

	FY 2001		FY 2002		FY 2003		FY 2004 Pre-Blakely Only		Total Pre-Booker FY 2001 to FY 2004		Post-Booker 2/1/2005 - 9/30/2006	
NATIONAL	55,089		58,684		65,171		48,251		227,195		114,318	
Below-Range Sentences	6,127	11.1%	6,054	10.3%	4,896	7.5%	2,498	5.2%	19,575	8.6%	14,059	12.3%
D.C. Circuit	260		411		477		409		1,557		812	
Below-Range Sentences	22	8.5%	24	5.8%	21	4.4%	20	4.9%	87	5.6%	111	13.7%
First Circuit	1,480		1,813		1,832		1,279		6,404		2,568	
Below-Range Sentences	145	9.8%	158	8.7%	143	7.8%	66	5.2%	512	8.0%	421	16.4%
Second Circuit	3,926		4,077		4,763		3,426		16,192		7,301	
Below-Range Sentences	683	17.4%	692	17.0%	764	16.0%	465	13.6%	2,604	16.1%	1,768	24.2%
Third Circuit	2,561		2,656		2,783		2,086		10,086		5,128	
Below-Range Sentences	201	7.8%	194	7.3%	206	7.4%	115	5.5%	716	7.1%	859	16.8%
Fourth Circuit	4,739		5,038		5,698		4,185		19,660		10,333	
Below-Range Sentences	228	4.8%	197	3.9%	216	3.8%	128	3.1%	769	3.9%	1,125	10.9%
Fifth Circuit	11,203		12,231		13,298		9,773		46,505		25,506	
Below-Range Sentences	1,563	14.0%	1,360	11.1%	999	7.5%	361	3.7%	4,283	9.2%	1,952	7.7%
Sixth Circuit	4,187		4,426		4,789		3,434		16,836		8,518	
Below-Range Sentences	261	6.2%	240	5.4%	256	5.3%	175	5.1%	932	5.5%	1,245	14.6%
Seventh Circuit	2,392		2,678		3,041		2,224		10,335		5,008	
Below-Range Sentences	139	5.8%	180	6.7%	136	4.5%	82	3.7%	537	5.2%	740	14.8%
Eighth Circuit	3,486		3,565		4,329		3,528		14,908		8,214	
Below-Range Sentences	319	9.2%	335	9.4%	308	7.1%	165	4.7%	1,127	7.6%	1,166	14.2%
Ninth Circuit	11,893		11,733		13,286		9,377		46,289		20,658	
Below-Range Sentences	1,944	16.3%	2,016	17.2%	1,311	9.9%	596	6.4%	5,867	12.7%	2,557	12.4%
Tenth Circuit	2,980		3,833		4,476		3,728		15,017		9,548	
Below-Range Sentences	230	7.7%	286	7.5%	246	5.5%	165	4.4%	927	6.2%	1,008	10.6%
Eleventh Circuit	5,982		6,223		6,399		4,802		23,406		10,724	
Below-Range Sentences	392	6.6%	372	6.0%	290	4.5%	160	3.3%	1,214	5.2%	1,107	10.3%
Presumption Circuits	29,247		32,182		36,108		27,281		124,818		67,939	
Below-Range Sentences	2,762	9.4%	2,622	8.1%	2,182	6.0%	1,096	4.0%	8,662	6.9%	7,347	10.8%
Other Circuits	25,842		26,502		29,063		20,970		102,377		46,379	
Below-Range Sentences	3,365	13.0%	3,432	12.9%	2,714	9.3%	1,402	6.7%	10,913	10.7%	6,712	14.5%
Comparison												
Difference in Rates		+3.6%		+4.8%		+3.3%		+2.7%		+3.7%		+3.7%
% Difference in Rates		+37.9%		+58.9%		+54.5%		+66.4%		+53.6%		+33.8%

"Below-Range Sentences" excludes government-sponsored downward departures, as defined in Appendix B of the Sentencing Commission's *Final Report on the Impact of United States v. Booker On Federal Sentencing* (March 2006).

"Presumption Circuits" are the District of Columbia, Fourth, Fifth, Sixth, Seventh, Eighth, and Tenth Circuits.

"Other Circuits" are the First, Second, Third, Ninth, and Eleventh Circuits.

"Difference in Rates" and "% Difference in Rates" calculate the difference, in absolute terms and as a percentage, between the rate of Below-Range Sentences in Presumption Circuits and the rate of Below-Range Sentences in Other Circuits. Calculations based on the percentages shown for Presumption Circuits and Other Circuits may yield slightly different results due to rounding.

Sources: United States Sentencing Commission, 2005 Datafiles, USSCFY05, and Preliminary Data from USSCFY06 (October 1, 2005 through September 30, 2006); United States Sentencing Commission, 2001 and 2002 Datafiles, USSCFY01 and USSCFY02; United States Sentencing Commission, *2004 Sourcebook of Federal Sentencing Statistics*, Table 26A; United States Sentencing Commission, *2003 Sourcebook of Federal Sentencing Statistics*, Table 26A.