

Table 50

**MEAN AND MEDIAN SENTENCES OF OFFENDERS SENTENCED UNDER IMMIGRATION GUIDELINES
BY SENTENCES RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

SENTENCING GUIDELINE	TOTAL			WITHIN GUIDELINE RANGE			ABOVE RANGE DEPARTURE ²			ABOVE RANGE DEPARTURE W/ BOOKER ²			ABOVE RANGE WITH W/ BOOKER ²			REMAINING ABOVE RANGE ²		
	n	Mean	Med	n	Mean	Med	n	Mean	Med	n	Mean	Med	n	Mean	Med	n	Mean	Med
TOTAL⁴	51,116	52.2	30.0	31,437	55.3	30.0	100	76.7	48.0	36	121.9	90.0	343	85.3	60.0	342	80.2	57.0
TOTAL IMMIGRATION⁵	11,055	22.9	18.0	6,793	21.7	15.0	26	32.3	18.0	5	58.4	24.0	63	45.1	39.0	55	37.6	24.0
§2L1.1	2,304	15.6	12.0	1,486	17.4	15.0	14	31.9	17.0	1	--	--	16	44.1	36.5	26	33.7	16.5
§2L1.2	7,665	27.5	24.0	4,363	26.6	21.0	9	37.3	36.0	4	43.0	21.0	40	50.0	48.0	23	43.7	36.0
§2L2.1	289	12.4	10.0	178	15.0	13.0	1	--	--	0	--	--	1	--	--	1	--	--
§2L2.2	797	3.8	2.1	766	3.5	2.1	2	--	--	0	--	--	6	20.0	18.0	5	26.5	24.0

¹Immigration/Naturalization guidelines are found in USSG Chapter Two, Part L. Descriptions of variables used in this table are provided in Appendix A.

²See Tables 24-24C for a list of departure reasons comprising these categories.

³See Tables 25-25C for a list of departure reasons comprising these categories.

Table 50 (cont.)

SENTENCING GUIDELINE	§5K1.1 SUBSTANTIAL ASSISTANCE			§5K3.1 EARLY DISPOSITION			OTHER GOV'T SPONSORED			BELOW RANGE DEPARTURE ³			BELOW RANGE DEPARTURE W/ BOOKER ³			BELOW RANGE W/ BOOKER ³			REMAINING BELOW RANGE ³		
	n	Mean	Med	n	Mean	Med	n	Mean	Med	n	Mean	Med	n	Mean	Med	n	Mean	Med	n	Mean	Med
TOTAL⁴	7,508	50.2	34.0	3,204	25.4	24.0	1,475	48.9	24.0	1,195	39.6	21.0	485	49.7	24.0	3,192	57.3	30.0	1,799	42.6	24.0
TOTAL IMMIGRATION⁵	257	12.8	8.0	2,414	26.4	24.0	364	19.1	15.0	253	27.0	24.0	83	21.2	18.0	467	23.0	19.0	275	23.9	21.0
§2L1.1	144	10.3	6.0	298	11.8	11.5	95	10.7	10.0	52	10.6	10.0	26	7.5	4.8	102	9.0	5.6	44	8.6	7.0
§2L1.2	58	25.7	24.0	2,112	28.5	30.0	260	22.5	18.0	194	32.1	30.0	55	28.1	24.0	338	28.5	27.0	209	29.0	27.0
§2L2.1	55	5.7	2.5	1	--	--	9	9.6	10.0	6	10.1	0.0	2	--	--	19	10.3	12.0	16	7.4	5.2
§2L2.2	0	--	--	3	4.4	4.1	0	--	--	1	--	--	0	--	--	8	0.9	0.5	6	1.2	0.7

⁴Of the 53,674 cases, 2,558 were excluded due to one or more of the following reasons: missing information needed to determine the relationship between the sentence imposed and the guideline range (2,328), or missing sentencing information (435).

⁵The following number of immigration cases were excluded due to missing information needed to determine the relationship between the sentence imposed and the guideline range and/or sentencing information: 45 cases under §2L1.1; 84 cases under §2L1.2; eight cases under §2L2.1; and 10 cases under §2L2.2. Also, zero immigration cases not sentenced under §2L1.1, §2L1.2, §2L2.1, or §2L2.2 were excluded.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).