

Table 5.26.2005

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

By primary offense, sex, race, and ethnicity, fiscal year 2005

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	70,968	61,347	86.4%	9,621	13.6%	68,588	20,012	29.2%	16,419	23.9%	29,070	42.4%	3,087	4.5%			
Murder	90	75	83.3	15	16.7	86	22	25.6	15	17.4	12	14.0	37	43.0			
Manslaughter	51	43	84.3	8	15.7	51	3	5.9	1	2.0	6	11.8	41	80.4			
Kidnaping, hostage-taking	42	40	95.2	2	4.8	41	10	24.4	4	9.8	26	63.4	1	2.4			
Sexual abuse	335	326	97.3	9	2.7	336	107	31.8	19	5.7	22	6.5	188	56.0			
Assault	591	525	88.8	66	11.2	557	139	25.0	99	17.8	95	17.1	224	40.2			
Robbery	1,355	1,222	90.2	133	9.8	1,345	633	47.1	581	43.2	87	6.5	44	3.3			
Arson	51	46	90.2	5	9.8	50	36	72.0	6	12.0	2	4.0	6	12.0			
Drug offenses																	
Trafficking	24,123	20,998	87.0	3,125	13.0	24,091	6,263	26.0	6,851	28.4	10,088	41.9	889	3.7			
Communication facility	384	311	81.0	73	19.0	378	129	34.1	122	32.3	112	29.6	15	4.0			
Simple possession	916	775	84.6	141	15.4	516	212	41.1	167	32.4	110	21.3	27	5.2			
Firearms	8,625	8,301	96.2	324	3.8	8,579	3,059	35.7	4,076	47.5	1,176	13.7	268	3.1			
Burglary, breaking and entering	39	34	87.2	5	12.8	39	19	48.7	3	7.7	2	5.1	15	38.5			
Auto theft	67	62	92.5	5	7.5	67	31	46.3	19	28.4	12	17.9	5	7.5			
Larceny	1,864	1,174	63.0	690	37.0	1,713	829	48.4	522	30.5	231	13.5	131	7.6			
Fraud	6,708	4,848	72.3	1,860	27.7	6,529	3,203	49.1	1,889	28.9	1,058	16.2	379	5.8			
Embezzlement	572	256	44.8	316	55.2	540	323	59.8	136	25.2	37	6.9	44	8.1			
Forgery, counterfeiting	1,077	815	75.7	262	24.3	1,053	482	45.8	404	38.4	137	13.0	30	2.8			
Bribery	199	160	80.4	39	19.6	196	94	48.0	43	21.9	34	17.3	25	12.8			
Tax	603	478	79.3	125	20.7	593	412	69.5	97	16.4	45	7.6	39	6.6			
Money laundering	929	673	72.4	256	27.6	927	325	35.1	137	14.8	374	40.3	91	9.8			
Racketeering, extortion	710	637	89.7	73	10.3	695	306	44.0	220	31.7	120	17.3	49	7.1			
Gambling, lottery	105	97	92.4	8	7.6	101	72	71.3	5	5.0	5	5.0	19	18.8			
Civil rights	72	66	91.7	6	8.3	71	46	64.8	10	14.1	12	16.9	3	4.2			
Immigration	17,060	15,694	92.0	1,366	8.0	16,322	900	5.5	473	2.9	14,667	89.9	282	1.7			
Pornography, prostitution	1,195	1,174	98.2	21	1.8	1,190	1,086	91.3	24	2.0	63	5.3	17	1.4			
Prison offenses	362	323	89.2	39	10.8	343	93	27.1	128	37.3	100	29.2	22	6.4			
Administration of justice offenses	1,032	695	67.3	337	32.7	970	406	41.9	192	19.8	305	31.4	67	6.9			
Environmental, wildlife	179	170	95.0	9	5.0	152	118	77.6	0	X	12	7.9	22	14.5			
National defense	26	23	88.5	3	11.5	25	10	40.0	1	4.0	7	28.0	7	28.0			
Antitrust	18	18	100.0	0	X	13	12	92.3	0	X	1	7.7	0	X			
Food and drug	76	64	84.2	12	15.8	71	55	77.5	2	2.8	3	4.2	11	15.5			
Other	1,512	1,224	81.0	288	19.0	948	577	60.9	173	18.2	109	11.5	89	9.4			

Note: These data are from the U.S. Sentencing Commission's fiscal year 2005 Offender Dataset, which includes information on 72,462 cases sentenced under the Sentencing Reform Act (guideline cases) during fiscal year 2005 (Oct. 1, 2004 through Sept. 30, 2005) for which data were received by the Commission as of May 15, 2006. 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, p.p. 137, 140.)

On June 24, 2004, the U.S. Supreme Court decided *Blakely v. Washington*, invalidating a sentence imposed under the State of Washington's sentencing guidelines statute. The decision held that the judicial application of an enhanced 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 Supreme Court accepted for expedited review, *United States v. Booker*, to clarify the implications of the *Blakely* decision for the Federal sentencing guidelines. On Jan. 12, 2005, the Supreme Court decided *United States v. Booker*, applying *Blakely* to the Federal guideline system and determining that the mandatory application of the Federal sentencing guidelines violated the right to trial by jury under the Sixth Amendment. The Court remedied the Sixth Amendment violation by excising the provisions in the Sentencing Reform Act that made the Federal sentencing guidelines mandatory, thereby converting the mandatory system that had existed for almost 20 years into an advisory one.

The Commission received documentation on 72,462 cases sentenced during fiscal year 2005. Of these, 18,788 were sentenced prior to the Supreme Court decision in *Booker*. The remaining 53,674 cases were sentenced after the *Booker* decision. Because the *Blakely* and *Booker* cases generated differences in sentencing practices and procedures, the Commission created separate datasets for Federal sentences imposed in fiscal 2005. The first dataset contains the 18,788 cases sentenced between Oct. 1, 2004 and Jan. 11, 2005, the day before the *Booker* decision. During this period, before *Booker* but following *Blakely*, courts arrived at different conclusions regarding the continued viability of the guidelines or did not apply the guidelines in a uniform fashion. In *Booker*, the Supreme Court instructed courts to consider the guidelines, but "tailor the sentence in light of other statutory concerns." The second dataset includes the 53,674 cases sentenced from Jan. 12, 2005, the date of the *Booker* decision, through Sept. 30, 2005. Tables in SOURCEBOOK that present characteristics of offenders sentenced are based on the total number of cases, 72,462; tables that present characteristics of sentences imposed (e.g., type, length, departures, etc.) are based on the 53,674 cases sentenced after the *Booker* decision. Those interested in pre-*Booker* cases should consult the original Source.

Of the 72,462 guideline cases, some were excluded due to missing information. For sex, 1,494 cases were excluded due to one or both of the following conditions: missing primary offense category, 54; and missing gender information, 1,462. For race and ethnicity, 3,874 cases were excluded due to one or both of the following conditions: missing primary offense category, 54; and missing race or ethnicity information, 3,866.

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, *2005 Sourcebook of Federal Sentencing Statistics* (Washington, DC: U.S. Sentencing Commission, 2006), pp. 16, 17. Table adapted by SOURCEBOOK staff.