

CRIMINAL LAW SECTION
SKI CONFERENCE

SHANTY CREEK LODGE, BELLAIRE
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Blakely/Booker Discussion

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2003 MDOC DATA FOR SENTENCE DISPOSITIONS
UNDER STATUTORY SENTENCING GUIDELINES

Intermediate Sanction cells:

2.5% received prison sentences.

Straddle cells:

36.5% received prison sentences.

Presumptive Prison cells:

82.2% received prison sentences.

DEPARTURE RATES:

For Intermediate Sanction cells: Departures occurred 4.5% of the time, all of which were upward.

Compliance rate for Intermediate Sanction Cells:
95.5%.

For Straddle cells: Departures occurred 2.9% of the time, 0.8% were downward and 2.1% were upward.

Compliance rate for Straddle cells: 97.1%.

For Presumptive Prison cells: Departures occurred 43.4% of the time, 37.7% were downward and 5.7% were upward.

Compliance rate for Presumptive Prison cells: 57.6%.

Overall Compliance Rate for all cell types: Departures occurred 8.4% of the time, 4.3% were downward departures and 4.1% were upward departures.

Compliance Rate Overall: 91.6%.

Lesser Sentences

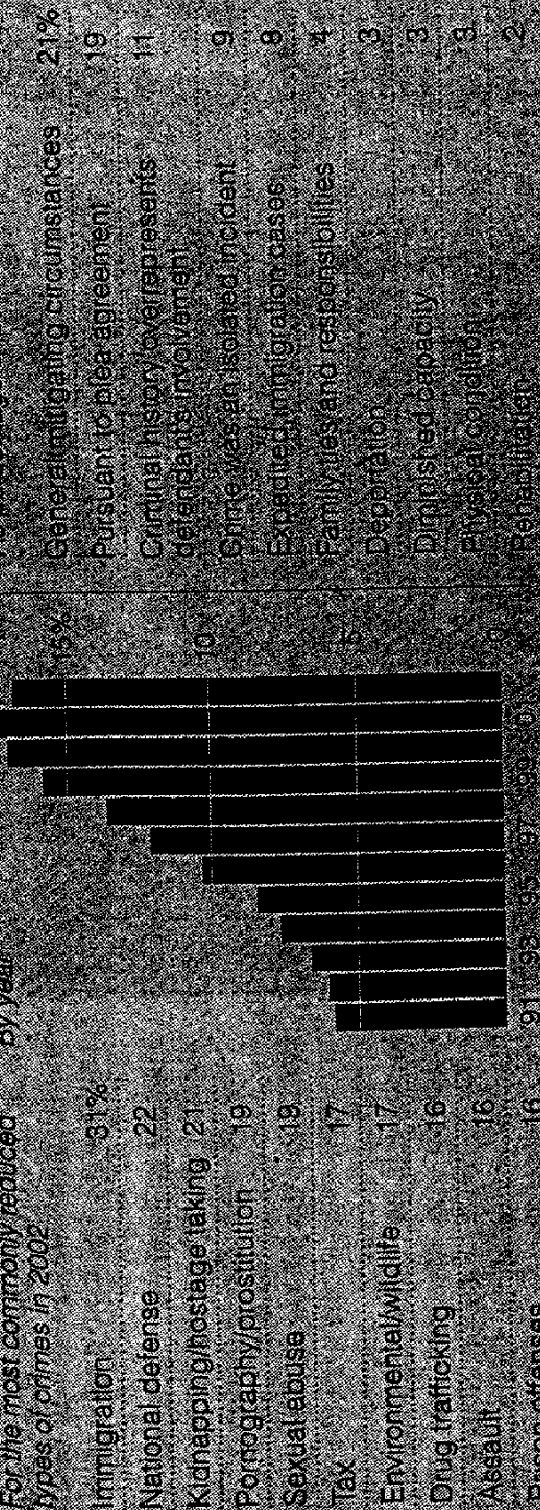
The percentage of cases in which federal judges imposed lesser sentences than in the mandatory guidelines has nearly tripled since 1991 to 17 percent in 2002. More variation is expected with the switch to advisory rather than mandatory guidelines, which already allowed some reasons for variation.

FEDERAL SENTENCES IMPOSED IN 2002



MOST COMMON REASONS FOR REDUCTION

As percentage of all reasons cited in 2002



Note: Data is by fiscal year.