

**STATEMENT OF GERALD W. HEANEY
UNITED STATES CIRCUIT JUDGE
UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
BEFORE THE
UNITED STATES SENTENCING COMMISSION
ON MARCH 12, 1987**

I welcome the opportunity to appear before the Sentencing Commission and to comment on the second draft of the guidelines.

The judges of the Eighth Circuit are pleased that the initial draft of the guidelines has been modified to give district judges greater discretion in the sentencing process. We continue to believe, however, that the standards for eligibility for probation are very severe, that sentences will be significantly longer than under present practice, and that some persons may be denied due process. In our view, the Commission should move toward a simpler set of guidelines based on an offense of conviction model. A simplified version of the grid contained in the revised draft would be a good starting point for such a model. More complex guidelines could be adopted as experience is obtained.

I turn now to my detailed comments on the second draft.

1. More offenders will be sentenced to prison for longer periods of time than under the present practice. Fewer offenders will be eligible for probation.

2. Adjustments and departures will be the rule rather than the exception. Moreover, in all too many instances, the sentence attributable to uncharged conduct will be as or more significant than the sentence attributable to charged conduct.

3. The probation offices will have the most important role in the sentencing process. Not only will they have a primary and perhaps decisive factfinding role, they will also have an important judgmental role. In addition, they will have continuing responsibility for the supervision of probationers and those on supervised release.

4. There will be great pressure on district judges to accept plea bargains that fix the sentence. Defense counsel will insist on the practice simply because they will want to know the bottom line before their clients plead guilty. Prosecutors will insist on the practice to keep their dockets current.

5. Inevitably, there will be serious disputes over factual issues that affect the sentence. The guidelines are not at all clear about how these disputes are to be resolved. I understand them to allow a district judge to resolve such disputes by a standard of some evidence without the necessity of an evidentiary hearing on the written evidence presented by the parties and the probation office. If I am correct, serious due process questions are raised. In any event, the time spent by the district judges in the sentencing process will increase dramatically.

6. There is a concern about the extent to which the recommendations of the probation office will be available to the parties before sentencing. In my view, every element of the probation officer's report should be disclosed to all parties involved.

7. There is merit to Commissioner Robinson's criticism that the guidelines have failed to rank offenses according to a rational standard. The Minnesota offense of conviction model avoided this irrationality because the Minnesota Sentencing Commission undertook the difficult process of determining the severity of crimes relative to each other prior to the adoption of sanctions. This Commission should do the same.

8. The number of appeals will increase dramatically.

9. The guidelines permit a district judge to reward cooperation to an unlimited extent. I recognize that the Commission has made this change to accommodate the universal appeal at the initial hearings for such authority. This may be a wise decision, but it is certain to create substantial public distrust. Undoubtedly, the decision to reward cooperation constitutes the biggest loophole in the guidelines and may, unless exercised providently, cause a loss of confidence in them.

LENGTH OF SENTENCES AND AVAILABILITY OF PROBATION

Immediately after the second draft of the guidelines was made available, we submitted twenty case histories, including the presentence reports, to four experienced chief probation officers in our Circuit. We asked each of them to compute sentences under the revised draft using worksheets developed by the Commission. We also asked them to make observations with respect to the guidelines, the worksheets, and any problems that they encountered. We attach hereto a copy of our letter to the probation officers and the reports, worksheets, and comments of each officer, together with an analysis of the materials submitted. See Exhibit No. I. I will summarize here the results in the case studies and include some of the comments of probation officers.

1. The studies indicate that persons sentenced to prison will serve substantially longer sentences under the revised guidelines than under current law. Under current law, the twenty individuals studied will serve a total of 693 months. Under the revised guidelines, their sentences would be nearly three times as long. (Probation Officer A estimated 1959 months, Officer B,

2007 months, Officer C, 1717 months, and Officer D, 1792 months.) See Exhibit II.

The results of our twenty-case study are confirmed by a sixty-one case study independently undertaken by the Western District of Missouri. See Exhibit No. III. That study indicates that the total time served in the sixty-one cases would be increased from 820 months to 2,678 months. The two studies admittedly comprise a small sample, yet they clearly show the need for a more comprehensive study by the Commission before guidelines are issued.

2. Fewer people will be placed on probation. Under existing law, four of the twenty persons in our study were placed on probation. Under the guidelines, only one person appears to be eligible for probation, unless, of course, the judge departs from the guidelines. But, departures should be the exception rather than the rule.

The Western District of Missouri study again confirms the results reached in the twenty-case study. In the Missouri study, under existing law, thirty persons were placed on probation. Under the proposed guidelines, only twelve persons would be eligible.

The Bureau of Prisons reports that in 1985, only 52.5% of all persons convicted were sentenced to a term of imprisonment. Presumably, the remaining 47.5% received nonimprisonment sentences. The only statistics that I have seen from the Commission with respect to probation are those contained in the February 2, 1987, report of William Rhodes, Research Director for the Commission. It appears from this report that a very high percentage of first offenders convicted after a trial will be sentenced to prison under the new guidelines. I understand from Mr. Rhodes that additional studies are now underway. These studies should also be completed and carefully reviewed before

any final decision is made with respect to the guidelines relating to probation.

I again refer you to the comprehensive study of Chief Judge G. Thomas Eisele. His study, as I noted in my original testimony before this Commission, concludes that the rate of recidivism among probationers, particularly first-time offenders, is very low.

I also call your attention to the recent publication by Senators Armstrong and Nunn titled "Alternatives to Incarceration." They state that, in adopting the Comprehensive Crime Control Act, the Senate intended to create a rebuttable presumption that nonconfinement alternatives are to be used for nonviolent and nondangerous offenders. They note that this policy will save money, ease prison overcrowding, result in punishments that are productive to the victim and the community and are less destructive to offenders, increase the prospect for successful rehabilitation of offenders, and reduce the rate of recidivism. In our view, attention should be paid to nonconfinement alternatives and the guidelines should encourage judges to use such alternatives in every appropriate case.

In addition, we believe that Congress intended that the decision whether a person should be placed on probation or confined should be made before any consideration is given to the length of sentence. Thus, 28 U.S.C. § 994(a)(1)(A) sets out the type of sanction as the first sentencing decision and the length of the sanction as the second sentencing decision. Sections 3551 and 3553 of 18 U.S.C. reinforce the independence of these two sentencing decisions.

DISPARITIES

The reports of the four probation offices are not encouraging from the standpoint of eliminating disparities. The reports indicate wide variations in the estimates of time to be served by individuals. See Exhibit II. Thus, there are significant variations in ten of the twenty cases we studied (e.g., 180 months in Case 2, 209 months in Case 5, 144 months in Case 7, and 147 months in Case 11). On closer examination, the significant variations appear to be caused by differences relating to associated conduct rather than offense of conviction conduct.

Although the four probation officers did not have the advantage of study and training with respect to the guidelines, they are among the best and most experienced probation officers in the nation. The lessons that I draw from the reports of the officers are:

- (a) The guidelines must be simplified.
- (b) There must be an intensive training program for judges, probation officers, prosecutors, public defenders, defense counsel, and all others involved in administering the system.
- (c) It is very difficult to eliminate disparities, real or perceived, when human beings make decisions about other human beings. Discretion will always play an important role in the sentencing process. The question is where the discretion should be placed. I know that I speak for the judges of our Court when I say that we believe the discretion should be placed in those who do not have a stake in the outcome of the case.

ADJUSTMENTS AND DEPARTURES

The case studies reveal the great weight the guidelines place on conduct other than that necessary to establish the offense of conviction. For purposes of analysis, we have broken the sentence into two elements: (a) the conduct that must be proven to obtain a conviction, and (b) associated conduct. The analysis indicates, overall, the associated conduct in the twenty cases was nearly as important in determining the ultimate sentence as the offense of conviction conduct. See Exhibit IV. This is a matter of great concern. The practical result is that in many cases, the conduct proved beyond a reasonable doubt is less important than the conduct proved by "some evidence."

I do not believe that the Commission intended this result. It states on page 3 of the guidelines:

The revised draft uses traditional offense categories and takes as its base the offense of conviction. Related conduct not included in the offense of conviction may still be used to aggravate or mitigate a sentence, but it does not carry the weight of a separately charged and convicted offense. The goals of reducing disparity and permitting individualization where it is appropriate have simultaneously been pursued. [Emphasis added.]

Unfortunately, however, the guidelines often require a judge to give great weight to associated conduct. Let us take, for example, the offense of assault from page 17 of the guidelines. Let us assume that the offense of assault was charged and that the defendant, who had no prior criminal history, pled guilty to the charge. The base level of the offense is 15. The guideline sentence is 18 to 24 months.

Let us further assume that the prosecutor contends that:

a dangerous weapon was displayed	-	add 4 levels
the assault was planned	-	add 3 levels
the victim was permanently injured	-	add 6 levels
there was more than one victim	-	<u>add 2 levels</u>
Total levels added		15 levels

Let us further assume that the defendant denies each of the prosecutor's contentions.

Who is to resolve these vital disputes;
what is the standard of proof; and
is the defendant entitled to an evidentiary hearing?

The answer to the questions are crucial because the answers do not simply involve a doubling of the sentence. The hard facts are that doubling the offense level from 15 to 30 increases the sentence range from 18-24 months to 97-121 months. Thus, at the midpoint of these ranges, the defendant stands to have his sentence increased by about 500%.

It appears that the Commission has fallen short of the goal it set for itself, and that the defendant's constitutional rights may be in danger. Unfortunately, other similar scenarios can be easily developed.

I am fully aware that the United States Supreme Court, in Williams v. New York, held that conduct associated with a crime could be considered by the court in setting a sentence. That decision was sound when made. Under the sentencing procedures of that day, rehabilitation in a prison setting was considered desirable and the Parole Commission was given broad authority to retain or release individuals on the basis of their record in prison. Indeed, judges were encouraged to impose indeterminate sentences, leaving the Parole Commission to determine the actual

time served. Moreover, the judges did not impose real-time sentences. In the ordinary case, a person sentenced to prison was expected to serve only slightly more than a third of the sentence.

A new situation confronts us today. Congress has ordained that there will be truth in sentencing. If a federal district judge sentences an offender to ten years in prison, ten years will be served (less good time). Moreover, Congress has declared that rehabilitation in prison is no longer to be a primary goal in the sentencing process. We accept these changes, but are concerned with a system in which offenders may serve as much or more time for associated conduct established by "some" evidence as they will for the offense of conviction established by proof beyond a reasonable doubt. We are concerned about a criminal justice system in which we zealously guard the constitutional rights of an accused before and during trial only to forget about these rights when the time comes to impose a sentence.

ROLE OF THE PROBATION OFFICER

It is not an exaggeration to say that under the revised guidelines the probation officer becomes the most important person in the criminal justice system. The officer will be required to make detailed and accurate factual reports to the judge. He will be required to exercise his judgment in determining the offender's criminal history, in resolving factual disputes, in deciding whether or not departures are appropriate and, if so, the extent of the adjustment or departure, and in making a bottom-line recommendation to the judge.

If we expect the probation officers to perform satisfactorily in their new roles, we must ensure that the probation offices are adequately and competently staffed. We must insist that this be done by the time the guidelines go into effect, not years

later. It is also essential that the probation officers be well trained in the use of the guidelines, and that before the guidelines become final, they are simplified and ambiguities are eliminated. In this connection, we note that the probation officers have found the worksheets prepared by the Commission to be helpful.

The probation officers have expressed two concerns: First, they are worried that they will not have sufficient information gathering powers to perform the role contemplated by the guidelines. They report that under present practice, some prosecutors are reluctant to make files available to the probation officers. Prosecutors often expect the probation officers to accept their summary of the facts and circumstances. If the sentencing process is to remain open and honest, we must make sure that the prosecutors' files will be generally available to the probation offices.

Second, probation officers question the extent to which their bottom-line recommendations to the district court should be available to the parties before sentencing. Some favor such disclosure; others oppose it. My own view is that if we intend to have an open system, absent extraordinary circumstances, every element of the probation officer's report should be made available to the parties before sentencing.

THE DISTRICT COURT'S ROLE

There is no doubt that the revised draft gives the district judge more discretion in the sentencing process than did the earlier draft. The judges appreciate this change. There are, however, a number of problem areas.

The guidelines do not clearly indicate how the district court should carry out its role in the factfinding process. Our

understanding is that the district court must state its reasons for arriving at the sentence imposed. This requirement includes not only the reasons why the base offense value for the offense of conviction is a particular level but also why the district court placed the defendant at a particular point in the guideline range. In addition, if the district court decides to make any adjustment or departure, it must give reasons.

The guidelines are not clear how factual disputes are to be resolved. My own understanding is that district courts can resolve them without an evidentiary hearing under a "some evidence" standard. The evidence considered will be only that included in the report of the probation officer and the filings of the parties. If my understanding is correct, serious due process questions are raised.

GUILTY PLEAS

It is difficult to predict whether 85% to 90% of offenders will continue to plead guilty. Offenders under present practices are not aware of the facts in the presentence report at the time they plead guilty. In view of the importance of associated conduct under the guidelines, can we expect them to plead guilty, or will courts have to resort to provisional pleas? To what extent would provisional pleas add to the already heavy load of the district courts? Will there be increased pressure for bottom-line plea bargaining because the alternative will be lengthy hearings to resolve factual disputes? What changes will have to be made in rule 11 to make sure that the offender is fully aware of the sentencing options? Will the practice of pre-indictment bargaining in complex cases be accelerated? If it is, how will the probation office and the district court gain a thorough understanding of the facts in a case which may have been under investigation for years? These and other questions must be resolved. In my view, that will be a difficult task if as much

weight is given to conduct, other than that proved as an element of the offense of conviction, as appears to be given in the present draft of the guidelines.

APPEALS

Although the number of appeals will certainly increase dramatically under the guidelines, the extent to which the courts of appeals may review the district court's application of the guidelines is unclear. Apparently, either the defendant or the government may appeal an incorrect application of the guidelines. Yet, it is uncertain whether either party may appeal disputed factual issues significant to application of the guidelines. This uncertainty is especially troubling in light of the ambiguity concerning the district court's obligation to hold evidentiary hearings and to resolve disputed factual issues.

My understanding is that either the government or the defendant will be able to appeal questions about the accuracy of the facts used to determine the base offense, criminal history, and any appropriate "adjustments" or "departures." If my understanding is correct, reports of the probation officers indicate that nearly every case will contain at least one appealable issue. Moreover, the more emphasis the guidelines place on associated conduct, the greater the likelihood that the facts constituting the associated conduct will be appealed.

RECOMMENDATIONS

1. The Commission should ask the Congress for additional time within which to submit proposed guidelines. The Commission should use the additional time to determine the impact that the guidelines proposed in the second draft or any alternative thereto will have on probation, the length of time to be served

for various offenses and the impact that they will have on all elements of the criminal justice system, including the courts, probation officers, prosecutors, defendants, and defense counsel, public or private. The additional time should also be used to implement test programs in diverse district courts.

2. The plea bargaining process should be spelled out in greater detail. Only two out of the 250 pages of the revised draft are devoted to this very important aspect of the criminal justice system, notwithstanding the fact that 85% to 90% of the cases will have to be disposed of through the plea bargaining process if the system is to work.

3. The plea bargaining process should not force a district judge to choose between accepting bottom-line plea bargaining or destroying his calendar.

4. More intensive study must be given to the question of criminal histories. At the present time the guidelines grossly exaggerate prior minor criminal offenses and take from the district judge the discretion to consider the seriousness of the earlier crimes.

5. Finally, and most importantly, the Commission should make a prompt determination to adopt a simple set of guidelines based on an offense of conviction model. The grid which the Commission has prepared is a strong first step in this process, particularly if it is reexamined in light of its impact on the prison population. This grid permits district judges to routinely sentence within a 25% range. If it were coupled with a clear and consistent directive permitting district judges to make limited departures from the sentence required by the grid in only extraordinary circumstances, a sentencing system would be put in place which would achieve the major objectives of Congress--to have a determinate sentencing policy which eliminates the real or perceived disparities in the existing system.

Exhibit I

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

CHAMBERS OF
JUDGE GERALD W. HEANEY
FEDERAL BUILDING
DULUTH, MINNESOTA 55802

February 17, 1987

The Honorable G. Thomas Eisele
Chief Judge
United States District Court
P. O. Box 3684
Little Rock, Arkansas 72203

RE: Second Draft of Sentencing Guidelines

Dear Judge Eisele:

As you probably know, a second draft of the sentencing guidelines has been prepared. Hearings on this draft will be held in Washington, D. C., on March 11th and 12th. Chief Judge Lay has asked Judge Donald O'Brien and myself to participate in these hearings.

The Chief Probation Officers of Minnesota, Eastern District of Arkansas, Eastern District of Missouri and Southern District of Iowa have been kind enough to furnish me with a number of presentence reports. I have selected twenty (20) from the number submitted to me. The twenty appear to represent a good cross-section of cases coming before the District Courts of this Circuit. I would deeply appreciate it if your Probation Office could review these presentence reports and come up with the sentence that they believe is called for in each case under the new guidelines. I enclose herewith three work sheets that have been developed by the Sentencing Commission staff to use in computing sentences.

It is my intention to use the information developed to answer questions concerning: (1) the availability of probation under the proposed guidelines, (2) the length of sentences that will be required under the new guidelines, (3) disparities that may result as a result of the application of the guidelines, and (4) the additional work imposed on the District Courts and the Probation Officers under the proposed guidelines. I would also hope to obtain any additional comments or suggestions that you or your Probation Office might have with respect to the guidelines.

I would suggest that the Probation Officers use the following criteria:

If the guidelines provide a range of offense level increase or decrease, please indicate that range and, in parentheses, indicate the specific point within the range you feel is appropriate and why. If there is nothing in the presentence investigation report upon which to base selection of a point within the range, use the lowest end of the range.

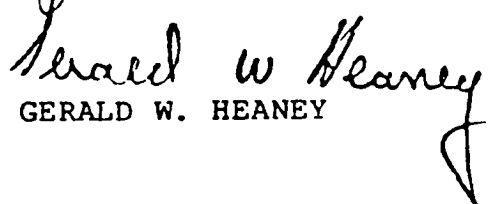
For example, burglary has a base offense level of 20. The guidelines also require an increase of 3 to 6 levels if the defendant had a gun. If the PSI you are analyzing indicates nothing more than that the defendant had a gun, an enhancement of three levels is appropriate. On the other hand, if the presentence report contains any information that would indicate a greater enhancement is appropriate, indicate that enhancement and explain the reason for it.

Follow the same procedure anytime the guidelines allow a range of enhancement. This includes enhancements for such general factors as role in the offense, cooperation, physical injury to the victim and the like.

If the guidelines only indicate the departure is appropriate but leave the departure to the discretion of the judge, indicate the section of the guidelines under which such a departure would be appropriate. For example, if the offense resulted in a death, you should indicate that departure would be appropriate under section Y211 of the guidelines.

I recognize that I am asking a lot, but it would be very helpful if I could receive the analysis no later than March 3rd. This will give me an opportunity to analyze the results to transmit them to the Circuit and District Court judges, and to give them an opportunity to comment before the hearings in Washington on the 11th and 12th.

Sincerely,


GERALD W. HEANEY

Encls.

GWH:eei

[NOTE: The remainder of Exhibit I consists of the responses of the probation officers to this request. These have been sent to Judge Breyer under separate cover. Judge Breyer has been requested to deliver the responses to Paul K. Martin, Director, for distribution.]

EXHIBIT II

	OFFENDER	TIME TO BE SERVED PRESENT SYSTEM (EXCLUDING GOOD TIME) IN MONTHS	TIME TO BE SERVED UNDER REVISED DEPT (EXCLUDING GOOD TIME) IN MONTHS			
		1	2	3	4	5
			PROBATION OFFICER A	PROBATION OFFICER B	PROBATION OFFICER C	PROBATION OFFICER D
1	1	probation	15	18	46	18
2	2	100	360	180	235	360
3	3	20	27	48	27	21
4	4	probation	9	24	18	27
5	5	60	211	420	272	271
6	6	probation	15	15	16	15
7	7	32	324	180	168	210
8	8	probation	probation	probation	probation	probation
9	9	40	51	72	51	55
10	10	20	360	360	360	360
11	11	104	270	210	228	123
12	12	4	33	55	42	57
13	13	20	30	33	51	33
14	14	48	137	300	110	137
15	15	6	18	14	12	15
16	16	6	30	12	12	27
17	17	6	probation	12	10	probation
18	18	16	18	24	37	18
19	19	12	15	15	15	21
20	20	18	32	15	8	24
TOTAL		693	1959.0	2007.0	1717.0	1792.0
Avg PLE SENTENCE		34.65	97.95	100.35	86.0	89.60
EXCLUDING DRUG OFFENDERS #s 2, 7, 9, 10, 12 A-6 - (-15)		481 32.97	834 55.60	1182.0 78.80	852 56.8	774.0 51.60

EXHIBIT III

61 CASES FROM W.D. MO.

OFFENDER	TIME TO BE SERVED PRESENT SYSTEM (IN MONTHS)	TIME TO BE SERVED REVISED DRAFT (IN MONTHS)	OFFENDER	TIME TO BE SERVED PRESENT SYSTEM (IN MONTHS)	TIME TO BE SERVED REVISED DRAFT (IN MONTHS)
1	probation	51	51	probation	21
2	30	9	52	6	37
3	probation	probation	53	2	probation
4	12	30	54	32	189
5	10	probation	55	4	18
6	20	probation	56	probation	27
7	30	11	57	probation	33
8	6	97	58	6	70
9	probation	33	59	probation	70
10	probation	probation	60	30	probation
11	probation	probation	61	probation	27
12	34	264	TOTAL		2678.0
13	66	109	Avg (61)		43.90
14	54	70			
15	probation	11			
16	probation	46			
17	probation	97			
18	probation	11			
19	probation	11			
20	2	151			
21	39	24			
22	probation	13			
23	30	21			
24	probation	probation			
25	probation	13			
26	7	37			
27	21	11			
28	probation	18			
29	probation	probation			
30	probation	probation			
31	30	33			
32	probation	13			
33	40	78			
34	30	33			
35	probation	30			
36	10	probation			
37	124	123			
38	4	24			
39	10	27			
40	probation	24			
41	6	97			
42	probation	30			
43	probation	21			
44	probation	probation			
45	probation	30			
46	30	29			
47	10	15			
48	probation	51			
49	30	360			
50	probation	30			

30 CASES
probation
granted

12 CASES
probation
granted

BASE OFFENSE - ALL CONDUCT					ASSOCIATED CONDUCT - ALL CONDUCT			
TRAIT MUST BE PERIOD TO OBTAIN A 'CONVICTION PER CRIMINAL HISTORY (TEN MONTHS)					OTHER THAN CONDUCT CONSTITUTIONS BASE OFFENSE (TEN MONTHS)			
OFFENDER	PROBATION	PROBATION	PROBATION	PROBATION	PROBATION	PROBATION	PROBATION	PROBATION
RECIDENCY	OFFICER	OFFICER	OFFICER	OFFICER	OFFICER	OFFICER	OFFICER	OFFICER
	A	B	C	D	A	B	C	D
2 COUNT I	4	4	2.5	2.5	+2	+11	+44.5	+15.5
2 COUNT I	149	236	136	211	+191	+124	+123	+149
3 COUNT II	149	236	136	211	+191	+124	+123	+149
3 COUNT I	7	9	9	7	+17	+32	+21	+24
4 COUNT I	12	12	12	12	0	+3	+9	0
5 COUNT I	123	123	123	123	+46	+23	+22	+34
6 COUNT II	60-STAT	60-STAT	60	60-STAT	0	0	0	0
6 COUNT III	57	57	57	57	0	0	0	+7
6 COUNT IV	24	24	24	24	+6	+6	0	+6
6 COUNT I	9	12	12	4	+3	+6	+3	+2
6 COUNT II	9	12	7	9	+3	+6	0	+3
7 COUNT I	103	115	118	151	+261	+23	+93	+85
7 COUNT II	103	30	118	151	+261	+7	+93	+85
8 COUNT I	2.5	2.5	2.5	2.5	-1	-5	0	0
9 COUNT I	13	13	13	13	+33	+20	+33	+33
9 COUNT II	13	13	13	13	+33	+20	+33	+33
9 COUNT III	13	13	13	13	+33	+20	+33	+33
9 COUNT IV	13	13	13	13	+33	+20	+33	+33
9 COUNT V	37	37	37	37	+9	0	+20	+20
10 COUNT I	189	189	169	211	+171	+171	+191	+149
10 COUNT II	189	189	169	211	+171	+171	+191	+149
10 COUNT III	189	189	169	211	+171	+171	+191	+149
10 COUNT IV	27	27	21	33	+24	+19	0	+30
11 COUNT I	44	44	44	46	+172	+72	+125	+11
11 COUNT II	60-STAT	60-STAT	60	60-STAT	0	0	0	0
12 COUNT I	46	46	46	46	-9	+5	0	+18
13 COUNT I	18	18	33	24	+15	0	+24	+13
13 COUNT II	18	18	33	24	+15	0	+24	+13
14 COUNT I	123	123	123	123	0	0	0	0
15 COUNT I	3	2	3	3	-1	+9	+12	+15
16 COUNT I	15	15	7	15	+18	0	+8	+9
17 COUNT I	2	2	2	2	+9	+13	+11	+7
18 COUNT I	12	12	9	12	0	-3	+32	+3
19 COUNT I	2	2	2	2	+16	+16	+16	+22
19 COUNT II	2	2	2	2	+16	+16	+16	+22
19 COUNT III	2	2	2	2	+16	+16	+16	+22
20 COUNT I	21	21	11	21	0	0	0	+6
20 COUNT II	7	7	3	7	+2	+5	+1	+8
TOTAL	1929.5	2012.5	1836.0	2169.0	26 up	27 up	29 up	33 up
	56.28	52.96	49.32	57.08	7 NEUTRAL	9 NEUTRAL	9 NEUTRAL	5 NEUTRAL
	per count	per count	per count	per count	3 DOWN	2 DOWN	0 DOWN	0 DOWN
					+1937.0	+1134.0	1555.5	1359.5
					+50.7	+29.4	+40.93	+35.79
					per count	per count	per count	per count