</b>	<b>0.6</b>	<b>4</b>	<b>0.2</b>	<b>93</b>	<b>3.9</b>	<b>6</b>	<b>0.2</b>
Maine	188	63	33.5	1	0.5	0	0.0	1	0.5	0	0.0
Massachusetts	515	127	24.7	3	0.6	2	0.4	11	2.1	0	0.0
New Hampshire	144	70	48.6	1	0.7	0	0.0	6	4.2	0	0.0
Puerto Rico	1,435	980	68.3	10	0.7	2	0.1	75	5.2	6	0.4
Rhode Island	120	29	24.2	0	0.0	0	0.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>3,785</b>	<b>1,090</b>	<b>28.8</b>	<b>11</b>	<b>0.3</b>	<b>2</b>	<b>0.1</b>	<b>16</b>	<b>0.4</b>	<b>3</b>	<b>0.1</b>
Connecticut	332	90	27.1	2	0.6	0	0.0	0	0.0	1	0.3
New York											
Eastern	786	171	21.8	1	0.1	2	0.3	5	0.6	1	0.1
Northern	340	181	53.2	1	0.3	0	0.0	1	0.3	0	0.0
Southern	1,633	384	23.5	1	0.1	0	0.0	7	0.4	1	0.1
Western	519	230	44.3	5	1.0	0	0.0	2	0.4	0	0.0
Vermont	175	34	19.4	1	0.6	0	0.0	1	0.6	0	0.0
<b>THIRD CIRCUIT</b>	<b>2,397</b>	<b>877</b>	<b>36.6</b>	<b>4</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>28</b>	<b>1.2</b>	<b>1</b>	<b>0.0</b>
Delaware	90	26	28.9	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	693	254	36.7	2	0.3	0	0.0	3	0.4	0	0.0
Pennsylvania											
Eastern	705	198	28.1	1	0.1	0	0.0	10	1.4	0	0.0
Middle	381	172	45.1	1	0.3	0	0.0	4	1.0	0	0.0
Western	470	177	37.7	0	0.0	0	0.0	10	2.1	0	0.0
Virgin Islands	58	50	86.2	0	0.0	0	0.0	1	1.7	1	1.7
<b>FOURTH CIRCUIT</b>	<b>5,549</b>	<b>3,056</b>	<b>55.1</b>	<b>38</b>	<b>0.7</b>	<b>15</b>	<b>0.3</b>	<b>86</b>	<b>1.5</b>	<b>3</b>	<b>0.1</b>
Maryland	743	221	29.7	7	0.9	2	0.3	26	3.5	1	0.1
North Carolina											
Eastern	510	259	50.8	12	2.4	7	1.4	9	1.8	0	0.0
Middle	504	316	62.7	3	0.6	3	0.6	14	2.8	1	0.2
Western	690	361	52.3	1	0.1	2	0.3	5	0.7	0	0.0
South Carolina	635	353	55.6	6	0.9	0	0.0	6	0.9	0	0.0
Virginia											
Eastern	1,422	983	69.1	4	0.3	0	0.0	12	0.8	1	0.1
Western	371	159	42.9	5	1.3	1	0.3	10	2.7	0	0.0
West Virginia											
Northern	414	252	60.9	0	0.0	0	0.0	3	0.7	0	0.0
Southern	260	152	58.5	0	0.0	0	0.0	1	0.4	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>8,381</b>	<b>12.4</b>	<b>6,271</b>	<b>9.3</b>	<b>5,179</b>	<b>7.7</b>	<b>1,508</b>	<b>2.2</b>	<b>576</b>	<b>0.9</b>	<b>11,913</b>	<b>17.6</b>	<b>380</b>	<b>0.6</b>
<b>D.C. CIRCUIT</b>	<b>76</b>	<b>30.0</b>	<b>3</b>	<b>1.2</b>	<b>24</b>	<b>9.5</b>	<b>8</b>	<b>3.2</b>	<b>11</b>	<b>4.3</b>	<b>44</b>	<b>17.4</b>	<b>3</b>	<b>1.2</b>
District of Columbia	76	30.0	3	1.2	24	9.5	8	3.2	11	4.3	44	17.4	3	1.2
<b>FIRST CIRCUIT</b>	<b>233</b>	<b>9.7</b>	<b>26</b>	<b>1.1</b>	<b>284</b>	<b>11.8</b>	<b>57</b>	<b>2.4</b>	<b>18</b>	<b>0.7</b>	<b>370</b>	<b>15.4</b>	<b>27</b>	<b>1.1</b>
Maine	42	22.3	0	0.0	6	3.2	6	3.2	3	1.6	66	35.1	0	0.0
Massachusetts	78	15.1	14	2.7	130	25.2	12	2.3	10	1.9	126	24.5	2	0.4
New Hampshire	14	9.7	0	0.0	16	11.1	9	6.3	2	1.4	26	18.1	0	0.0
Puerto Rico	87	6.1	12	0.8	88	6.1	30	2.1	3	0.2	117	8.2	25	1.7
Rhode Island	12	10.0	0	0.0	44	36.7	0	0.0	0	0.0	35	29.2	0	0.0
<b>SECOND CIRCUIT</b>	<b>828</b>	<b>21.9</b>	<b>77</b>	<b>2.0</b>	<b>147</b>	<b>3.9</b>	<b>99</b>	<b>2.6</b>	<b>64</b>	<b>1.7</b>	<b>1,424</b>	<b>37.6</b>	<b>24</b>	<b>0.6</b>
Connecticut	46	13.9	1	0.3	30	9.0	19	5.7	8	2.4	135	40.7	0	0.0
New York														
Eastern	187	23.8	44	5.6	47	6.0	45	5.7	25	3.2	250	31.8	8	1.0
Northern	70	20.6	2	0.6	6	1.8	3	0.9	5	1.5	70	20.6	1	0.3
Southern	338	20.7	30	1.8	14	0.9	26	1.6	19	1.2	801	49.1	12	0.7
Western	144	27.7	0	0.0	24	4.6	0	0.0	3	0.6	108	20.8	3	0.6
Vermont	43	24.6	0	0.0	26	14.9	6	3.4	4	2.3	60	34.3	0	0.0
<b>THIRD CIRCUIT</b>	<b>667</b>	<b>27.8</b>	<b>12</b>	<b>0.5</b>	<b>179</b>	<b>7.5</b>	<b>25</b>	<b>1.0</b>	<b>21</b>	<b>0.9</b>	<b>561</b>	<b>23.4</b>	<b>22</b>	<b>0.9</b>
Delaware	21	23.3	0	0.0	8	8.9	1	1.1	2	2.2	32	35.6	0	0.0
New Jersey	190	27.4	3	0.4	49	7.1	6	0.9	8	1.2	170	24.5	8	1.2
Pennsylvania														
Eastern	253	35.9	3	0.4	59	8.4	1	0.1	3	0.4	166	23.5	11	1.6
Middle	97	25.5	6	1.6	12	3.1	11	2.9	4	1.0	73	19.2	1	0.3
Western	101	21.5	0	0.0	51	10.9	6	1.3	4	0.9	119	25.3	2	0.4
Virgin Islands	5	8.6	0	0.0	0	0.0	0	0.0	0	0.0	1	1.7	0	0.0
<b>FOURTH CIRCUIT</b>	<b>856</b>	<b>15.4</b>	<b>13</b>	<b>0.2</b>	<b>369</b>	<b>6.6</b>	<b>79</b>	<b>1.4</b>	<b>37</b>	<b>0.7</b>	<b>963</b>	<b>17.4</b>	<b>34</b>	<b>0.6</b>
Maryland	193	26.0	1	0.1	140	18.8	13	1.7	14	1.9	121	16.3	4	0.5
North Carolina														
Eastern	149	29.2	0	0.0	4	0.8	4	0.8	3	0.6	61	12.0	2	0.4
Middle	68	13.5	0	0.0	7	1.4	3	0.6	1	0.2	88	17.5	0	0.0
Western	145	21.0	0	0.0	44	6.4	6	0.9	3	0.4	121	17.5	2	0.3
South Carolina	96	15.1	4	0.6	58	9.1	9	1.4	3	0.5	96	15.1	4	0.6
Virginia														
Eastern	54	3.8	4	0.3	36	2.5	34	2.4	3	0.2	272	19.1	19	1.3
Western	88	23.7	0	0.0	45	12.1	9	2.4	7	1.9	46	12.4	1	0.3
West Virginia														
Northern	36	8.7	2	0.5	30	7.2	0	0.0	2	0.5	88	21.3	1	0.2
Southern	27	10.4	2	0.8	5	1.9	1	0.4	1	0.4	70	26.9	1	0.4

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>15,875</b>	<b>10,132</b>	<b>63.8</b>	<b>104</b>	<b>0.7</b>	<b>25</b>	<b>0.2</b>	<b>267</b>	<b>1.7</b>	<b>13</b>	<b>0.1</b>
Louisiana											
Eastern	388	221	57.0	4	1.0	0	0.0	14	3.6	1	0.3
Middle	164	78	47.6	3	1.8	1	0.6	0	0.0	2	1.2
Western	207	129	62.3	3	1.4	0	0.0	7	3.4	2	1.0
Mississippi											
Northern	153	83	54.2	1	0.7	0	0.0	5	3.3	0	0.0
Southern	251	161	64.1	4	1.6	0	0.0	6	2.4	0	0.0
Texas											
Eastern	1,028	662	64.4	14	1.4	0	0.0	24	2.3	0	0.0
Northern	1,371	837	61.1	8	0.6	10	0.7	48	3.5	0	0.0
Southern	6,183	3,552	57.4	53	0.9	14	0.2	55	0.9	6	0.1
Western	6,130	4,409	71.9	14	0.2	0	0.0	108	1.8	2	0.0
<b>SIXTH CIRCUIT</b>	<b>4,655</b>	<b>2,009</b>	<b>43.2</b>	<b>15</b>	<b>0.3</b>	<b>5</b>	<b>0.1</b>	<b>65</b>	<b>1.4</b>	<b>0</b>	<b>0.0</b>
Kentucky											
Eastern	511	293	57.3	1	0.2	0	0.0	14	2.7	0	0.0
Western	267	119	44.6	3	1.1	0	0.0	2	0.7	0	0.0
Michigan											
Eastern	821	344	41.9	1	0.1	0	0.0	8	1.0	0	0.0
Western	389	222	57.1	4	1.0	2	0.5	10	2.6	0	0.0
Ohio											
Northern	674	280	41.5	0	0.0	0	0.0	9	1.3	0	0.0
Southern	586	157	26.8	1	0.2	0	0.0	5	0.9	0	0.0
Tennessee											
Eastern	666	340	51.1	2	0.3	0	0.0	8	1.2	0	0.0
Middle	254	70	27.6	1	0.4	0	0.0	4	1.6	0	0.0
Western	487	184	37.8	2	0.4	3	0.6	5	1.0	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>2,457</b>	<b>930</b>	<b>37.9</b>	<b>2</b>	<b>0.1</b>	<b>9</b>	<b>0.4</b>	<b>45</b>	<b>1.8</b>	<b>3</b>	<b>0.1</b>
Illinois											
Central	327	134	41.0	0	0.0	1	0.3	12	3.7	0	0.0
Northern	718	195	27.2	0	0.0	3	0.4	6	0.8	1	0.1
Southern	398	253	63.6	1	0.3	5	1.3	4	1.0	1	0.3
Indiana											
Northern	271	123	45.4	0	0.0	0	0.0	5	1.8	0	0.0
Southern	371	135	36.4	0	0.0	0	0.0	12	3.2	1	0.3
Wisconsin											
Eastern	254	54	21.3	0	0.0	0	0.0	5	2.0	0	0.0
Western	118	36	30.5	1	0.8	0	0.0	1	0.8	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>4,538</b>	<b>2,011</b>	<b>44.3</b>	<b>24</b>	<b>0.5</b>	<b>6</b>	<b>0.1</b>	<b>105</b>	<b>2.3</b>	<b>5</b>	<b>0.1</b>
Arkansas											
Eastern	340	174	51.2	0	0.0	0	0.0	10	2.9	1	0.3
Western	273	126	46.2	0	0.0	0	0.0	4	1.5	2	0.7
Iowa											
Northern	359	220	61.3	12	3.3	1	0.3	11	3.1	0	0.0
Southern	308	98	31.8	0	0.0	0	0.0	5	1.6	0	0.0
Minnesota	377	119	31.6	1	0.3	1	0.3	9	2.4	0	0.0
Missouri											
Eastern	554	220	39.7	0	0.0	1	0.2	8	1.4	0	0.0
Western	888	356	40.1	4	0.5	0	0.0	41	4.6	0	0.0
Nebraska	588	276	46.9	0	0.0	0	0.0	7	1.2	0	0.0
North Dakota	419	185	44.2	1	0.2	0	0.0	3	0.7	2	0.5
South Dakota	432	237	54.9	6	1.4	3	0.7	7	1.6	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>1,308</b>	<b>8.2</b>	<b>693</b>	<b>4.4</b>	<b>558</b>	<b>3.5</b>	<b>741</b>	<b>4.7</b>	<b>51</b>	<b>0.3</b>	<b>1,894</b>	<b>11.9</b>	<b>89</b>	<b>0.6</b>
Louisiana														
Eastern	48	12.4	1	0.3	7	1.8	5	1.3	2	0.5	81	20.9	4	1.0
Middle	24	14.6	1	0.6	1	0.6	0	0.0	0	0.0	53	32.3	1	0.6
Western	26	12.6	0	0.0	1	0.5	1	0.5	0	0.0	37	17.9	1	0.5
Mississippi														
Northern	30	19.6	1	0.7	7	4.6	0	0.0	0	0.0	26	17.0	0	0.0
Southern	40	15.9	0	0.0	2	0.8	0	0.0	0	0.0	38	15.1	0	0.0
Texas														
Eastern	76	7.4	7	0.7	172	16.7	6	0.6	4	0.4	61	5.9	2	0.2
Northern	188	13.7	0	0.0	34	2.5	9	0.7	6	0.4	230	16.8	1	0.1
Southern	445	7.2	509	8.2	192	3.1	574	9.3	24	0.4	757	12.2	2	0.0
Western	431	7.0	174	2.8	142	2.3	146	2.4	15	0.2	611	10.0	78	1.3
<b>SIXTH CIRCUIT</b>	<b>987</b>	<b>21.2</b>	<b>10</b>	<b>0.2</b>	<b>430</b>	<b>9.2</b>	<b>54</b>	<b>1.2</b>	<b>64</b>	<b>1.4</b>	<b>1,004</b>	<b>21.6</b>	<b>12</b>	<b>0.3</b>
Kentucky														
Eastern	63	12.3	0	0.0	22	4.3	3	0.6	1	0.2	114	22.3	0	0.0
Western	56	21.0	4	1.5	49	18.4	3	1.1	3	1.1	27	10.1	1	0.4
Michigan														
Eastern	143	17.4	0	0.0	44	5.4	9	1.1	6	0.7	265	32.3	1	0.1
Western	60	15.4	0	0.0	1	0.3	6	1.5	13	3.3	71	18.3	0	0.0
Ohio														
Northern	174	25.8	0	0.0	27	4.0	12	1.8	5	0.7	165	24.5	2	0.3
Southern	123	21.0	3	0.5	151	25.8	10	1.7	20	3.4	112	19.1	4	0.7
Tennessee														
Eastern	201	30.2	0	0.0	35	5.3	4	0.6	2	0.3	73	11.0	1	0.2
Middle	70	27.6	0	0.0	57	22.4	5	2.0	11	4.3	36	14.2	0	0.0
Western	97	19.9	3	0.6	44	9.0	2	0.4	3	0.6	141	29.0	3	0.6
<b>SEVENTH CIRCUIT</b>	<b>343</b>	<b>14.0</b>	<b>6</b>	<b>0.2</b>	<b>183</b>	<b>7.4</b>	<b>59</b>	<b>2.4</b>	<b>96</b>	<b>3.9</b>	<b>759</b>	<b>30.9</b>	<b>22</b>	<b>0.9</b>
Illinois														
Central	51	15.6	0	0.0	33	10.1	3	0.9	3	0.9	88	26.9	2	0.6
Northern	87	12.1	5	0.7	16	2.2	20	2.8	52	7.2	318	44.3	15	2.1
Southern	41	10.3	1	0.3	15	3.8	5	1.3	19	4.8	49	12.3	4	1.0
Indiana														
Northern	56	20.7	0	0.0	17	6.3	6	2.2	4	1.5	59	21.8	1	0.4
Southern	70	18.9	0	0.0	46	12.4	3	0.8	3	0.8	101	27.2	0	0.0
Wisconsin														
Eastern	35	13.8	0	0.0	51	20.1	1	0.4	0	0.0	108	42.5	0	0.0
Western	3	2.5	0	0.0	5	4.2	21	17.8	15	12.7	36	30.5	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>691</b>	<b>15.2</b>	<b>96</b>	<b>2.1</b>	<b>366</b>	<b>8.1</b>	<b>49</b>	<b>1.1</b>	<b>30</b>	<b>0.7</b>	<b>1,134</b>	<b>25.0</b>	<b>21</b>	<b>0.5</b>
Arkansas														
Eastern	43	12.6	0	0.0	9	2.6	1	0.3	2	0.6	97	28.5	3	0.9
Western	41	15.0	4	1.5	9	3.3	0	0.0	1	0.4	85	31.1	1	0.4
Iowa														
Northern	70	19.5	0	0.0	3	0.8	1	0.3	0	0.0	40	11.1	1	0.3
Southern	56	18.2	3	1.0	61	19.8	2	0.6	2	0.6	80	26.0	1	0.3
Minnesota	54	14.3	1	0.3	8	2.1	8	2.1	5	1.3	169	44.8	2	0.5
Missouri														
Eastern	72	13.0	0	0.0	64	11.6	3	0.5	7	1.3	178	32.1	1	0.2
Western	193	21.7	0	0.0	77	8.7	2	0.2	3	0.3	210	23.6	2	0.2
Nebraska	33	5.6	61	10.4	64	10.9	8	1.4	3	0.5	129	21.9	7	1.2
North Dakota	114	27.2	23	5.5	25	6.0	5	1.2	5	1.2	53	12.6	3	0.7
South Dakota	15	3.5	4	0.9	46	10.6	19	4.4	2	0.5	93	21.5	0	0.0



Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>12,912</b>	<b>3,563</b>	<b>27.6</b>	<b>102</b>	<b>0.8</b>	<b>16</b>	<b>0.1</b>	<b>129</b>	<b>1.0</b>	<b>10</b>	<b>0.1</b>
Alaska	164	55	33.5	0	0.0	0	0.0	3	1.8	0	0.0
Arizona	4,153	1,188	28.6	73	1.8	7	0.2	28	0.7	6	0.1
California											
Central	1,066	277	26.0	5	0.5	1	0.1	8	0.8	0	0.0
Eastern	717	267	37.2	5	0.7	0	0.0	11	1.5	0	0.0
Northern	550	197	35.8	1	0.2	1	0.2	8	1.5	0	0.0
Southern	3,372	469	13.9	9	0.3	1	0.0	7	0.2	2	0.1
Guam	38	19	50.0	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	233	87	37.3	0	0.0	0	0.0	3	1.3	0	0.0
Idaho	263	100	38.0	1	0.4	1	0.4	4	1.5	0	0.0
Montana	361	150	41.6	0	0.0	0	0.0	5	1.4	1	0.3
Nevada	543	275	50.6	1	0.2	0	0.0	16	2.9	1	0.2
Northern Mariana Islands	13	11	84.6	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	564	171	30.3	0	0.0	0	0.0	15	2.7	0	0.0
Washington											
Eastern	375	133	35.5	5	1.3	2	0.5	12	3.2	0	0.0
Western	500	164	32.8	2	0.4	3	0.6	9	1.8	0	0.0
<b>TENTH CIRCUIT</b>	<b>6,884</b>	<b>3,753</b>	<b>54.5</b>	<b>25</b>	<b>0.4</b>	<b>3</b>	<b>0.0</b>	<b>39</b>	<b>0.6</b>	<b>3</b>	<b>0.0</b>
Colorado	428	173	40.4	0	0.0	0	0.0	6	1.4	3	0.7
Kansas	569	223	39.2	1	0.2	0	0.0	14	2.5	0	0.0
New Mexico	4,414	2,786	63.1	7	0.2	2	0.0	4	0.1	0	0.0
Oklahoma											
Eastern	99	59	59.6	2	2.0	0	0.0	0	0.0	0	0.0
Northern	183	77	42.1	0	0.0	0	0.0	0	0.0	0	0.0
Western	333	170	51.1	0	0.0	0	0.0	4	1.2	0	0.0
Utah	608	176	28.9	14	2.3	1	0.2	7	1.2	0	0.0
Wyoming	250	89	35.6	1	0.4	0	0.0	4	1.6	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>5,935</b>	<b>3,180</b>	<b>53.6</b>	<b>4</b>	<b>0.1</b>	<b>8</b>	<b>0.1</b>	<b>109</b>	<b>1.8</b>	<b>14</b>	<b>0.2</b>
Alabama											
Middle	197	88	44.7	0	0.0	3	1.5	9	4.6	2	1.0
Northern	328	174	53.0	0	0.0	0	0.0	8	2.4	1	0.3
Southern	325	192	59.1	0	0.0	0	0.0	1	0.3	0	0.0
Florida											
Middle	1,362	605	44.4	0	0.0	0	0.0	22	1.6	7	0.5
Northern	245	119	48.6	0	0.0	2	0.8	5	2.0	0	0.0
Southern	2,148	1,282	59.7	2	0.1	1	0.0	34	1.6	4	0.2
Georgia											
Middle	354	248	70.1	0	0.0	0	0.0	10	2.8	0	0.0
Northern	560	184	32.9	2	0.4	1	0.2	14	2.5	0	0.0
Southern	416	288	69.2	0	0.0	1	0.2	6	1.4	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>1,264</b>	<b>9.8</b>	<b>4,041</b>	<b>31.3</b>	<b>1,663</b>	<b>12.9</b>	<b>228</b>	<b>1.8</b>	<b>92</b>	<b>0.7</b>	<b>1,717</b>	<b>13.3</b>	<b>87</b>	<b>0.7</b>
Alaska	25	15.2	1	0.6	27	16.5	1	0.6	0	0.0	52	31.7	0	0.0
Arizona	165	4.0	1,716	41.3	494	11.9	30	0.7	10	0.2	431	10.4	5	0.1
California														
Central	175	16.4	87	8.2	159	14.9	61	5.7	34	3.2	226	21.2	33	3.1
Eastern	142	19.8	89	12.4	68	9.5	6	0.8	4	0.6	122	17.0	3	0.4
Northern	57	10.4	15	2.7	146	26.5	3	0.5	7	1.3	113	20.5	2	0.4
Southern	232	6.9	2,046	60.7	220	6.5	101	3.0	16	0.5	231	6.9	38	1.1
Guam	13	34.2	0	0.0	2	5.3	0	0.0	0	0.0	4	10.5	0	0.0
Hawaii	85	36.5	0	0.0	6	2.6	1	0.4	1	0.4	50	21.5	0	0.0
Idaho	82	31.2	16	6.1	4	1.5	6	2.3	1	0.4	47	17.9	1	0.4
Montana	62	17.2	0	0.0	19	5.3	0	0.0	0	0.0	124	34.3	0	0.0
Nevada	61	11.2	17	3.1	68	12.5	9	1.7	8	1.5	86	15.8	1	0.2
Northern Mariana Islands	2	15.4	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	100	17.7	5	0.9	169	30.0	2	0.4	4	0.7	96	17.0	2	0.4
Washington														
Eastern	35	9.3	26	6.9	99	26.4	5	1.3	4	1.1	52	13.9	2	0.5
Western	28	5.6	23	4.6	182	36.4	3	0.6	3	0.6	83	16.6	0	0.0
<b>TENTH CIRCUIT</b>	<b>403</b>	<b>5.9</b>	<b>1,262</b>	<b>18.3</b>	<b>596</b>	<b>8.7</b>	<b>47</b>	<b>0.7</b>	<b>38</b>	<b>0.6</b>	<b>696</b>	<b>10.1</b>	<b>19</b>	<b>0.3</b>
Colorado	70	16.4	32	7.5	53	12.4	2	0.5	5	1.2	83	19.4	1	0.2
Kansas	126	22.1	14	2.5	116	20.4	6	1.1	2	0.4	66	11.6	1	0.2
New Mexico	59	1.3	1,016	23.0	261	5.9	24	0.5	26	0.6	217	4.9	12	0.3
Oklahoma														
Eastern	18	18.2	0	0.0	10	10.1	0	0.0	0	0.0	10	10.1	0	0.0
Northern	31	16.9	0	0.0	14	7.7	5	2.7	1	0.5	55	30.1	0	0.0
Western	35	10.5	0	0.0	5	1.5	5	1.5	2	0.6	112	33.6	0	0.0
Utah	22	3.6	183	30.1	96	15.8	4	0.7	0	0.0	100	16.4	5	0.8
Wyoming	42	16.8	17	6.8	41	16.4	1	0.4	2	0.8	53	21.2	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>725</b>	<b>12.2</b>	<b>32</b>	<b>0.5</b>	<b>380</b>	<b>6.4</b>	<b>62</b>	<b>1.0</b>	<b>54</b>	<b>0.9</b>	<b>1,347</b>	<b>22.7</b>	<b>20</b>	<b>0.3</b>
Alabama														
Middle	37	18.8	0	0.0	17	8.6	5	2.5	1	0.5	35	17.8	0	0.0
Northern	71	21.6	0	0.0	8	2.4	2	0.6	1	0.3	62	18.9	1	0.3
Southern	36	11.1	1	0.3	3	0.9	4	1.2	1	0.3	87	26.8	0	0.0
Florida														
Middle	235	17.3	21	1.5	42	3.1	22	1.6	17	1.2	385	28.3	6	0.4
Northern	45	18.4	2	0.8	1	0.4	4	1.6	1	0.4	66	26.9	0	0.0
Southern	150	7.0	6	0.3	104	4.8	11	0.5	18	0.8	524	24.4	12	0.6
Georgia														
Middle	47	13.3	1	0.3	6	1.7	4	1.1	0	0.0	38	10.7	0	0.0
Northern	66	11.8	1	0.2	182	32.5	10	1.8	14	2.5	86	15.4	0	0.0
Southern	38	9.1	0	0.0	17	4.1	0	0.0	1	0.2	64	15.4	1	0.2

<sup>1</sup> Of the 70,146 cases, 2,504 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: Arizona (30.9%), Western Louisiana (12.7%), Eastern North Carolina (12.2%), and Southern West Virginia (6.1%). Descriptions of variables used in this table are provided in Appendix A.