

Sourcebook of criminal justice statistics Online

<http://www.albany.edu/sourcebook/pdf/t200332010.pdf>

Table 2.0033.2010

U.S. District Court judges' opinions on mandatory minimum sentences

By offense type, 2010^a

Question: "Consider cases you have sentenced that involved a statutory mandatory minimum provision. Indicate below whether you feel the mandatory minimum sentence was generally appropriate, generally too low, or generally too high for the following types of offenses."

	Too low	Appropriate	Too high
All offenses	0%	38%	62%
<u>Drug trafficking</u>			
Heroin	2	55	43
Powder cocaine	4	52	44
Crack cocaine	1	23	76
Methamphetamine	4	53	44
Marijuana	3	43	54
<u>Firearms offenses</u>			
Use or possession of firearm during violent or drug trafficking crime (18 USC § 924C)	2	61	38
Possession or transportation of firearm by prohibited person where that individual has three prior felony or drug convictions (18 USC § 924E) ^b	2	59	39
<u>Child pornography</u>			
Production	10	67	23
Distribution	6	57	37
Receipt	2	26	71
Other child exploitation offenses	6	68	26
Aggravated identity theft	18	54	27

Note: This survey of United States District Court judges was conducted by Abt Associates on behalf of the United States Sentencing Commission. Respondents were recruited by repeated emails, telephone calls, and the mailing of paper copies of the survey. Responses were submitted electronically and on paper. All responses received before Mar. 31, 2010, were included in the results. Approximately 50 judges asked to be excluded on the grounds they were no longer active judges, had sentenced no criminal offenders in the last 2 years, or for other reasons. Of the 942 judges who remained, 639 responded to the survey for a 67.8% response rate. The 639 judges who responded had sentenced 79% of Federal criminal offenders during fiscal years 2008 and 2009, indicating that survey respondents had presided over a disproportionately large number of such cases and that judges disposing fewer cases had responded to the survey at lower rates. Response rates on individual items may be lower due to respondents refusing to answer and to respondents indicating they had not sentenced a defendant in the offense category in question since the decisions in *Kimbrough v. US* and *Gall v. US* on Dec. 10, 2007.

^a Percents may not add to 100 because of rounding.

^b Prohibited persons include convicted felons, fugitives, drug users, those adjudicated mentally defective, illegal aliens, dishonorably discharged military personnel, those who renounced their U.S. citizenship, domestic violence offenders or those subject to certain domestic violence restraining orders.

Source: United States Sentencing Commission, *Results of Survey of United States District Judges January 2010 through March 2010*, Table 1 [Online]. Available: http://www.ussc.gov/Judge_Survey/2010/JudgeSurvey_201006.pdf [June 30, 2010].