

UNITED STATES SENTENCING COMMISSION
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November 22, 2010

Barry Herbert
Deputy Circuit Librarian
Library for the United States
219 South Dearborn, Room 1637
Chicago, IL 60604

Re: 21 U.S.C. § 841 Fentanyl Cases

Dear Mr. Herbert:

This letter is in response to Judge Ilana Rovner's request for information on 21 U.S.C. § 841 cases involving fentanyl and no death or serious bodily injury. Due to the limited number of sentenced cases meeting these criteria the following information comprises the past four fiscal years worth of data, including fiscal years 2006 through 2009. The following information is based only on cases sentenced under the federal sentencing guidelines during this period.

There were 105 cases in which fentanyl was identified as being involved based on the available documentation. Of these, 45 cases listed fentanyl as the only drug involved. In 23 of these cases the only substantive count of conviction was for 21 U.S.C. § 841 with a statutory maximum penalty of 20 years, indicating no death or serious bodily injury resulted from the crime. Additionally, in 13 of these cases the offender was assigned to Criminal History Category I.

The average incarceration term for the 23 cases where the substantive count of conviction was 21 U.S.C. § 841 was 22 months. The average incarceration term for the 13 Criminal History Category I cases was seven months. Both of these averages include cases where the sentence was probation only (which are entered into our system as sentences of zero months of imprisonment) and exclude periods of alternative forms of confinement as described in USSG §5C1.1.

Please let me know if you have any questions regarding this information or if we can be of further assistance. I can be reached at 202-502-4534.

Sincerely,

A handwritten signature in black ink that reads "Timothy Drisko". The signature is written in a cursive style.

Timothy Drisko
Research Data Coordinator