

# Tips From the District Court Bench



June 2012  
New Orleans, LA

# Data Presentation

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Source:

# Number of Offenders

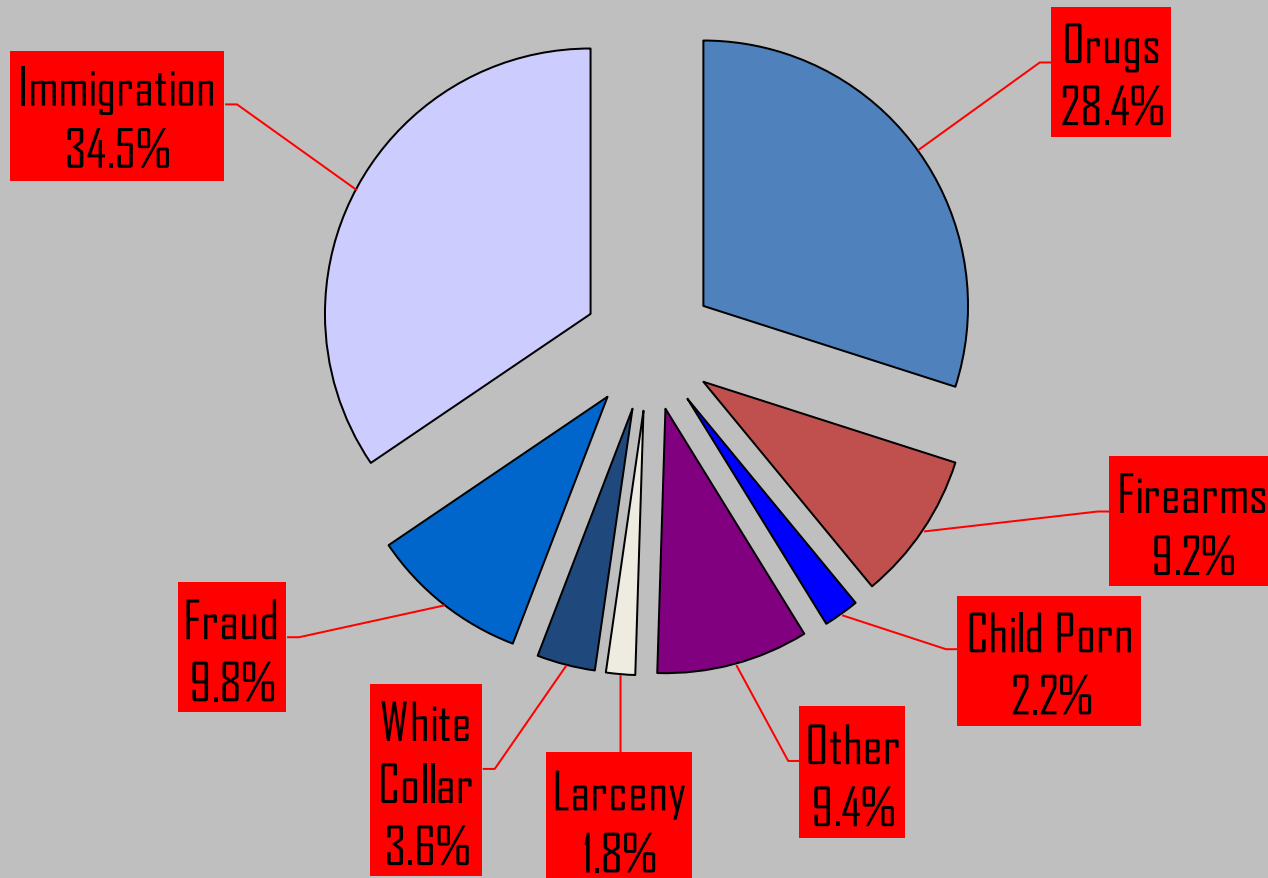
## Fiscal Year 2011

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- 86,201 Individuals Sentenced
- 160 Organizations Sentenced

# Primary Offense Types

National - FY 2011



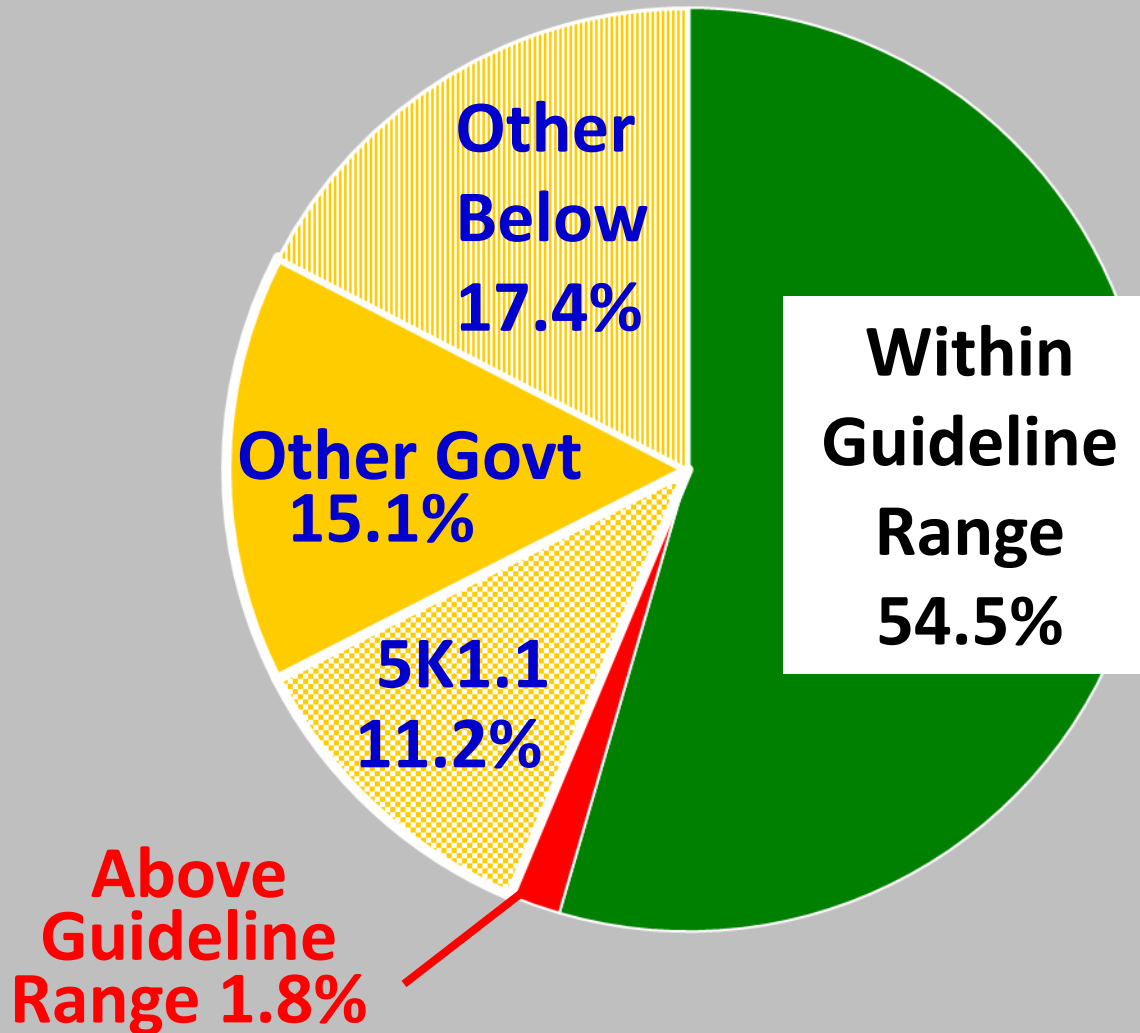
# Number of Offenders in Selected Offenses

## Fiscal Year 2011

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Offense Type	Number of Cases	Percent of All Cases	Percent Change from FY 2010
Immigration	29,717	34.5	+4.3
Drug Trafficking	24,442	28.4	+4.0
Fraud	8,332	9.7	+3.3
Firearms	7,858	9.1	-1.6
Child Pornography	1,855	2.2	-1.6

# Position of Sentences in Relation to Guideline Range National - FY 2011



SOURCE: U.S. Sentencing Commission, 2011 Datafile OPAFY11: 84,744 of 86,201 cases

# Sentence Relative to the Guideline Range for Selected Offenses

## Fiscal Year 2011

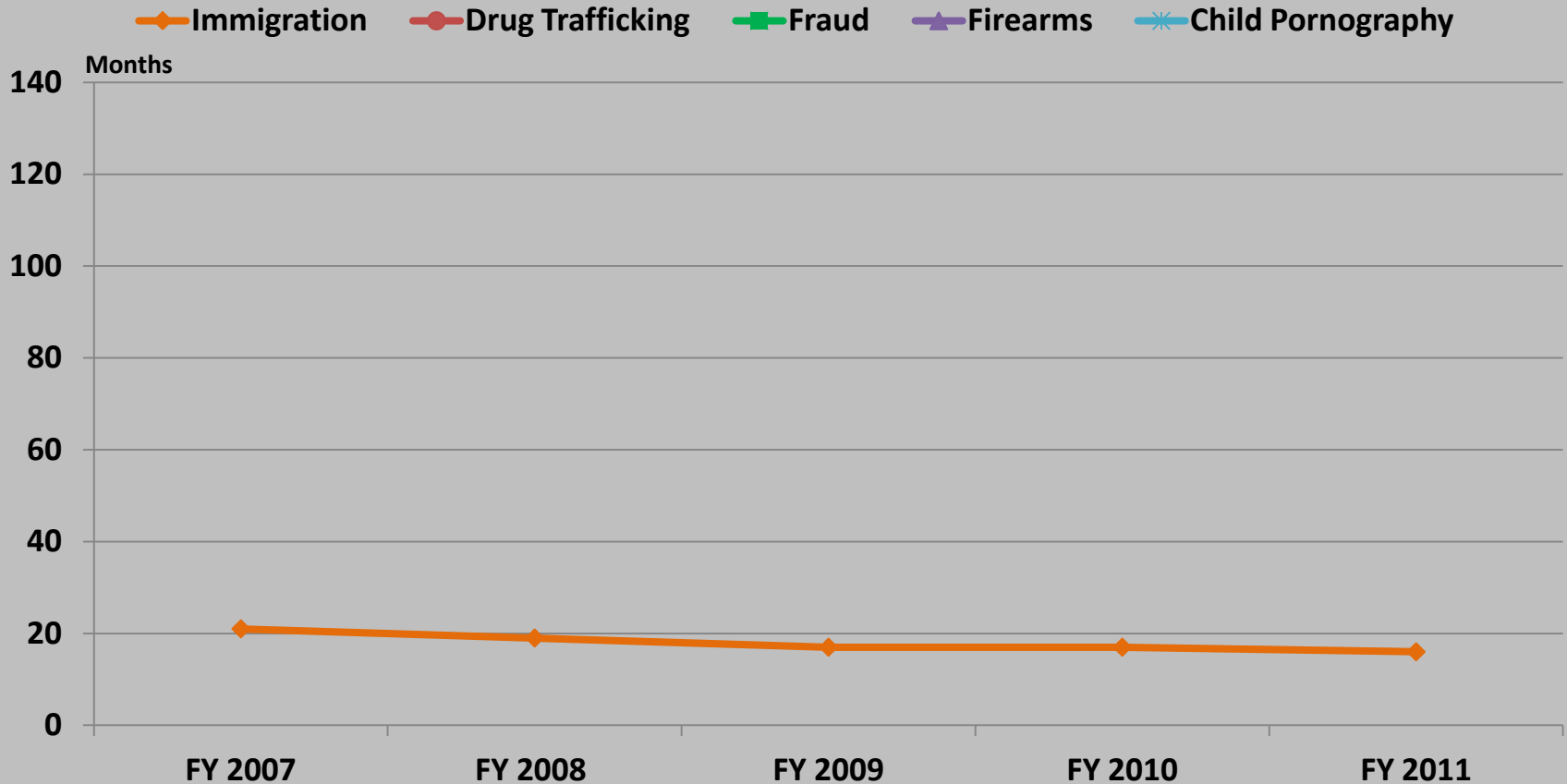
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Offense Type	Within Range	Above Range	Gov't Sponsored Below Range	Non-Gov't Sponsored Below Range
Immigration	57.7	1.5	29.2	11.6
Drug Trafficking	46.2	0.9	34.1	18.7
Fraud	54.6	2.2	20.6	22.6
Firearms	59.2	3.7	16.9	20.2
Child Pornography	34.9	1.9	18.4	44.9

Cases missing information on position of sentence relative the guideline range were excluded from this analysis.

SOURCE: U.S. Sentencing Commission's Interactive Sourcebook ([www2.uscourts.gov](http://www2.uscourts.gov)) Preliminary Tables using the Commission's fiscal year 2011 Datafile, USSCFY2011.

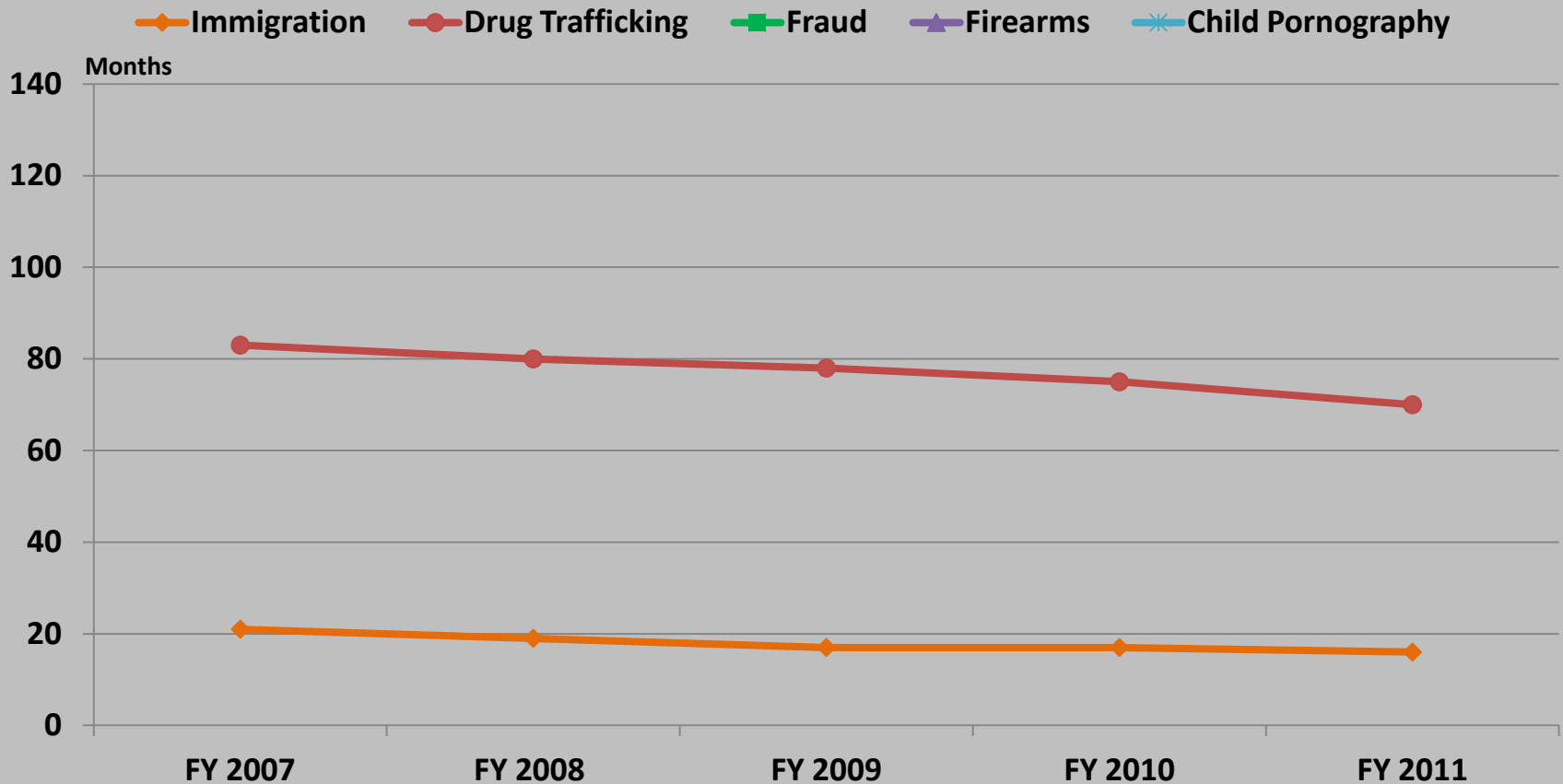
# Five Year Trends in Average Sentence for Selected Offenses Fiscal Years 2007-2011



Cases missing information on primary offense type or with missing or indeterminable sentencing information were excluded from this analysis. Sentences of probation only are included in this analysis as zero months of imprisonment. In addition, the information presented in this figure includes time of confinement as described in USSG 5C1.1.

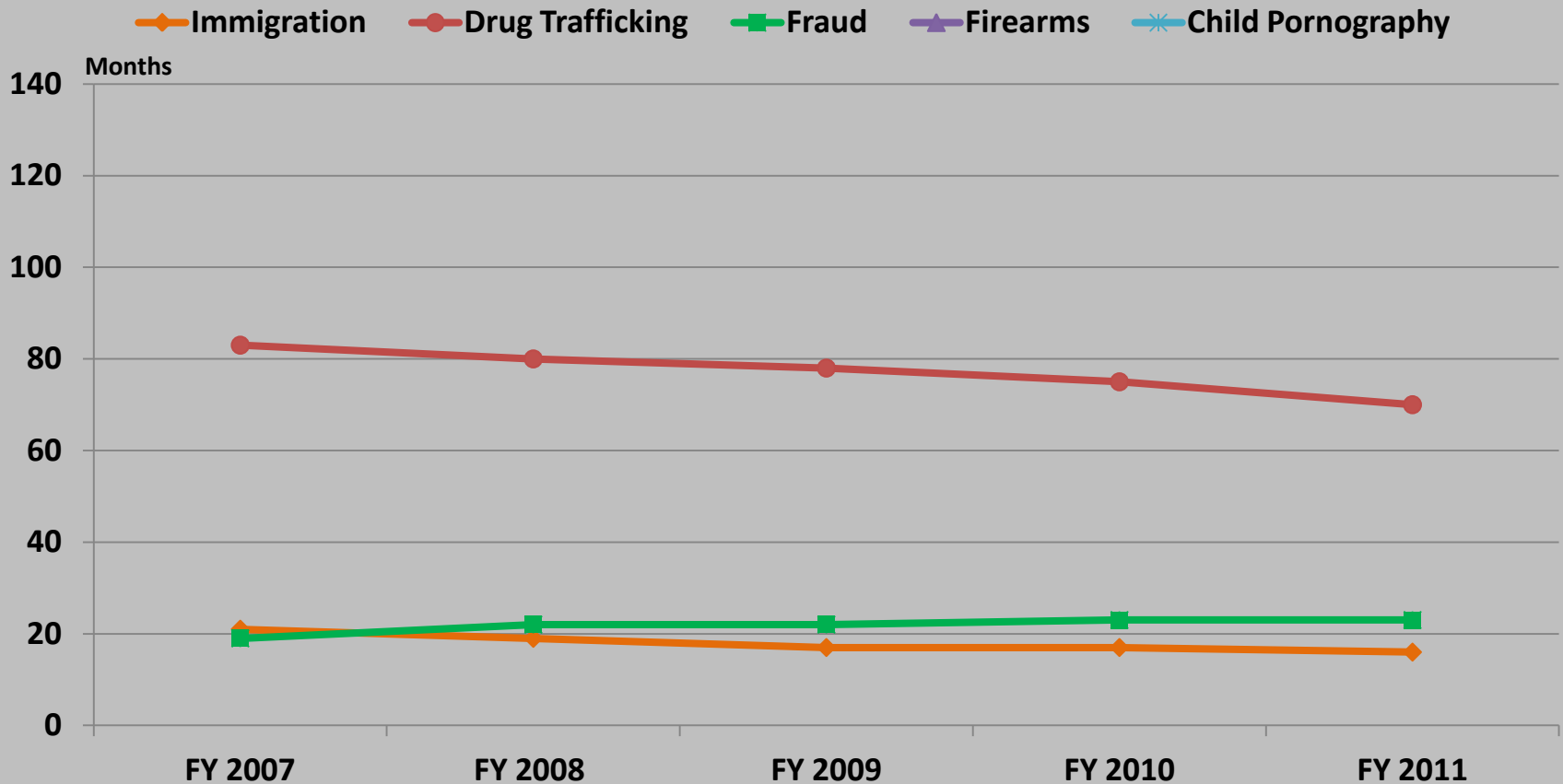


# Five Year Trends in Average Sentence for Selected Offenses Fiscal Years 2007-2011



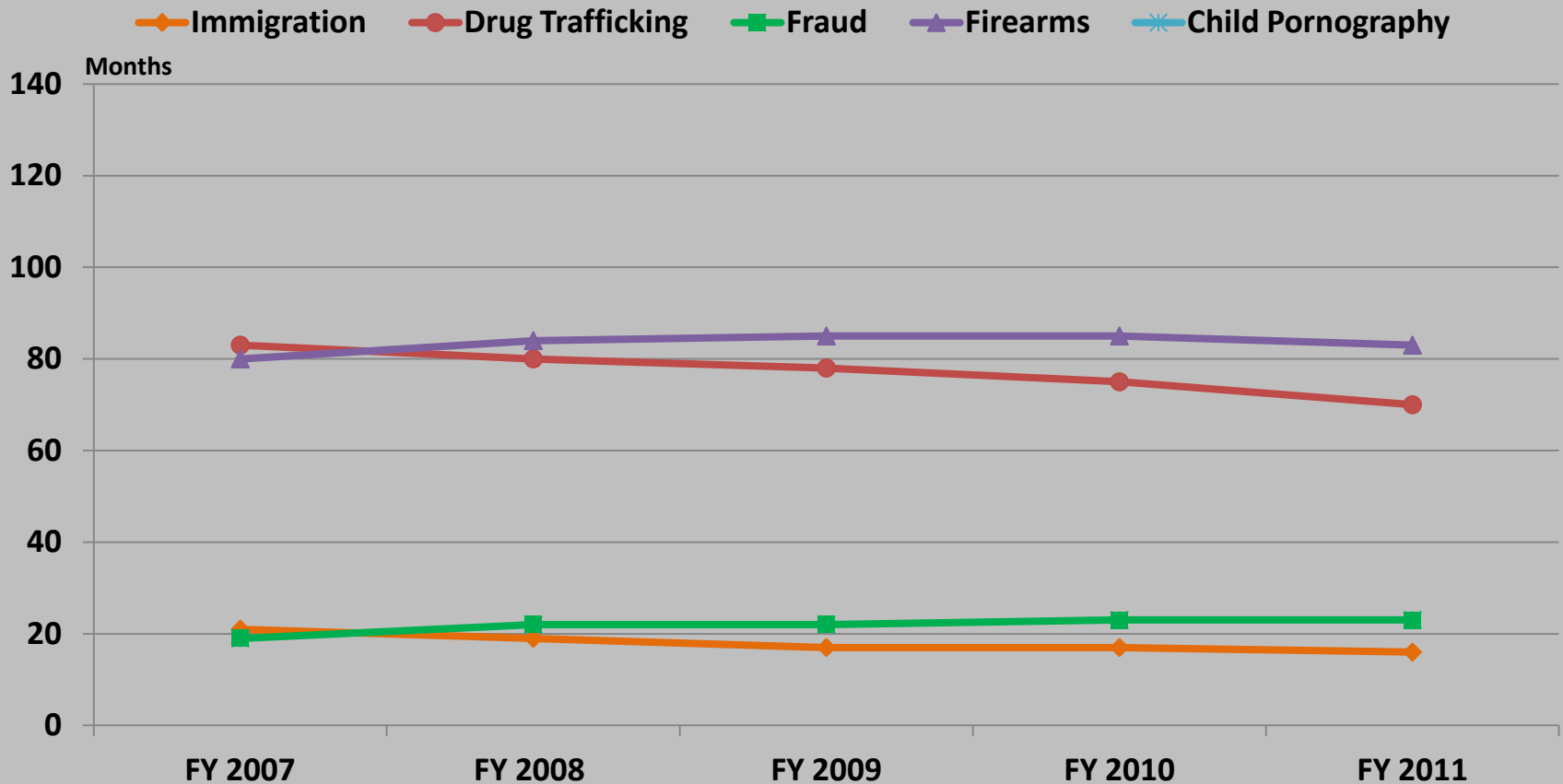
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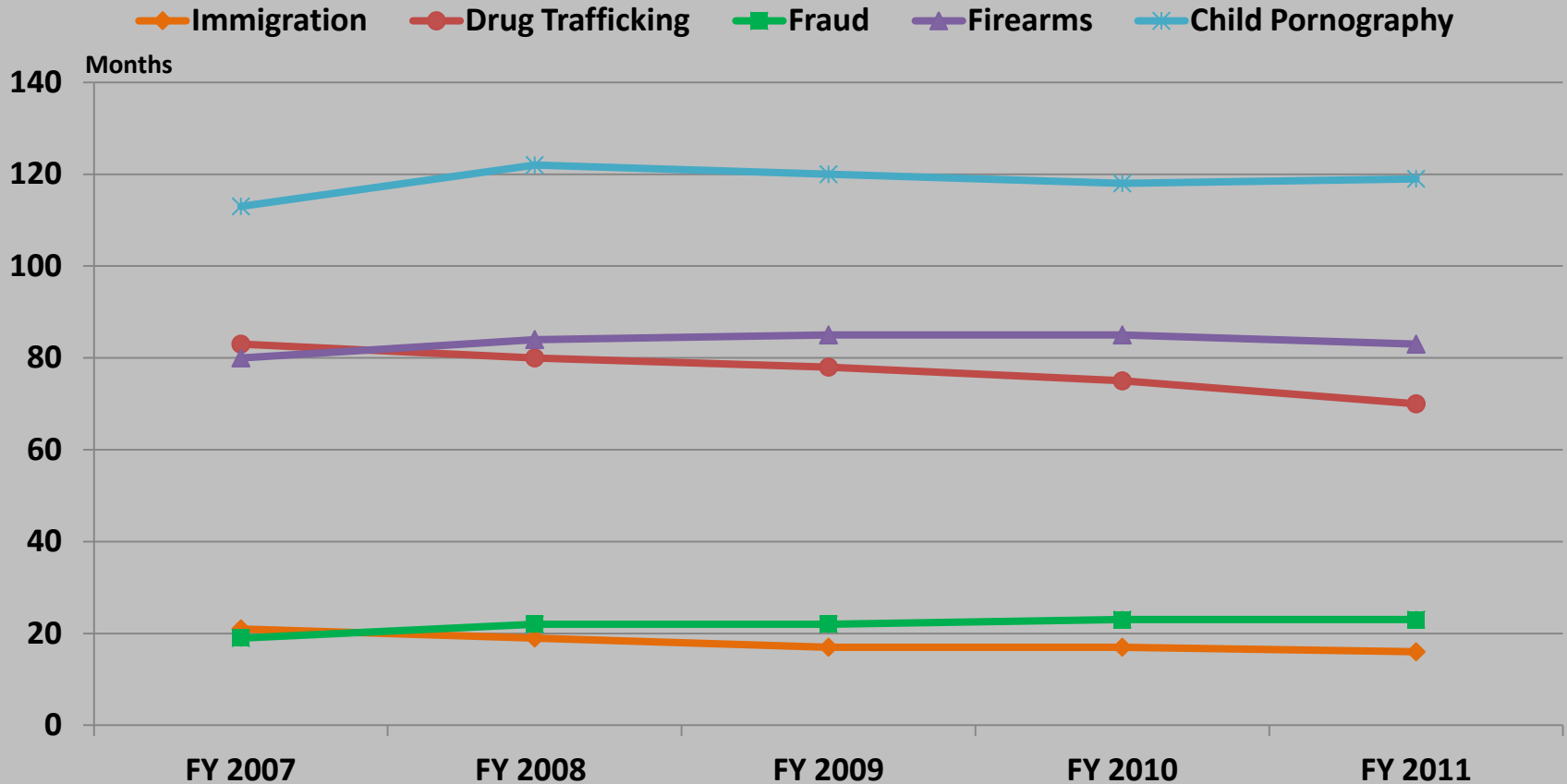
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# Audience Response System

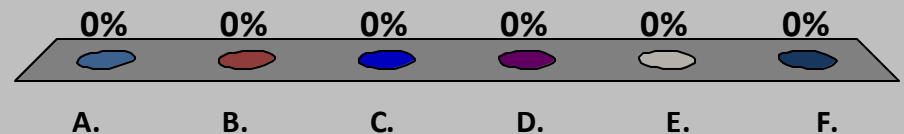
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Source:

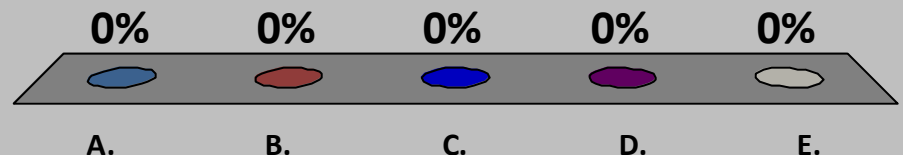
# What is your occupation?

- A. Judge
- B. Probation officer
- C. Prosecutor
- D. Defense Counsel
- E. Circuit Staff  
Attorney/Law Clerk
- F. Other



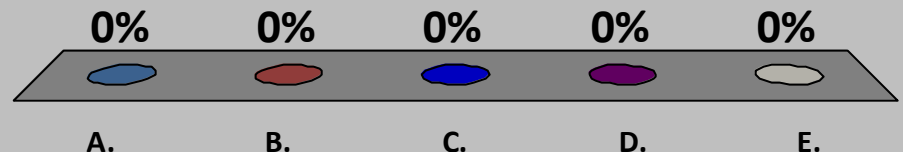
# If you were the judge in which range would you sentence the defendant?

- A. 151-188 months  
(Career Offender)
- B. 140-175 months  
(Departure to CHC V)
- C. 130-162 months  
(2 offense levels-25%  
reduction)
- D. 15-21 months  
(range without Career  
Offender)
- E. Some other range



# What was the most important factor influencing your sentence?

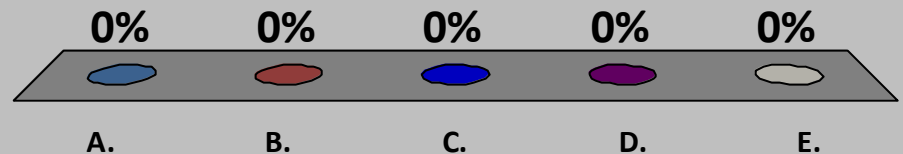
- A. Drug quantity
- B. Seriousness of prior convictions
- C. Lack of seriousness of prior convictions
- D. Defendant's history of steady employment
- E. Other factors





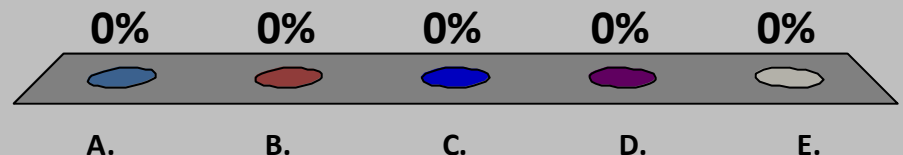
# In your experience, do you see defendants like the one in the original scenario?

- A. Always
- B. Often
- C. Sometimes
- D. Rarely
- E. Never



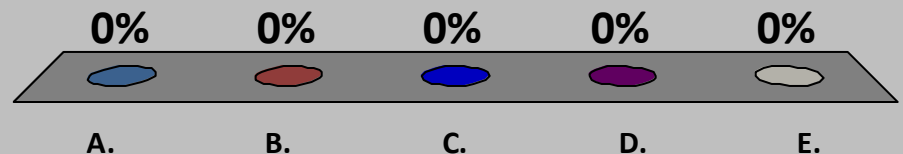
# If you were the judge in which range would you sentence the defendant?

- A. 262-327 months  
(Career Offender)
- B. 235-293 months  
(Departure to CHC V)
- C. 210-262 months  
(2 offense levels/25%  
reduction)
- D. 121-151 months  
(range before Career  
Offender)
- E. Some other range



**In your experience, does the Career Offender guideline adequately target the class of recidivist offenders for whom a lengthy term of imprisonment is appropriate?**

- A. Always
- B. Often
- C. Sometimes
- D. Rarely
- E. Never





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