

Drug Sentencing Guidelines



- *Raquel Wilson, Moderator
Deputy General Counsel-USSC*
- *Hon. Micaela Alvarez, District Court
Judge, Southern District of Texas*
- *Jacqueline A. Johnson, First Assistant
Federal Public Defender, Northern
District of Ohio*
- *Hon. Algenon Marbley, District Court
Judge, Southern District Of Ohio*
- *Mandy LaMotte, United States
Probation Officer, Middle District of
Georgia*
- *Tristram Coffin, United States
Attorney, District of Vermont*

§2D1.1 Drug Trafficking, Etc.

(a) Base Offense Level (apply the greatest):

Level

(1) defendant convicted under certain statutes; death/serious injury from drug use; similar prior conviction

43

(2) defendant convicted under certain statutes; death/serious bodily injury resulted from the drug use

38

§2D1.1 Drug Trafficking, Etc.

(a) Base Offense Level (apply the greatest):

Level

(3) the offense level from the Drug Quantity Table except if mitigating role (§3B1.2) applies:

<u>BOL</u>	<u>Reduction</u>
32	-2
34 or 36	-3
38	-4

§2D1.1(b) – Select Specific Offense Characteristics

- (1) firearm, dangerous weapon possessed (+2)
- (2) defendant imported or exported using aircraft (non-commercial carrier) or was pilot, captain, etc. on craft or vessel (+2 (Floor of 26))

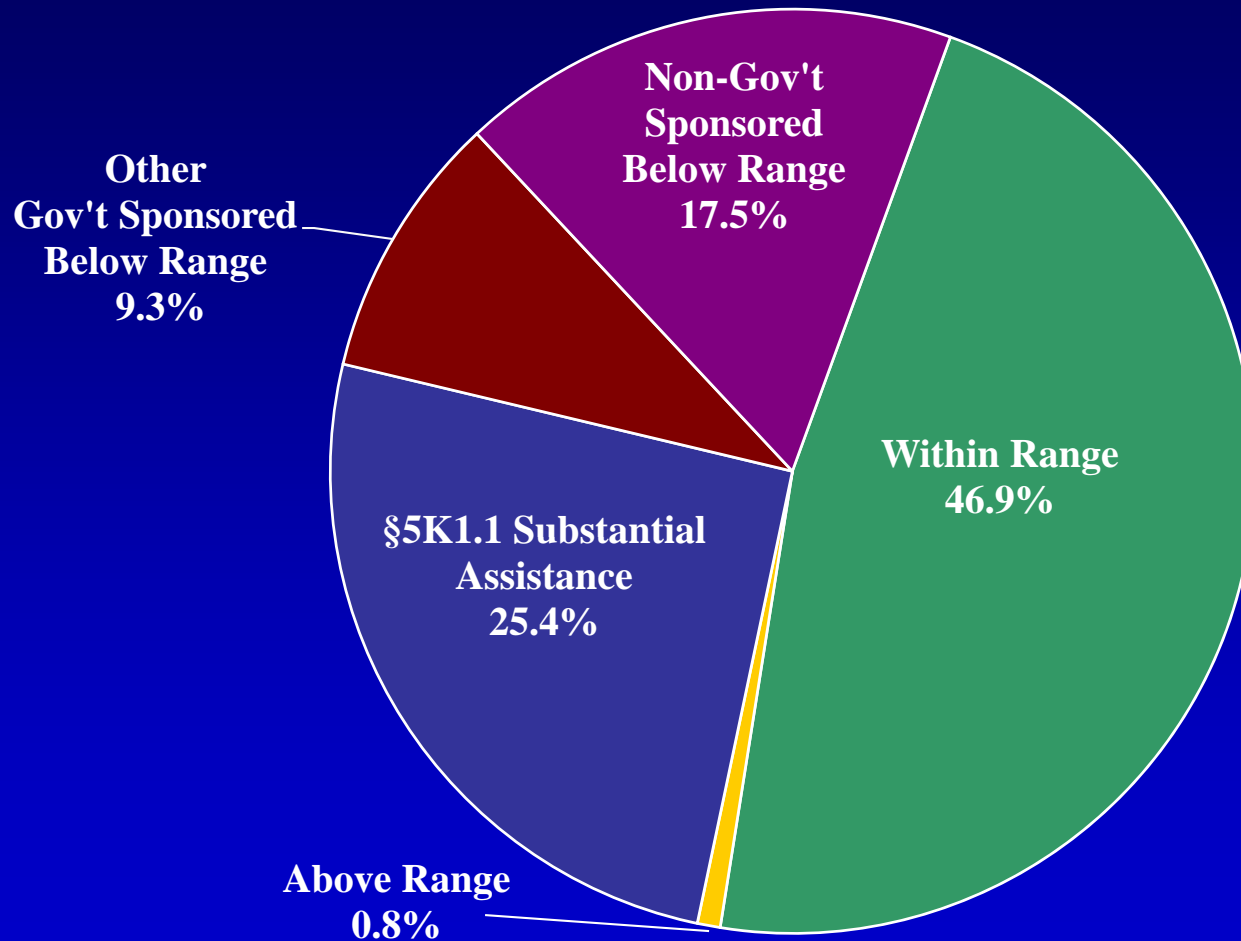
§2D1.1(b) – Select Specific Offense Characteristics

(11) if defendant meets the subdivision criteria of “the safety valve” (§5C1.2) (-2)

Pointers about Application of the Drug Guideline - §2D1.1

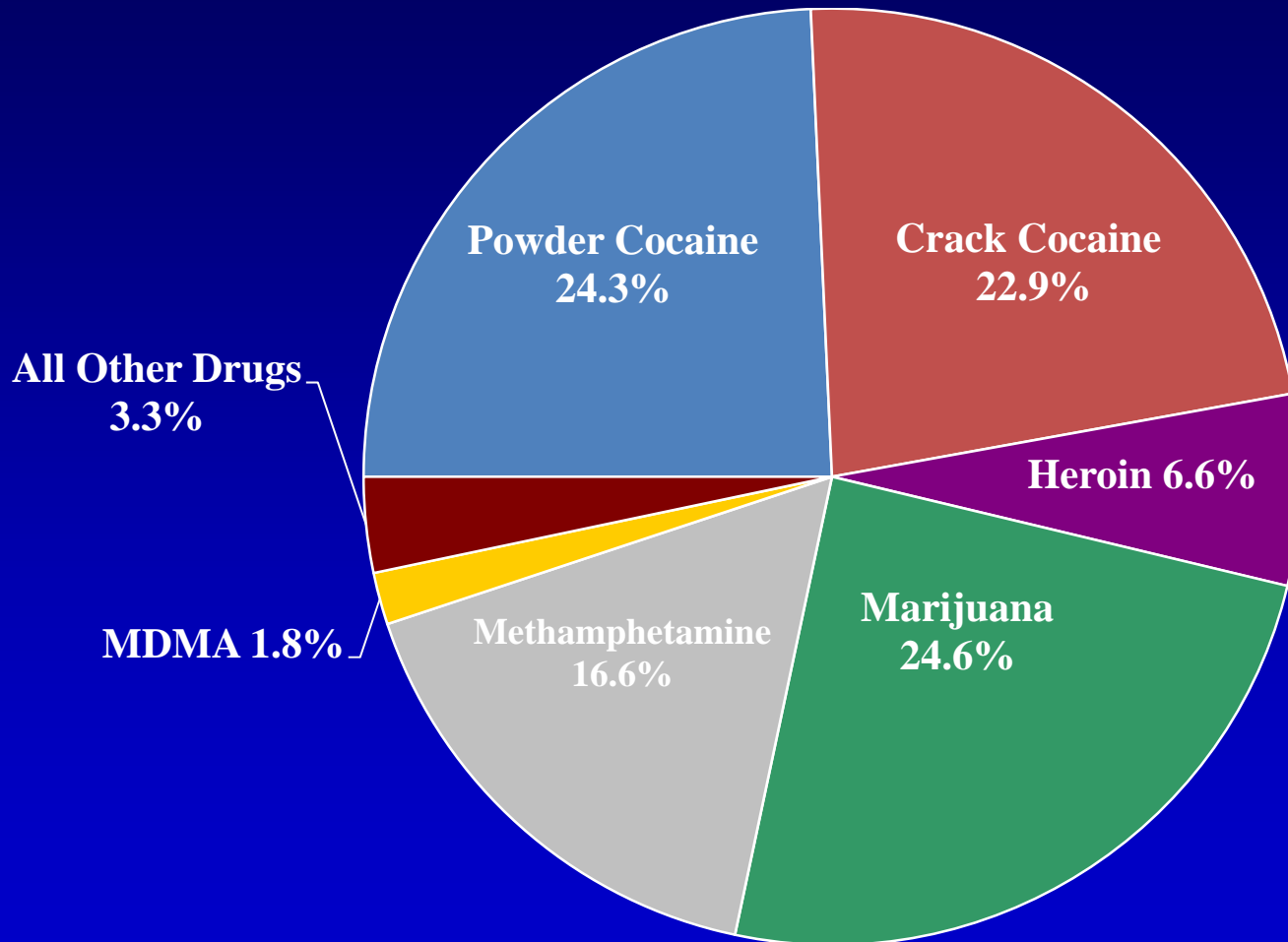
- Typically drug weight is entire mixture of substance; only certain drugs look to pure drug weight (Drug Quantity Table Note (A))
- Different types of drugs are aggregated by use of Drug Equivalency Tables (App. Note 10)

§§2D1.1 and 2D1.2 Drug Trafficking Cases Position of Sentence Relative to the Guideline Range FY2009



Only cases sentenced under USSG §§2D1.1 or 2D1.2 are included in this figure. This figure excludes cases with missing information for the variables required for analysis. Other Government Sponsored Below Range is comprised of: USSG §5K3.1 and Other Government Sponsored Departures/Variations. Total percentage may not sum to exactly 100% due to rounding.

§§2D1.1 and 2D1.2 Drug Trafficking Cases Distribution of Primary Drug Types FY2009



Only cases sentenced under USSG §§2D1.1 or 2D1.2 are included in this figure. This figure excludes cases with missing information for the variables required for analysis. Marijuana includes Hashish, Hashish Oil and Marijuana Plants. Methamphetamine includes ICE, methamphetamine mixture, methamphetamine actual and methamphetamine precursors. Total percentage may not sum to exactly 100% due to rounding.

§§2D1.1 and 2D1.2 Drug Trafficking Cases Position of Sentence Relative to the Guideline Range by Drug Type FY2009

	Total # of Cases	Percent Within Range	Percent Government Sponsored Below Range	Percent Non- Government Sponsored Below Range	Percent Above Range
Powder Cocaine	5,954	47.0	35.7	16.4	0.9
Crack Cocaine	5,629	49.1	29.2	20.7	1.0
Heroin	1,606	42.2	33.8	22.8	1.3
Marijuana	6,049	51.7	34.7	12.9	0.7
Methamphetamine	4,072	41.9	39.8	17.9	0.5
MDMA	432	34.3	36.8	28.5	0.5

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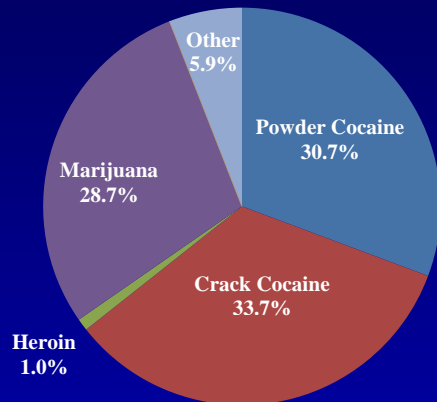
SOURCE: U.S. Sentencing Commission, 2009 Datafile, USSCFY09.

§§2D1.1 and 2D1.2 Drug Trafficking Cases

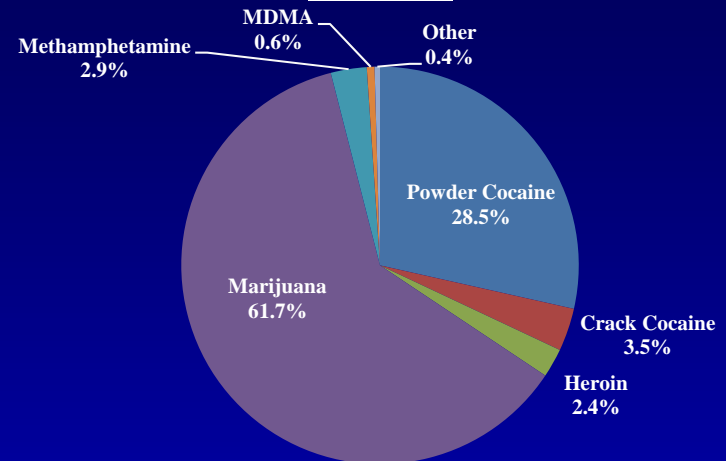
Distribution of Primary Drug Types for Selected Circuits

FY2009

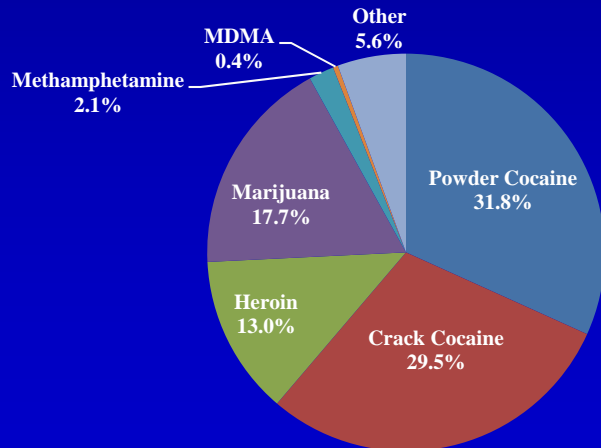
Second Circuit



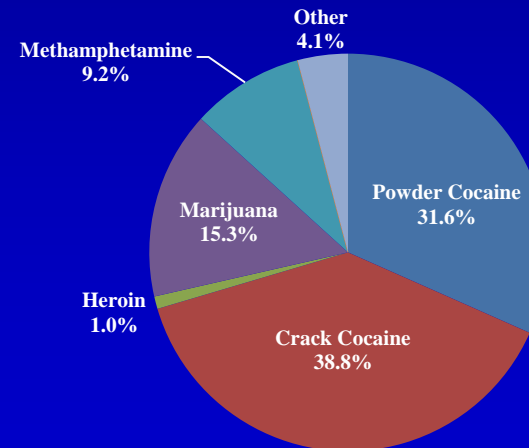
Fifth Circuit



Sixth Circuit



Eleventh Circuit



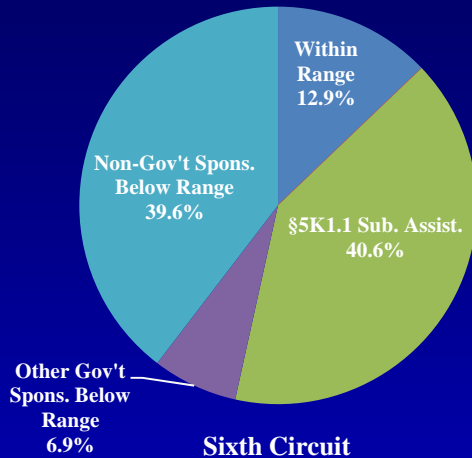
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§§2D1.1 and 2D1.2 Drug Trafficking Cases

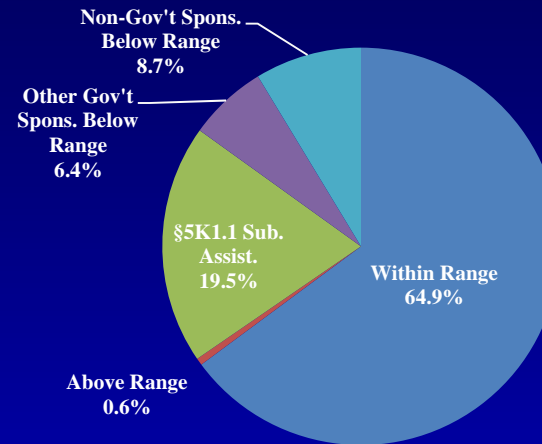
Position of Sentence Relative to the Guideline Range for Selected Circuits

FY2009

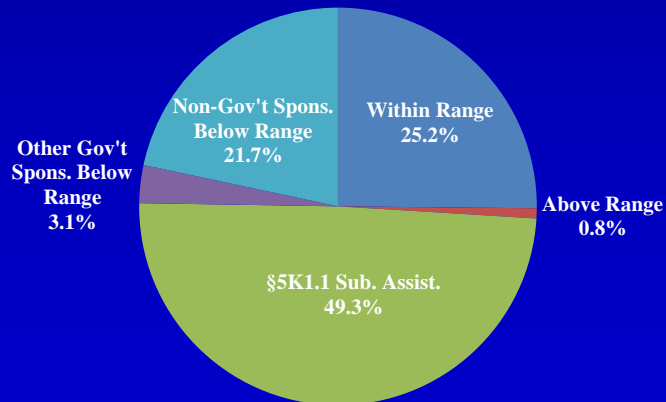
Second Circuit



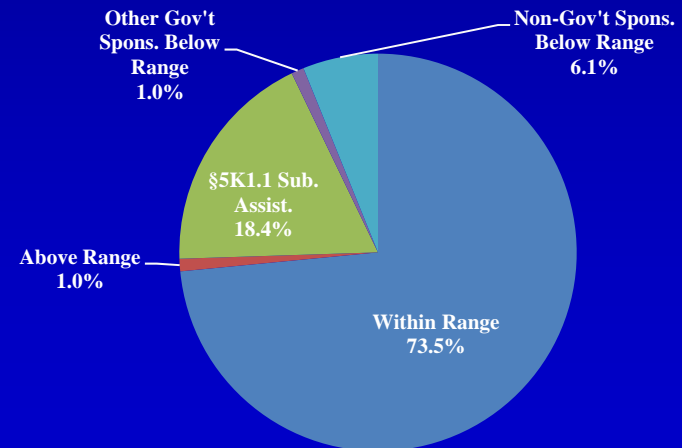
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