

Sourcebook of criminal justice statistics Online

http://www.albany.edu/sourcebook/pdf/t5262004.pdf

Table 5.26.2004

Offenders sentenced in U.S. District Courts under the U.S. Sentencing Commission guidelines

By primary offense, sex, race, and ethnicity, fiscal year 2004

Primary offense	Sex						Race, ethnicity										
	Total		Male		Female		Total			White		Black		Hispanic ^a		Other ^b	
	cases	Number	Percent	Number	Percent	cases	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Total	67,298	58,051	86.3%	9,247	13.7%	66,033	19,972	30.2%	15,646	23.7%	27,685	41.9%	2,730	4.1%			
Murder	73	67	91.8	6	8.2	72	14	19.4	12	16.7	11	15.3	35	48.6			
Manslaughter	63	53	84.1	10	15.9	62	9	14.5	1	1.6	5	8.1	47	75.8			
Kidnaping, hostage-taking	38	37	97.4	1	2.6	38	6	15.8	2	5.3	25	65.8	5	13.2			
Sexual abuse	276	271	98.2	5	1.8	275	89	32.4	12	4.4	16	5.8	158	57.5			
Assault	589	541	91.9	48	8.1	580	182	31.4	88	15.2	93	16.0	217	37.4			
Robbery	1,309	1,188	90.8	121	9.2	1,296	629	48.5	540	41.7	88	6.8	39	3.0			
Arson	72	67	93.1	5	6.9	72	49	68.1	3	4.2	8	11.1	12	16.7			
Drug offenses																	
Trafficking	23,337	20,288	86.9	3,049	13.1	23,284	6,299	27.1	6,225	26.7	10,066	43.2	694	3.0			
Communication facility	346	261	75.4	85	24.6	344	117	34.0	105	30.5	102	29.7	20	5.8			
Simple possession	891	732	82.2	159	17.8	891	266	30.0	189	21.2	153	17.2	29	3.3			
Firearms	8,094	7,771	96.0	323	4.0	8,050	3,048	37.9	3,669	45.6	1,066	13.2	267	3.3			
Burglary, breaking and entering	63	51	81.0	12	19.0	63	22	34.9	10	15.9	3	4.8	28	44.4			
Auto theft	94	87	92.6	7	7.4	92	43	46.7	27	29.3	17	18.5	5	5.4			
Larceny	2,018	1,234	61.1	784	38.9	1,893	953	50.3	602	31.8	234	12.4	104	5.5			
Fraud	7,038	5,060	71.9	1,978	28.1	6,915	3,289	47.6	2,107	30.5	1,184	17.1	335	4.8			
Embezzlement	615	282	45.9	333	54.1	594	346	58.2	145	24.4	47	7.9	56	9.4			
Forgery, counterfeiting	1,168	859	73.5	309	26.5	1,146	445	38.8	497	43.4	162	14.1	42	3.7			
Bribery	164	131	79.9	33	20.1	161	67	41.6	51	31.7	33	20.5	10	6.2			
Tax	509	403	79.2	106	20.8	501	351	70.1	68	13.6	55	11.0	27	5.4			
Money laundering	837	663	79.2	174	20.8	828	343	41.4	117	14.1	301	36.4	67	8.1			
Racketeering, extortion	618	546	88.3	72	11.7	615	263	42.8	156	25.4	142	23.1	54	8.8			
Gambling, lottery	99	86	86.9	13	13.1	99	71	71.7	10	10.1	0	X	18	18.2			
Civil rights	66	61	92.4	5	7.6	66	49	74.2	6	9.1	9	13.6	2	3.0			
Immigration	14,976	14,020	93.6	956	6.4	14,927	976	6.5	463	3.1	13,247	88.7	241	1.6			
Pornography, prostitution	874	847	96.9	27	3.1	873	772	88.4	21	2.4	53	6.1	27	3.1			
Prison offenses	372	337	90.6	35	9.4	363	99	27.3	130	35.8	114	31.4	20	5.5			
Administration of justice offenses	989	704	71.2	285	28.8	967	389	40.2	208	21.5	300	31.0	70	7.2			
Environmental, wildlife	145	135	93.1	10	6.9	138	113	81.9	4	2.9	5	3.6	16	11.6			
National defense	34	30	88.2	4	11.8	33	13	39.4	3	9.1	15	45.5	2	6.1			
Antitrust	9	7	77.8	2	22.2	8	7	87.5	0	X	1	12.5	0	X			
Food and drug	71	56	78.9	15	21.1	67	43	64.2	5	7.5	12	17.9	7	10.4			
Other	1,451	1,176	81.0	275	19.0	974	610	62.6	170	17.5	118	12.1	76	7.8			

Note: These data are from the U.S. Sentencing Commission's fiscal year 2004 Offender Dataset, which includes information on 70,068 cases sentenced under the Sentencing Reform Act (guideline cases) during fiscal year 2004 (Oct. 1, 2003 through Sept. 30, 2004) for which data were received by the Commission as of Nov. 22, 2005. Given the nature of the data file and reporting requirements, the following types of cases are not included in the data presented here: cases initiated but for which no convictions were obtained, defendants convicted for whom no sentences were yet issued, defendants sentenced but for whom no data were submitted to the Commission, and cases not sentenced under the Sentencing Reform Act (non-guideline cases).

A case or defendant is defined as a single sentencing event for a single defendant (even if multiple indictments or multiple convictions are consolidated for sentencing). Multiple defendants in a single sentencing event are treated as separate cases. If an individual defendant is sentenced more than once during the fiscal year, each sentencing event is identified as a separate case. (Source, pp. iv, 135.)

On June 24, 2004, the U.S. Supreme Court decided *Blakely v. Washington*, 542 U.S. 296 (2004), invalidating a sentence imposed under the State of Washington's sentencing guidelines statute. The decision held that the judicial application of an enhanced sentencing range under the Washington State guidelines violated the defendant's Sixth Amendment right to a jury trial. The Supreme Court stated that it expressed no opinion on the Federal sentencing guidelines, which were not before it. After the decision, however, Federal circuit and district courts voiced varying opinions on the implications of the decision for Federal sentencing. The Commission received documentation on 70,068 cases sentenced during fiscal year 2004. Of these cases, 51,865 were sentenced prior to the Supreme Court decision in *Blakely*. The remaining 18,203 cases were sentenced after the *Blakely* decision. Tables in SOURCEBOOK that present characteristics of offenders sentenced are based on the total number of cases, 70,068.

To preserve comparability with earlier years, tables that present characteristics of sentences imposed (e.g., type, length, departures, etc.) pertain to the 51,865 cases sentenced between Oct. 1, 2003 and June 24, 2004, the date of the *Blakely* decision. During this period, Federal courts were required by statute and by Supreme Court precedent to mandatorily apply the sentencing guidelines. During the post-*Blakely* period, June 25 through Sept. 30, 2004, Federal courts arrived at different conclusions regarding the continued viability of the guidelines and did not apply the guidelines in a uniform fashion. As a consequence, the Commission could not rely upon the assumption that the guidelines had been mandatorily applied. Because the mandatory nature of the guidelines was uncertain during the post-*Blakely* portion of fiscal year 2004, the Commission created a separate dataset for the 18,203 cases sentenced post-*Blakely*. Those interested in the post-*Blakely* cases should consult the original Source.

Of the 70,068 guideline cases, some were excluded due to missing information. For sex, 2,770 cases were excluded due to one or both of the following conditions: missing primary offense category, 136; and missing gender information, 2,705. For race and ethnicity, 4,035 cases were excluded due to one or both of the following conditions: missing primary offense category, 136; and missing race or ethnicity information, 4,015.

Under drug offenses, "communication facility" refers to the use of a device, such as a telephone, in a drug trafficking offense.

^aIncludes both black and white Hispanics.

^bIncludes Native Americans, Alaskan Natives, Asians, and Pacific Islanders.

Source: U.S. Sentencing Commission, *2004 Sourcebook of Federal Sentencing Statistics* (Washington, DC: U.S. Sentencing Commission, 2006), pp. 16, 17. Table adapted by SOURCEBOOK staff.