

**RATES OF BELOW GUIDELINE SENTENCES  
EASTERN DISTRICT OF TENNESSEE**

**E.D. Tenn. Rates by Offense Type  
Fiscal Year 2008**

|                    | <b>Judicial<br/>%</b> | <b>Gov't<br/>§ 5K1.1</b> | <b>Gov't<br/>§ 5K3.1</b> | <b>Gov't<br/>Other</b> | <b>Gov't<br/>%</b> | <b>Total<br/>%</b> |
|--------------------|-----------------------|--------------------------|--------------------------|------------------------|--------------------|--------------------|
| National Average   | 13.4                  | 13.5                     | 7.9                      | 4.2                    | 25.6               | 39.0               |
| E.D. Tenn. FY 2008 | 11.4                  | 25.4                     | 0.0                      | 0.7                    | 26.1               | 37.5               |
| Drugs              | 8.0                   | 43.9                     | 0.0                      | 0.3                    | 44.2               | 52.2               |
| Immigration        | 7.4                   | 0.0                      | 0.0                      | 3.7                    | 3.7                | 11.1               |
| Fraud              | 18.9                  | 8.1                      | 0.0                      | 0.0                    | 8.1                | 27.0               |
| Firearms           | 10.7                  | 10.6                     | 0.0                      | 0.0                    | 10.6               | 21.3               |

Source: <http://www.ussc.gov/JUDPACK/2008/tne08.pdf>, Tables 8 and 10

**E.D. Tenn. Average  
3d Quarter 2009**

|                    | <b>Judicial<br/>%</b> | <b>Gov't<br/>§ 5K1.1</b> | <b>Gov't<br/>§ 5K3.1</b> | <b>Gov't<br/>Other</b> | <b>Gov't<br/>%</b> | <b>Total<br/>%</b> |
|--------------------|-----------------------|--------------------------|--------------------------|------------------------|--------------------|--------------------|
| National Average   | 15.7                  | 12.6                     | 8.8                      | 3.6                    | 25.0               | 40.7               |
| E.D. Tenn. Average | 11.0                  | 19.9                     | 0.0                      | 0.4                    | 20.3               | 31.3               |

Source: USSC, Preliminary Quarterly Data Report, 2d Quarter Release, tbl. 2 (through Mar. 31, 2009)

**E.D. Tenn. Rate Trends 2001-2009**

|                     | <b>Judicial<br/>%</b> | <b>Gov't<br/>§ 5K1.1</b> | <b>Gov't<br/>§ 5K3.1</b> | <b>Gov't<br/>Other</b> | <b>Gov't<br/>%</b> |
|---------------------|-----------------------|--------------------------|--------------------------|------------------------|--------------------|
| 3d Quarter 2009     | 12.1                  | 26.0                     | 0.0                      | 0.4                    | 26.4               |
| 2008                | 11.4                  | 25.4                     | 0.0                      | 0.7                    | 26.1               |
| 2007                | 7.3                   | 22.8                     | 0.0                      | 0.4                    | 23.2               |
| 2006                | 8.6                   | 27.7                     | 0.0                      | 1.1                    | 28.8               |
| 2005 after Booker   | 9.2                   | 23.4                     | 0.0                      | 1.0                    | 24.4               |
| 2005 before Booker  | 3.2                   | 27.3                     |                          | 1.3                    | 28.6               |
| 2004 after Blakely  | 1.9                   | 18.5                     |                          | 1.3                    | 19.8               |
| 2004 before Blakely | 3.2                   | 33.9                     |                          | 0.6                    | 34.5               |
| 2003                | 2.6                   | 26.1                     |                          | 0.0                    | 26.1               |
| 2002                | 2.1                   | 24.8                     |                          |                        | 24.8               |
| 2001                | 6.6                   | 25.3                     |                          |                        | 25.3               |

**RATES OF BELOW GUIDELINE SENTENCES**  
**National Average for All Offense and By Selected Offense Type**  
**Fiscal Year 2008**

|                           | <b>Judicial %</b> | <b>Gov't § 5K1.1</b> | <b>Gov't § 5K3.1</b> | <b>Gov't Other</b> | <b>Gov't %</b> | <b>Total %</b> |
|---------------------------|-------------------|----------------------|----------------------|--------------------|----------------|----------------|
| Average                   | <b>13.4</b>       | 13.5                 | 7.9                  | 4.2                | <b>25.6</b>    | <b>39.0</b>    |
| Drugs, § 2D1.1            | <b>13.3</b>       | 25.6                 | 4.8                  | 3.6                | <b>34.0</b>    | <b>47.3</b>    |
| Immigration § 2L1.2       | <b>8.7</b>        | 0.5                  | 25.3                 | 4.9                | <b>30.7</b>    | <b>39.4</b>    |
| Fraud § 2B1.1             | <b>17.8</b>       | 12.2                 | 0.5                  | 2.8                | <b>15.5</b>    | <b>33.3</b>    |
| Firearms § 2K2.1          | <b>17.0</b>       | 9.1                  | 0.5                  | 3.2                | <b>12.8</b>    | <b>29.8</b>    |
| Child Pornography § 2G2.2 | <b>35.7</b>       | 2.2                  | 0.2                  | 6.1                | <b>8.5</b>     | <b>44.2</b>    |

Source: USSC, 2008 Sourcebook, Table 28

**RATES OF BELOW-GUIDELINE SENTENCES**  
**Trends 2001-2009**

|                            | <b>All Other %</b> | <b>Gov't § 5K1.1</b> | <b>Gov't § 5K3.1</b> | <b>Gov't Other</b> | <b>Gov't %</b> |
|----------------------------|--------------------|----------------------|----------------------|--------------------|----------------|
| 3d Quarter 2009            | <b>15.7</b>        | 12.6                 | 8.8                  | 3.6                | <b>25.0</b>    |
| 2008                       | <b>13.4</b>        | 13.5                 | 7.9                  | 4.2                | <b>25.6</b>    |
| 2007                       | <b>12.0</b>        | 14.4                 | 7.5                  | 3.7                | <b>25.6</b>    |
| 2006                       | <b>12.0</b>        | 14.4                 | 7.4                  | 2.8                | <b>24.6</b>    |
| 2005 after <i>Booker</i>   | <b>12.9</b>        | 14.7                 | 6.2                  | 2.9                | <b>23.8</b>    |
| 2005 before <i>Booker</i>  | <b>4.3</b>         | 14.7                 | 9.4                  |                    | <b>24.1</b>    |
| 2004 after <i>Blakely</i>  | <b>4.6</b>         | 14.4                 | 8.6                  |                    | <b>23.0</b>    |
| 2004 before <i>Blakely</i> | <b>5.2</b>         | 15.5                 | 6.4                  |                    | <b>21.9</b>    |
| 2003                       | <b>7.5</b>         | 15.9                 | 6.3                  |                    | <b>22.2</b>    |
| 2002                       | <b>16.8</b>        | 17.4                 |                      |                    | <b>17.4</b>    |
| 2001                       | <b>18.3</b>        | 17.1                 |                      |                    | <b>17.1</b>    |