

July 5, 2006

**MEMORANDUM**

**TO:** Carol Lam  
United States Attorney  
Southern District of California

**FROM:** William W. Mercer  
Principal Associate Deputy Attorney General

**SUBJECT:** Reconciliation of Sentencing Data for Immigration and Firearms Offenses  
in the Southern District of California

In the course of on-going discussions regarding resource allocation and DOJ priorities, I have reviewed different data. The following summary is drawn from Sentencing Commission data. It is dependent upon information provided to the Commission by the judges in each district. So, if a particular district court underreports, these data understate the work of the federal prosecutors in that district. Can you advise whether these data underreport the work of your office?

Immigration/Drug/Fraud Cases

The Sentencing Commission has just released its report for fiscal year 2005. This contains information about sentencings in felony and class A misdemeanors.

**Arizona: 4,521 defendants** were sentenced there in FY 05.

Of those, 2,275 were sentenced for immigration offenses.  
947 were sentenced for drug trafficking offenses  
140 were sentenced for fraud offenses.

**New Mexico: 2,575 defendants** were sentenced there in FY 05.

Of those, 1,635 were sentenced for immigration offenses.  
649 were sentenced for drug trafficking offenses  
24 were sentenced for fraud offenses.

**SD California: 2,536 defendants** were sentenced there in FY 05.

Of those, 1,413 were sentenced for immigration offenses.

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826 were sentenced for drug trafficking offenses  
153 were sentenced for fraud offenses.

**SD Texas: 6,414 defendants** were sentenced there in FY 05. This is the largest number for any district in the country in FY05.

Of those, 4,313 were sentenced for immigration offenses.  
1,482 were sentenced for drug trafficking offenses  
99 were sentenced for fraud offenses.

**WD Texas: 5,839 defendants** were sentenced there in FY 05.

Of those, 2,519 were sentenced for immigration offenses.  
2,412 were sentenced for drug trafficking offenses  
215 were sentenced for fraud offenses.

#### Firearms Cases

The Commission has also published sentencing data for defendants in firearms cases for the FY 02-05 period where the primary offense is a "firearms" offense. They report the following information per district:

#### **Arizona**

2002 -- 100 defendants  
2003 -- 145 defendants  
2004 -- 184 defendants  
2005 -- 226 defendants

#### **New Mexico**

2002 -- 69 defendants  
2003 -- 63 defendants  
2004 -- 86 defendants  
2005 -- 103 defendants

#### **Southern District of California**

2002 -- 18 defendants  
2003 -- 19 defendants  
2004 -- 12 defendants  
2005 -- 10 defendants

#### **Southern District of Texas**

2002 -- 192 defendants  
2003 -- 153 defendants  
2004 -- 161 defendants  
2005 -- 227 defendants

**Western District of Texas**

2002 -- 131 defendants  
2003 -- 133 defendants  
2004 -- 213 defendants  
2005 -- 204 defendants

**III Current AUSA resources in the SW border districts**

**As of early March, the on-board full-time AUSA counts from the direct appropriation (excluding ACE, health care fraud, and OCDEF) was as follows:**

Arizona	114
SD Cal	111
New Mexico	63
SD Texas	143
WD Texas	111