

**APPENDIX TO BRIEF**

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Appendix A:

Tables Prepared by Counsel  
Containing Data from Appendix B. . . . App. A 1-3

Appendix B:

Tables Prepared by the  
Administrative Office of the  
U.S. Courts: Defendants Convicted  
and Sentenced Under 18 U.S.C. §924(c),  
By Circuit - FY 2004-2008,  
Provided to Counsel in August, 2009. . . App. B 1-10

September 30, 2003 – September 30, 2004\*

\*As of 2003, the 4<sup>th</sup>, 7<sup>th</sup>, and 10<sup>th</sup> Circuits held firearm type to be a sentencing factor. No other Circuit Courts of Appeals had addressed the question.

Circuit	924(c) total	30 yrs		30 yrs		combined		combined	
		#	%	life	life %	#	%	#	%
D.C.	38	0	0%	0	0%	0	0%	0	0%
1st	64	0	0%	1	1.6%	1	1.60%	1	1.60%
2d	94	1	1.10%	0	0%	1	1.10%	1	1.10%
3d	77	0	0%	1	1.30%	1	1.30%	1	1.30%
<b>4th</b>	<b>434</b>	<b>0</b>	<b>0%</b>	<b>3</b>	<b>0.70%</b>	<b>3</b>	<b>0.70%</b>	<b>3</b>	<b>0.70%</b>
5th	230	0	0%	0	0%	0	0%	0	0%
6th	245	4	1.60%	3	1.20%	7	2.80%	7	2.80%
7th	82	0	0%	0	0%	0	0%	0	0%
8th	150	0	0%	0	0%	0	0%	0	0%
9th	185	4	2.20%	1	0.50%	5	2.70%	5	2.70%
<b>10th</b>	<b>137</b>	<b>0</b>	<b>0%</b>	<b>2</b>	<b>1.50%</b>	<b>2</b>	<b>1.50%</b>	<b>2</b>	<b>1.50%</b>
11th	262	2	0.80%	6	2.30%	8	3.10%	8	3.10%

September 30, 2004 – September 30, 2005\*\*

\*\* On February 8, 2005, the 6<sup>th</sup> Circuit held that firearm type is an offense element in *United States v. Harris*, 397 F.3d 404 (6<sup>th</sup> Cir. 2005).

Circuit	924(c) total	30 yrs		30 yrs		combined		combined	
		#	%	life	life %	#	%	#	%
D.C.	37	0	0%	0	0%	0	0%	0	0%
1st	68	0	0%	0	0%	0	0%	0	0%
2d	160	2	1.30%	1	0.60%	3	1.90%	3	1.90%
3d	145	1	0.70%	1	0.70%	2	1.40%	2	1.40%
<b>4th</b>	<b>574</b>	<b>2</b>	<b>0.30%</b>	<b>6</b>	<b>1.00%</b>	<b>8</b>	<b>1.30%</b>	<b>8</b>	<b>1.30%</b>
5th	240	1	0.40%	0	0%	1	0.40%	1	0.40%
<b>6th</b>	<b>308</b>	<b>5</b>	<b>1.60%</b>	<b>1</b>	<b>0.30%</b>	<b>6</b>	<b>1.90%</b>	<b>6</b>	<b>1.90%</b>
7th	101	0	0%	1	1.00%	1	1.00%	1	1.00%
8th	158	0	0%	5	3.20%	5	3.20%	5	3.20%
9th	188	0	0%	2	1.10%	2	1.10%	2	1.10%
<b>10th</b>	<b>176</b>	<b>3</b>	<b>1.70%</b>	<b>1</b>	<b>0.60%</b>	<b>4</b>	<b>2.30%</b>	<b>4</b>	<b>2.30%</b>
11th	268	2	0.70%	3	1.10%	5	1.80%	5	1.80%

September 30, 2005-September 30, 2006\*

\* On March 3, 2006, the 8<sup>th</sup> Circuit held that firearm type is a sentencing factor in *United States v. Gamboa*, 439 F.3d 796 (8<sup>th</sup> Cir. 2006).

Circuit	924(c) total	30 yrs		life	life %	combined	
		#	%			#	%
D.C.	37	4	10.8%	0	0%	4	10.8%
1st	79	2	2.50%	0	0%	2	2.50%
2d	170	2	1.20%	2	1.20%	4	2.40%
3d	139	1	0.70%	1	0.70%	2	1.40%
4th	563	5	0.90%	5	0.90%	10	1.80%
5th	286	5	1.70%	1	0.30%	6	2.00%
6th	345	6	1.70%	1	0.30%	7	2.00%
7th	111	0	0%	0	0%	0	0%
8th	217	1	0.50%	3	1.40%	4	1.90%
9th	225	3	1.30%	3	1.30%	6	2.60%
10th	176	1	0.60%	1	0.60%	2	1.20%
11th	303	6	2.00%	5	1.70%	11	3.70%

September 30, 2006-September 30, 2007\*\*

\*\*On July 20, 2007, the 11<sup>th</sup> Circuit held that firearm type is a sentencing factor in *United States v. Ciszkowski*, 492 F.3d 1264 (11<sup>th</sup> Cir. 2007).

Circuit	924(c) total	30 yrs		life	life %	combined	
		#	%			#	%
D.C.	28	0	0%	0	0%	0	0%
1st	114	2	1.80%	1	0.90%	3	2.70%
2d	136	0	0%	2	1.50%	2	1.50%
3d	113	0	0%	0	0%	0	0%
4th	568	2	0.40%	3	0.50%	5	0.90%
5th	290	1	0.30%	0	0%	1	0.30%
6th	264	5	1.90%	0	0%	5	1.90%
7th	115	0	0%	1	0.90%	1	0.90%
8th	174	0	0%	1	0.60%	1	0.60%
9th	203	2	1.00%	3	1.50%	5	2.50%
10th	172	4	2.30%	2	1.20%	6	3.50%
11th	275	1	0.40%	4	1.50%	5	1.90%

September 30, 2007- September 30, 2008\*

\*On July 15, 2008, the D.C. Circuit held that firearm type is a sentencing factor in *United States v. Cassell*, 530 F.3d 1009 (D.C. Cir. 2008). On September 23, 2008, the 1<sup>st</sup> Circuit held that firearm type is an offense element in *United States v. O'Brien*, 542 F.3d 921 (1<sup>st</sup> Cir. 2008).

Circuit	924(c) total	30 yrs		life	life %	combined	
		#	%			#	%
D.C.	12	0	0%	0	0%	0	0%
1st	97	1	1%	0	0%	1	1%
2d	163	0	0%	1	0.60%	1	0.60%
3d	119	1	0.80%	2	1.70%	3	2.50%
4th	417	4	1.00%	1	0.20%	5	1.20%
5th	218	1	0.50%	3	1.40%	4	1.90%
6th	266	0	0%	3	1.10%	3	1.10%
7th	141	0	0%	0	0%	0	0%
8th	158	2	1.30%	4	2.50%	6	3.80%
9th	182	1	0.50%	2	1.10%	3	1.60%
10th	130	0	0%	1	0.80%	1	0.80%
11th	349	0	0%	1	0.30%	1	0.30%

**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By Circuit and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2004**

**Firearms**

	DC	Count	Less than 5 Years		More than 5 Years but Less than 10 Years		More than 10 Years but Less than 15 Years		More than 15 Years but Less than 20 Years		More than 20 Years but Less than 25 Years		More than 25 Years but Less than 30 Years		Sealed	Life Sentence	Death Penalty	Total	
			Count	%	Count	%	Count	%	Count	%	Count	%	Count	%					
			3	1.7%	26	8.0%	1	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	38	
				7.9%	68.4%	7.9%	2.6%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0.0%	0.0%	1.9%	
	1st	Count	5	2.9%	32	11.1%	7	4.7%	1	1.1%	0	0.0%	0	0.0%	0	0.0%	0	64	
				7.8%	50.0%	17.2%	10.9%	6.3%	1.6%	0.0%	0.0%	1.1%	4.2%	0.0%	0.0%	5.9%	0.0%	0.0%	3.2%
	2nd	Count	15	8.7%	45	17.3%	3	2.0%	1	1.1%	3	3.4%	4	1.6%	0	0.0%	0	94	
				16.0%	47.9%	18.1%	3.2%	1.1%	1.1%	1.1%	3.2%	4.3%	1.1%	0.0%	0.0%	0.0%	0.0%	4.7%	
	3rd	Count	10	5.8%	30	14.3%	7	4.7%	0	0.0%	0	0.0%	0	0.0%	4	1.3%	0	77	
				13.0%	39.0%	18.2%	9.1%	1.3%	0.0%	0.0%	13.0%	0.0%	0.0%	0.0%	50.0%	5.9%	0.0%	3.9%	
	4th	Count	32	18.6%	235	92.4%	20	13.4%	11	27.5%	1	8.3%	5	20.8%	0	0.0%	0	434	
				7.4%	54.1%	21.2%	4.6%	2.5%	2.5%	5.2%	0.0%	0.0%	7.1%	1.2%	0.0%	17.6%	0.0%	21.7%	
	5th	Count	12	7.0%	128	43.3%	24	16.1%	4	10.0%	1	8.3%	2	8.3%	1	0.0%	0	230	
				5.2%	55.7%	18.7%	10.4%	1.7%	4.4%	0.0%	0.0%	5.2%	9.9%	0.0%	12.5%	0.0%	100.0%	11.5%	
	Sixth	Count	27	15.7%	124	44.4%	24	16.1%	6	15.0%	3	16.7%	0	0.0%	0	0.0%	0	245	
				11.0%	50.6%	18.0%	9.8%	2.4%	0.0%	0.0%	0.0%	2.9%	4.4%	0.0%	0.0%	12.2%	0.0%	12.3%	
	7th	Count	6	3.5%	37	33.3%	1	0.7%	0	0.0%	0	0.0%	1	1.1%	0	0.0%	0	82	
				7.3%	45.1%	40.2%	1.2%	0.0%	1.2%	0.0%	0.0%	1.2%	2.4%	0.0%	0.0%	0.0%	0.0%	4.1%	

**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By Circuit and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2004**

		Firearms												Life Sentence	Death Penalty	Total				
	Count	Less than 5 Years	5 Years	10 Years	15 Years	20 Years	25 Years	30 Years	30 Years	Less than 25 Years	More than 20 Years	More than 15 Years	More than 10 Years	More than 5 Years	Sealed	Percentage	Percentage	Count		
8th	Count	12	101	22	10	0	1	0	1	0	1	0	2	1	0	0	0	0	150	
	% w/in Firearms	7.0%	9.6%	5.5%	6.7%	0.0%	11.1%	0.0%	8.3%	0.0%	8.3%	0.0%	2.3%	4.2%	0.0%	0.0%	0.0%	0	7.5%	
	% within Circuit	8.0%	67.3%	14.7%	6.7%	0.0%	7.0%	0.0%	7.0%	0.0%	7.0%	0.0%	1.3%	4.2%	0.0%	0.0%	0.0%	0	100.0%	
9th	Count	13	86	43	22	4	2	2	1	0	2	1	0	3	2	4	2	1	185	
	% w/in Firearms	7.6%	8.2%	10.8%	14.8%	10.0%	22.2%	13.3%	8.3%	0.0%	8.3%	0.0%	3.4%	8.3%	36.4%	25.0%	5.9%	0	9.3%	
	% within Circuit	7.0%	46.5%	23.2%	11.9%	2.2%	1.1%	1.1%	5.5%	0.0%	5.5%	0.0%	1.6%	1.1%	2.2%	1.1%	5.5%	0	100.0%	
10th	Count	13	70	25	16	1	0	1	2	1	2	1	5	1	0	0	2	0	137	
	% w/in Firearms	7.6%	6.7%	6.3%	10.7%	2.5%	0.0%	6.7%	16.7%	25.0%	16.7%	6.7%	5.7%	4.2%	0.0%	0.0%	11.8%	0	6.9%	
	% within Circuit	9.5%	51.1%	18.2%	11.7%	7.0%	0.0%	7.0%	1.5%	7.0%	1.5%	7.0%	3.6%	7.0%	0.0%	0.0%	1.5%	0	100.0%	
11th	Count	24	135	53	14	8	0	3	2	2	2	2	12	0	2	1	6	0	262	
	% w/in Firearms	14.0%	12.9%	13.3%	9.4%	20.0%	0.0%	20.0%	16.7%	50.0%	16.7%	20.0%	13.8%	0.0%	18.2%	12.5%	35.3%	0	13.1%	
	% within Circuit	9.2%	51.5%	20.2%	5.3%	3.1%	0.0%	1.1%	8.8%	8.8%	8.8%	4.6%	4.6%	0.0%	8.8%	4.4%	2.3%	0	100.0%	
Total	Count	172	1049	400	149	40	9	15	12	4	87	24	11	8	17	1	1998	1	1998	
	% w/in Firearms	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100.0%
	% within Circuit	8.6%	52.5%	20.0%	7.5%	2.0%	5.5%	8.8%	6.6%	2.2%	4.4%	1.2%	6.6%	1.2%	6.6%	4.4%	2.3%	0.1%	100.0%	

**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c). By District and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2005**

**Firearms**

	Count	Less than 5 Years		5 Years		10 Years		15 Years		20 Years		25 Years		30 Years		More than 30 Years		Sealed	Life Sentence	Total	
		%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count				
DC																					
	% within Firearms	3.2%	7	1.5%	2	1.5%	2	1.5%	1	0.0%	0	0.0%	0	0.0%	0	1.0%	4	0.0%	0	0.0%	37
	% within Circuit	18.9%	42	5.4%	8	5.4%	2	2.7%	0	0.0%	0	0.0%	0	0.0%	2.7%	1	10.5%	0.0%	0	0.0%	1.5%
First	Count	8	42	8	2	2	1	0	0	0	0	0	1	3	1	4	0	0	0	0	68
	% within Firearms	3.7%	3.2%	1.8%	1.5%	2.9%	4.8%	0.0%	0.0%	0.0%	0.0%	0.0%	2.9%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.8%
	% within Circuit	11.8%	61.8%	11.8%	2.9%	2.9%	1.5%	0.0%	0.0%	0.0%	0.0%	1.5%	4.4%	1.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Second	Count	19	71	29	7	3	1	0	3	1	7	16	2	0	0	0	0	0	0	0	160
	% within Firearms	8.8%	5.4%	6.6%	5.1%	4.4%	4.8%	0.0%	17.6%	20.0%	6.9%	42.1%	12.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	6.6%
	% within Circuit	11.9%	44.4%	18.1%	4.4%	1.9%	6%	0.0%	1.9%	6%	4.4%	10.0%	1.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Third	Count	21	67	23	8	4	3	0	1	0	9	3	1	4	1	4	1	4	1	1	145
	% within Firearms	9.7%	5.0%	5.3%	5.9%	14.3%	2.1%	0.0%	5.9%	0.0%	8.8%	7.9%	6.3%	57.1%	4.8%	0.0%	0.0%	0.0%	0.0%	0.0%	6.0%
	% within Circuit	14.5%	46.2%	15.9%	5.5%	2.8%	2.1%	0.0%	7%	0.0%	6.2%	2.1%	0.7%	2.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Fourth	Count	52	335	71	28	26	6	6	4	1	34	3	2	0	6	0	0	0	6	0	574
	% within Firearms	24.1%	25.2%	16.2%	20.6%	38.2%	28.6%	50.0%	23.5%	20.0%	33.3%	7.9%	12.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	28.6%
	% within Circuit	9.1%	58.4%	12.4%	4.9%	4.5%	1.0%	1.0%	0.7%	2.2%	5.9%	0.5%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	23.7%
Fifth	Count	10	157	38	15	7	2	0	3	0	3	3	1	1	0	1	0	1	0	0	240
	% within Firearms	4.6%	11.8%	8.7%	11.0%	10.3%	9.5%	0.0%	17.6%	0.0%	2.9%	7.9%	6.3%	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	9.9%
	% within Circuit	4.2%	65.4%	15.8%	6.3%	2.9%	8%	0.0%	1.3%	0.0%	1.3%	1.3%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Sixth	Count	25	170	55	25	7	1	2	2	0	14	1	5	0	1	0	0	0	1	0	308
	% within Firearms	11.6%	12.8%	12.6%	18.4%	10.3%	4.8%	16.7%	11.8%	0.0%	13.7%	2.6%	31.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	12.7%
	% within Circuit	8.1%	55.2%	17.9%	8.1%	2.3%	0.3%	6%	0.6%	0.0%	4.5%	0.3%	1.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100%
Seventh	Count	3	52	29	9	1	0	1	0	0	4	1	0	0	0	0	0	0	0	1	101
	% within Firearms	1.4%	3.9%	6.6%	6.6%	1.5%	0.0%	8.3%	0.0%	0.0%	3.9%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.8%
	% within Circuit	3.0%	51.5%	28.7%	8.9%	1.0%	0.0%	1.0%	0.0%	0.0%	4.0%	1.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.2%



**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By District and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2005**

Firearms

	Count	Less than 5 Years		5 Years		10 Years		15 Years		20 Years		25 Years		30 Years		Sealed		Life Sentence		Total	
		Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%		
<b>Eighth</b>		13	6.0%	101	7.6%	18	4.1%	9	4.8%	4	0.0%	1	0.0%	0	0.0%	0	0.0%	5	23.8%	158	
% within Firearms			6.0%		4.1%		6.6%		5.9%		0.0%		4.8%		0.0%		40.0%		4.9%		0.0%
% within Circuit			8.2%		63.9%		11.4%		5.7%		0.0%		1.3%		0.0%		0.0%		3.2%		0.0%
<b>Ninth</b>		11	5.1%	80	6.0%	66	15.1%	8	4.8%	5	0.0%	2	0.0%	0	0.0%	0	0.0%	1	8.8%	2	188
% within Firearms			5.1%		6.0%		5.9%		7.4%		16.7%		11.8%		0.0%		0.0%		8.8%		28.6%
% within Circuit			5.9%		42.6%		35.1%		4.3%		1.1%		1.1%		0.0%		0.0%		4.8%		1.1%
<b>Tenth</b>		18	8.3%	81	6.1%	48	11.0%	11	19.0%	2	8.3%	4	0.0%	0	0.0%	4	0.0%	3	3.9%	0	176
% within Firearms			8.3%		6.1%		11.0%		2.9%		8.3%		0.0%		0.0%		0.0%		3.9%		18.8%
% within Circuit			10.2%		46.0%		27.3%		6.3%		0.6%		0.0%		0.0%		0.0%		2.3%		0.0%
<b>Eleventh</b>		29	13.4%	151	11.4%	50	11.4%	12	19.0%	6	8.8%	2	0.0%	0	0.0%	9	0.0%	2	8.8%	0	268
% within Firearms			13.4%		11.4%		11.4%		8.8%		0.0%		11.8%		0.0%		0.0%		8.8%		12.5%
% within Circuit			10.8%		56.3%		18.7%		4.5%		0.0%		0.7%		0.0%		0.0%		3.4%		0.0%
<b>Total</b>		216	100%	1327	100%	437	100%	136	100%	68	100%	21	100%	17	100%	102	100%	38	100%	16	2423
% within Firearms			100%		100%		100%		100%		100%		100%		100%		100%		100%		100%
% within Circuit			8.9%		54.8%		18.0%		5.6%		0.5%		0.7%		0.2%		0.2%		4.2%		0.3%

**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By Circuit and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2006**

**Firearms**

	DC	Count	Less than 5 Years		5 Years		10 Years		15 Years		20 Years		25 Years		30 Years		More than 30 Years		Sealed	Life Sentence	Total					
			Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%								
			12	4.9%	16	1.1%	1	.2%	0	.0%	0	.0%	0	.0%	0	.0%	2	5.0%	4	.0%	0	.0%	37	1.4%		
			9	32.4%	32	43.2%	18	2.7%	0	.0%	0	.0%	0	.0%	2	5.4%	2	5.4%	4	.0%	0	.0%	100.0%	100.0%		
First		Count	9	3.7%	32	2.2%	18	4.0%	7	9.5%	4	5.1%	0	.0%	1	1.3%	0	.0%	2	.0%	2	.0%	2	.0%	79	3.0%
		% within Firearms	3.7%	11.4%	2.2%	40.5%	4.0%	8.9%	5.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	14.3%	5.6%
		% within Circuit	11.4%	40.5%	22.8%	8.9%	5.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.5%	2.5%
Second		Count	28	11.4%	76	5.2%	25	9.7%	17	24.4%	1	2.4%	0	.0%	1	1.1%	4	3.8%	13	3.2%	2	.5%	0	.0%	170	6.4%
		% within Firearms	11.4%	16.5%	5.2%	14.7%	9.7%	10.0%	6.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	32.5%	5.6%
		% within Circuit	16.5%	44.7%	14.7%	10.0%	6.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	7.6%	1.2%
Third		Count	17	6.9%	54	3.7%	32	7.1%	11	4.8%	2	6.3%	0	.0%	0	.0%	0	.0%	12	11.5%	1	.5%	5	.7%	139	5.2%
		% within Firearms	6.9%	12.2%	3.7%	23.0%	7.9%	7.9%	1.4%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%	2.8%
		% within Circuit	12.2%	38.8%	23.0%	7.9%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.4%	.7%
Fourth		Count	42	17.1%	351	12.8%	58	21.1%	37	21.4%	9	24.4%	6	40.0%	8	50.0%	8	33.3%	26	25.0%	5	.9%	0	.0%	563	21.2%
		% within Firearms	17.1%	24.0%	12.8%	21.1%	21.4%	40.0%	21.4%	1.6%	1.1%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	1.4%	12.5%	13.9%
		% within Circuit	7.5%	62.3%	10.3%	6.6%	6.6%	6.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	1.6%	4.6%	.9%
Fifth		Count	11	4.5%	190	8.6%	39	9.1%	16	9.5%	4	11.1%	0	.0%	1	.3%	11	10.6%	5	4.6%	1	.3%	5	.7%	286	10.8%
		% within Firearms	4.5%	3.8%	66.4%	13.6%	5.6%	5.6%	1.4%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	12.5%	13.9%
		% within Circuit	3.8%	66.4%	13.6%	5.6%	1.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	7.1%	4.5%
Sixth		Count	42	17.1%	172	11.8%	77	17.0%	14	14.3%	6	6.3%	2	13.3%	1	3.3%	21	20.2%	6	6.1%	0	.0%	1	.3%	345	13.0%
		% within Firearms	17.1%	12.2%	49.9%	22.3%	4.1%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	2.5%	16.7%
		% within Circuit	12.2%	49.9%	22.3%	4.1%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	1.7%	3.3%	1.7%
Seventh		Count	3	1.2%	62	4.2%	27	6.0%	13	0.0%	0	6.3%	0	.0%	0	.0%	2	1.9%	3	7.5%	0	.0%	0	.0%	111	4.2%
		% within Firearms	1.2%	2.7%	55.9%	24.3%	11.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		% within Circuit	2.7%	55.9%	24.3%	11.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.8%	2.7%

**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By Circuit and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2006**

Firearms

	Count	Less than 5 Years		More than 5 Years		More than 10 Years		More than 15 Years		More than 20 Years		More than 25 Years		More than 30 Years		Life Sentence		Total
		Years	Years	Years	Years	Years	Years	Years	Years	Years	Years	Years	Years	Years	Years	Years	Years	
<b>Eighth</b>																		
% within Firearms	24	138	30	11	4	1	0	1	0	1	0	0	2	2	1	0	3	217
% within Circuit	9.8%	9.4%	6.6%	6.3%	9.5%	6.7%	0.0%	6.3%	0.0%	6.3%	0.0%	1.9%	5.0%	5.0%	2.8%	0.0%	13.6%	8.2%
<b>Ninth</b>																		
Count	13	89	67	24	4	0	2	1	1	1	1	1	9	3	3	6	3	225
% within Firearms	5.3%	6.1%	14.8%	13.7%	9.5%	0.0%	12.5%	6.3%	11.1%	8.7%	7.5%	8.3%	42.9%	13.6%	8.5%			
% within Circuit	5.8%	39.6%	29.8%	10.7%	1.8%	0.0%	0.9%	4.4%	4.0%	1.3%	1.3%	2.7%	1.3%	100.0%	100.0%			
<b>Tenth</b>																		
Count	16	92	34	17	5	0	1	1	0	0	2	1	0	2	1	0	1	176
% within Firearms	6.5%	6.3%	7.5%	9.7%	11.9%	0.0%	6.3%	6.3%	0.0%	5.8%	5.0%	2.8%	0.0%	4.5%	6.6%			
% within Circuit	9.1%	52.3%	19.3%	9.7%	2.8%	0.0%	0.6%	0.6%	0.0%	3.4%	1.1%	0.6%	0.0%	0.6%	100.0%			
<b>Eleventh</b>																		
Count	29	191	45	8	3	2	3	1	1	1	9	0	6	5	303			
% within Firearms	11.8%	13.1%	9.9%	4.6%	7.1%	13.3%	18.8%	6.3%	11.1%	8.7%	0.0%	16.7%	0.0%	22.7%	11.4%			
% within Circuit	9.6%	63.0%	14.9%	2.6%	1.0%	0.7%	1.0%	0.3%	3.0%	3.0%	0.0%	2.0%	0.0%	1.7%	100.0%			
<b>Total</b>																		
Count	246	1463	453	175	42	15	16	16	9	104	40	36	14	22	2651			
% within Firearms	100%	100.0%	100%	100.0%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100.0%			
% within Circuit	9.3%	55.2%	17.1%	6.6%	1.6%	0.6%	0.6%	0.3%	3.9%	1.5%	0.5%	1.4%	0.8%	100.0%				



**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By Circuit and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2007**

Firearms

Eighth	Count	Less than 5 Years		More than 5 Years		More than 10 Years		More than 15 Years		More than 20 Years		More than 25 Years		Life Sentence		Total				
		Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%					
Eighth	Count	14		120		23		4		1		2		1		0		1		174
	% w/in Firearms	7.1%	8.8%	5.8%	3.4%	7.0%	5.6%	10.0%	8.3%	.0%	1.8%	.0%	.0%	1.8%	.0%	.0%	.0%	5.9%	7.1%	7.1%
Ninth	Count	8		77		63		11		2		1		0		2		2		203
	% w/in Firearms	4.1%	5.6%	15.9%	15.3%	19.3%	11.1%	5.0%	8.3%	.0%	1.8%	10.8%	11.8%	10.5%	17.6%	1.5%	10.0%	1.5%	8.3%	8.3%
Tenth	Count	8		99		35		7		6		1		0		1		8		172
	% w/in Firearms	4.1%	7.3%	8.9%	4.0%	10.5%	5.6%	.0%	.0%	14.3%	7.0%	2.7%	23.5%	.0%	11.8%	.0%	.0%	11.8%	7.0%	7.0%
Eleventh	Count	26		130		54		18		11		3		3		4		15		275
	% w/in Firearms	13.2%	9.5%	13.7%	10.2%	19.3%	11.1%	15.0%	25.0%	57.1%	13.2%	10.8%	5.9%	.0%	23.5%	.0%	.0%	5.9%	11.2%	11.2%
Total	Count	197		1365		395		177		57		18		12		7		114		2452
	% w/in Firearms	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Total	Count	8		55.7%		16.1%		7.2%		2.3%		.8%		.5%		.3%		4.6%		17
	% w/in Firearms	8.0%	55.7%	16.1%	7.2%	2.3%	.7%	.8%	.5%	.3%	.4%	1.5%	.7%	.8%	.3%	.4%	.7%	.8%	.7%	.7%

**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By Circuit and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2008**

	Less than 5 Years	5 Years	More than 5 Years	More than 10 Years	More than 15 Years	More than 20 Years	More than 25 Years	More than 30 Years	More than 35 Years	More than 40 Years	More than 45 Years	More than 50 Years	Sealed	Life Sentence	Total
DC	1	6	1	0	1	0	1	0	0	0	0	0	0	0	12
	% w/n Firearms	.5%	.3%	.0%	2.2%	.0%	10.0%	.0%	.0%	.0%	.0%	.0%	.0%	.0%	.5%
	% within Circuit	8.3%	50.0%	8.3%	.0%	8.3%	.0%	.0%	.0%	.0%	.0%	.0%	.0%	.0%	100%
First	4	49	27	4	1	4	1	1	1	1	0	0	0	0	97
	% w/n Firearms	2.0%	4.0%	6.8%	2.7%	33.3%	10.0%	7.1%	12.5%	.0%	.0%	.0%	30.8%	.0%	4.3%
	% within Circuit	4.1%	50.5%	27.8%	4.1%	1.0%	1.0%	1.0%	1.0%	.0%	.0%	.0%	4.1%	.0%	100%
Second	26	63	19	8	2	0	0	1	0	0	5	38	0	1	163
	% w/n Firearms	13.1%	5.1%	4.8%	5.4%	4.4%	.0%	7.1%	.0%	.0%	5.6%	70.4%	.0%	5.6%	7.2%
	% within Circuit	16.0%	38.7%	11.7%	4.9%	1.2%	.0%	.6%	.0%	.0%	3.1%	23.3%	.0%	.6%	100%
Third	8	44	27	18	6	0	0	0	0	0	12	0	1	2	119
	% w/n Firearms	4.0%	3.6%	6.8%	12.2%	13.3%	.0%	.0%	.0%	.0%	13.5%	.0%	10.0%	11.1%	5.3%
	% within Circuit	6.7%	37.0%	22.7%	15.1%	5.0%	.0%	.0%	.0%	.0%	10.1%	.0%	.8%	1.7%	100%
Fourth	29	262	54	32	4	1	1	3	2	18	4	4	2	1	417
	% w/n Firearms	14.6%	21.2%	13.6%	21.6%	8.9%	8.3%	21.4%	25.0%	20.2%	7.4%	40.0%	15.4%	5.6%	18.5%
	% within Circuit	7.0%	62.8%	12.9%	7.7%	1.0%	.2%	.7%	.5%	4.3%	1.0%	1.0%	.5%	.2%	100%
Fifth	16	152	27	10	0	1	0	1	0	7	0	0	0	3	218
	% w/n Firearms	8.1%	12.3%	6.8%	6.8%	.0%	8.3%	7.1%	.0%	7.9%	.0%	10.0%	.0%	16.7%	9.7%
	% within Circuit	7.3%	69.7%	12.4%	4.6%	.0%	.5%	.5%	.0%	3.2%	.0%	.5%	.0%	1.4%	100%
Sixth	30	151	57	8	2	0	0	1	1	11	2	0	0	3	266
	% w/n Firearms	15.2%	12.2%	14.3%	5.4%	4.4%	.0%	7.1%	12.5%	12.4%	3.7%	.0%	.0%	16.7%	11.8%
	% within Circuit	11.3%	56.8%	21.4%	3.0%	.8%	.0%	.4%	.4%	4.1%	.8%	.0%	.0%	1.1%	100%
Seventh	6	76	36	8	5	0	1	1	0	8	0	0	0	0	141
	% w/n Firearms	3.0%	6.2%	9.0%	5.4%	11.1%	.0%	7.1%	.0%	9.0%	.0%	.0%	.0%	.0%	6.3%
	% within Circuit	4.3%	53.9%	25.5%	5.7%	3.5%	.0%	.7%	.0%	5.7%	.0%	.0%	.0%	.0%	100%

**Defendants Convicted and Sentenced Under 18 U.S.C. § 924(c), By Circuit and Prison Term  
Includes Data for Defendants With 18 U.S.C. § 924(c) as Primary or Secondary Offense of Conviction  
During the 12-Month Periods Ending September 30, 2008**

	Count	Less than 5 Years		5 Years		10 Years		15 Years		20 Years		25 Years		More than 25 Years		Sealed	Life Sentence	Total
		%	Count	%	Count	%	Count	%	Count	%	Count	%	Count	%	Count			
<b>Eighth</b>																		
% w/in Firearms	106%	7.7%	4.8%	6.1%	2.2%	20.0%	7.1%	0.0%	2.2%	2.2%	3.7%	20.0%	0.0%	2.0%	0.0%	0	4	158
% within Circuit	13.3%	60.1%	12.0%	5.7%	0.6%	1.3%	6.6%	0.0%	1.3%	1.3%	1.3%	1.3%	0.0%	1.3%	0.0%	0	22.2%	7.0%
<b>Ninth</b>																		
Count	16	78	46	21	4	1	0	1	0	2	2	1	0	2	2	2	4	158
% w/in Firearms	8.1%	6.3%	11.6%	14.2%	8.9%	8.3%	0.0%	7.1%	0.0%	5.6%	3.7%	10.0%	3.7%	1.1%	5	2	2	182
% within Circuit	8.8%	42.9%	25.3%	11.5%	2.2%	0.5%	0.0%	5.5%	0.0%	2.7%	1.1%	5.5%	1.1%	2.7%	0.0%	38.5%	11.1%	8.1%
<b>Tenth</b>																		
Count	6	81	23	6	6	0	0	0	0	4	1	4	1	1	0	1	1	130
% w/in Firearms	3.0%	6.6%	5.8%	4.1%	13.3%	0.0%	0.0%	0.0%	0.0%	12.5%	4.5%	1.9%	0.0%	7.7%	0.0%	7.7%	5.6%	5.8%
% within Circuit	4.6%	62.3%	17.7%	4.6%	4.6%	0.0%	0.0%	0.0%	0.0%	8.8%	3.1%	0.8%	0.0%	8.8%	0.0%	8.8%	0.8%	100%
<b>Eleventh</b>																		
Count	35	178	62	24	13	5	4	4	3	17	3	0	0	0	0	0	1	349
% w/in Firearms	17.7%	14.4%	15.6%	16.2%	28.9%	41.7%	40.0%	28.6%	37.5%	19.1%	5.6%	0.0%	0.0%	0.0%	0.0%	0.0%	5.6%	15.5%
% within Circuit	10.0%	51.0%	17.8%	6.9%	3.7%	1.4%	1.1%	1.1%	9.9%	4.9%	0.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	100%
<b>Total</b>																		
Count	198	1235	398	148	45	12	10	14	8	89	54	10	13	18	2252			
% w/in Firearms	100%	100.0%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
% within Circuit	8.8%	54.8%	17.7%	6.6%	2.0%	0.5%	0.4%	6%	4%	4.0%	2.4%	0.4%	0.6%	0.8%	100%	0.6%	0.8%	100%