

**Federal White Collar Crimes  
Male and Female Sentences  
A Comparison**

## **Introduction**

This document summarizes the results of a study to determine if a potential bias exists in the length of sentences for Males and Females who are convicted for Federal White Collar crimes.

If any fundamental differences exist it will be a direct consequence of the culture of the Federal Justice system. It would not be limited to the judges, who ultimately determine the length of the sentence, but would also involve, the prosecution, the probation officers and other influencing federal officials. It may even be influenced by the defense.

The conclusions of this study must be considered as “representative.” They are not statistically projectable to the total population of sentenced white-collar criminals. That would require a larger and more disciplined selection of the individuals who comprise the database for evaluation.

With that caveat, the conclusions from this study are indicative of what would be expected if it were based upon a proper statistical sample of convicted white-collar criminals.

## **The Data Used to Determine the Results of the Study**

The database used for the analysis is limited to information pertaining to 29 Female and 31 Male inmates all of whom are currently incarcerated. This is a very small sample size.

All Females are currently serving their sentences at Danbury Federal Prison Camp for Women. The Males were compiled from court records limited primarily to the same states (or regions) from which the women came. There is no evidence that the selection of the individuals comprising the database was done with the intent of influencing the results of the study. The selected individuals for the study have also been reviewed by a paralegal to check for completeness and accuracy.

## **Overview and Strategy of the Analysis Process**

The duration of a sentence for a White Collar crime is directly influenced by the financial loss incurred. There exists a Federal Sentencing Guideline (see Appendix Pages 17, 18, and 19 containing summary information from the manual) that quantifies that influence. It also describes the process that is to be used for selecting the appropriate range for sentencing. Each amount of loss has associated with it a specific range of months as a recommended sentence.

From this initially established range (by the loss), there are additional elements that describe the offense, which can further increase or decrease that range. That modification is referred to as a downward or an upward departure (from the original range).

This entire process results in a final range for sentencing (in months) related to the details of the specific offense(s), and the extent of the loss. However, it is important to understand that this is an advisory recommendation only. The Judge is not limited to that range, which was determined by the process. They can modify it in any way that they believe appropriate - and they often do.

There are clearly significant variability's in the influencing elements, which determine the final sentence. They include the selection of the initial sentencing range, the upward and downward departures and finally the Judge's assessment, which can result in further modifications.

This complexity seems to present an overwhelming obstacle for objective analysis.

Fortunately, the complexity of that process is not really an issue. In a truly unbiased sentencing, the length of any individual's sentence with respect to its initial sentence range (as determined by the loss) can be expected to be higher sometimes, lower sometimes or in the range. This deviation should apply approximately equally for both Male or Female sentences. If one group tends to have a much higher deviation (directionally) from the initial range than the other, a bias clearly exists.

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### SUMMARY

The length of sentences of the two groups (Males and Females) are compared and quantified in this Summary. This comparison is explained in detail in later sections of this report.

In addition to the overall assessment, the database is then further segmented to separately analyze, Mail Fraud, Bank Fraud, Wire Fraud and Low Values of Loss. The analysis of these four segments is done only to aid in validating the overall assessment not to develop more discrete results.

Finally the length of the sentences of African American Females is compared to the length of the sentences of Males for a general assessment.

### OVERALL DIFFERENCES BETWEEN FEMALE AND MALE SENTENCES

COMPARISONS	FEMALE	MALE	SEVERITY RATIO
TYPE OF COMPARISON	AVERAGE SENTENCE SEVERITY	AVERAGE SENTENCE SEVERITY	RATIO OF FEMALE AVERAGE SENTENCE SEVERITY TO MALE AVERAGE SENTENCE SEVERITY
FEMALE VS MALE	155%	52%	3.0

**On average, as stated in the table above, Female sentences are three (3) times as long as Male sentences for Federal White Collar Crimes with similar losses** Female's sentences are about 155% of the guidelines while the Male's sentences are just 52% of that guideline recommendation.

**There Are Three Important Definitions Used in the Table Above.**

**Sentence Severity - Sentence Severity** is a percentage, calculated by comparing the actual sentence to the recommended guideline sentence.

**Average Sentence Severity** - This can be derived when there are many separate individuals in a group, all of which have received different sentences. This calculation is the average of all of those separate **Sentence Severities** of the group.

**Severity Ratio** - Is the relationship between the two Average **Sentence Severities** of both groups. In this case that ratio is 155%/52% or 3.0. Specifically, the average Female sentence for a given loss amount is three times greater (or more severe) than the average Male sentence for the same loss.

### What About Different Segments?

This sentence disparity can be calculated for different types of White Collar Crimes. The database of names, that is limited in number to begin with, will now be subdivided into even smaller groups. The value of this analysis, however, is not to see if a more accurate Severity Ratio could be derived but to see if the general conclusion that Female sentences are a multiple of Male sentences (in length) is equally valid for its different segments. The table below summarizes the results.

COMPARISONS	FEMALE	MALE	SEVERITY RATIO	SAMPLE SIZE	
TYPE OF COMPARISON	AVERAGE SENTENCE SEVERITY	AVERAGE SENTENCE SEVERITY	RATIO OF FEMALE AVERAGE SENTENCE SEVERITY TO MALE AVERAGE SENTENCE SEVERITY	FEMALE	MALE
MAIL	128%	46%	2.8	10	5
WIRE	195%	71%	2.7	8	7
BANK	198%	44%	4.5	10	5
LOW LOSS	155%	41%	3.8	29	16
AFRICAN AMERICAN	247%	52%	4.8	11	28

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

Each of the selected segments of the data, as seen in the chart, indicates that the Female sentencing is a multiple of the length of the Male sentencing for similar losses. The range of that multiple is 2.7 to 4.8. These specific segments were selected, as they were large enough to permit an independent evaluation. The following explores each of those segments in some detail.

### **Mail Fraud.**

The portion of the database used for this segment is tabulated in the Appendix –Page 12

The small number of samples (10 F and 5 M) eliminates the value of any generality being derived from the analysis of this segment except that there was a positive Severity Ratio (Female vs. Males).

### **Wire Fraud.**

The portion of the database used for this segment is tabulated in the Appendix –Page 13

The small number of samples (8 F and 7 M) similarly, precludes deriving a generality from the analysis of this segment except that there was also a positive Severity Ratio (Female vs. Males).

### **Bank Fraud.**

The portion off the database used for this segment is tabulated in the Appendix –Page 14

The small number of samples (10 F and 5 M) limits generalities from being derived from the analysis of this segment. The fact that it is positive reinforces the overall thesis that Females do get a longer sentence, however, the Average Sentence Severity based on 10 samples or less is nudging the edge of respectability.

### **Low Loss**

The portion of the database used for this segment is tabulated in the Appendix –Page 15

This is a very important segment (29 F and 16 M). All of the Females in the database had a loss amount that was less than 35 million. Only 55% of the Males had a loss amount in that same range. Comparisons in a similar range have a higher degree of credibility than if you compared those below 35 million with those above 35 million. Even though the analysis technique used, minimizes that issue (explained later in the discussion) it still makes sense to use equivalent ranges. The Important result is that the Severity Ratio in this low range is 3.8. This is higher than the Overall Average ratio of 3.0. This suggests that in a larger sample, it would be appropriate to randomly select the Male data from the segment whose loss range most closely matches the Females.

### **African American**

The portion of the database used for this segment is tabulated in the Appendix – Page 16

This segment includes only Female African Americans (11 F). They are compared to the total Male (28 M) database. There was no information available to determine if any of the Males listed were African American. This has the highest Severity Ratio at 4.8. Thus for this database of names, Female African Americans are receiving sentences that are on the average 4.8 times longer than the Males.

### **A Critically Important Caution**

All five of the segments that have been analyzed in this portion of the discussion include at least one segment that is relatively small. The results therefore should be considered “indicative” of an analysis that is only “representative” of the relationships of sentences of Female vs. Male White Collar crimes. These results should be appropriately considered as the “canary in the coal mine” or “where there is smoke there is fire”. The canary is definitely looking ill and there certainly is smoke coming out from under the door. The analysis of these segments does tend to fortify the overall opinion that a significant level of bias exists between Female and Male Sentences in Federal White Collar Crimes.

### The Analysis Process and Supporting Graphical Presentations of the Data

While many are comfortable working with tables and calculations, most individuals would prefer pictorial or graphical illustrations. This section is a further discussion of the process used to derive the previously stated results and an associated graphic overview to clearly illustrate the existence of the bias that was previously defined.

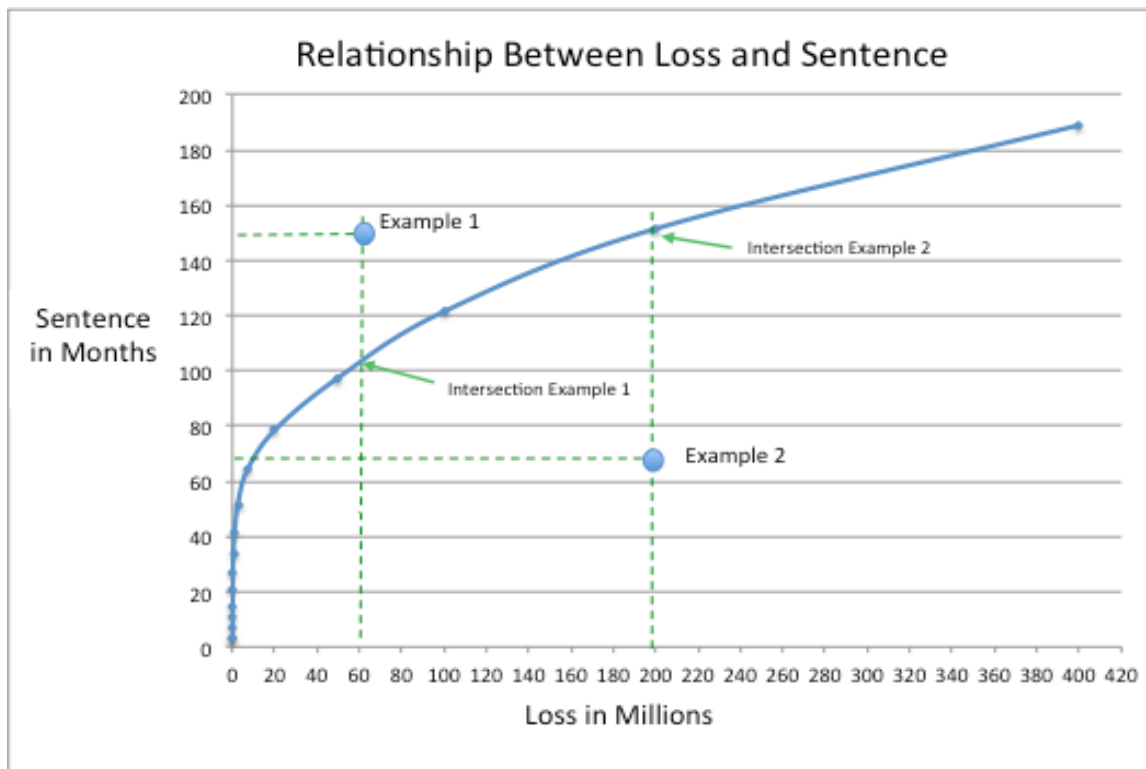
The **Sentencing Table** and the **Sentencing Process (Appendix Pages 17, 18, and 19)** form the fundamental backbone for determining the length of a final sentence. The loss associated with the crime is the primary defining characteristic for that length. This relationship was previously discussed in the introduction section of this paper.

Statistically, the sentences for Males and Females should show a relatively equal distribution with those who are above and those who are below the average sentence (based on the loss).

That sounds a bit complicated and obtuse but (for example), if it turns out that the Males receive a **fraction** (less than) of the expected sentence while concurrently the Females receive a **multiple** (more than) of the sentence (*or visa versa*) it can be comfortably presumed that, for this particular database, there is a bias. This is particularly true if there is a major difference between the two.

### Analyzing the Data

The first step in determining if either Males or Females have a deviation from their appropriate sentence is to convert the information in the **Sentencing Table** to a curve that describes the relationship between the amount of the loss and the sentence.



To construct that curve, the average for each sentencing range (associated with each specific loss) for a "First Offender" or a "Second Offender" is calculated. These points are then plotted and linked with a smoothed curve.

**Example 1:** This would be an individual whose sentence was determined to be 150 months for a crime that had an associated loss of 60 million dollars. The sentencing curve, however, indicates that this specific dollar loss should result in a 100-month sentence. The **Sentence Severity** therefore, is 150 months divided by 100 or 150%.

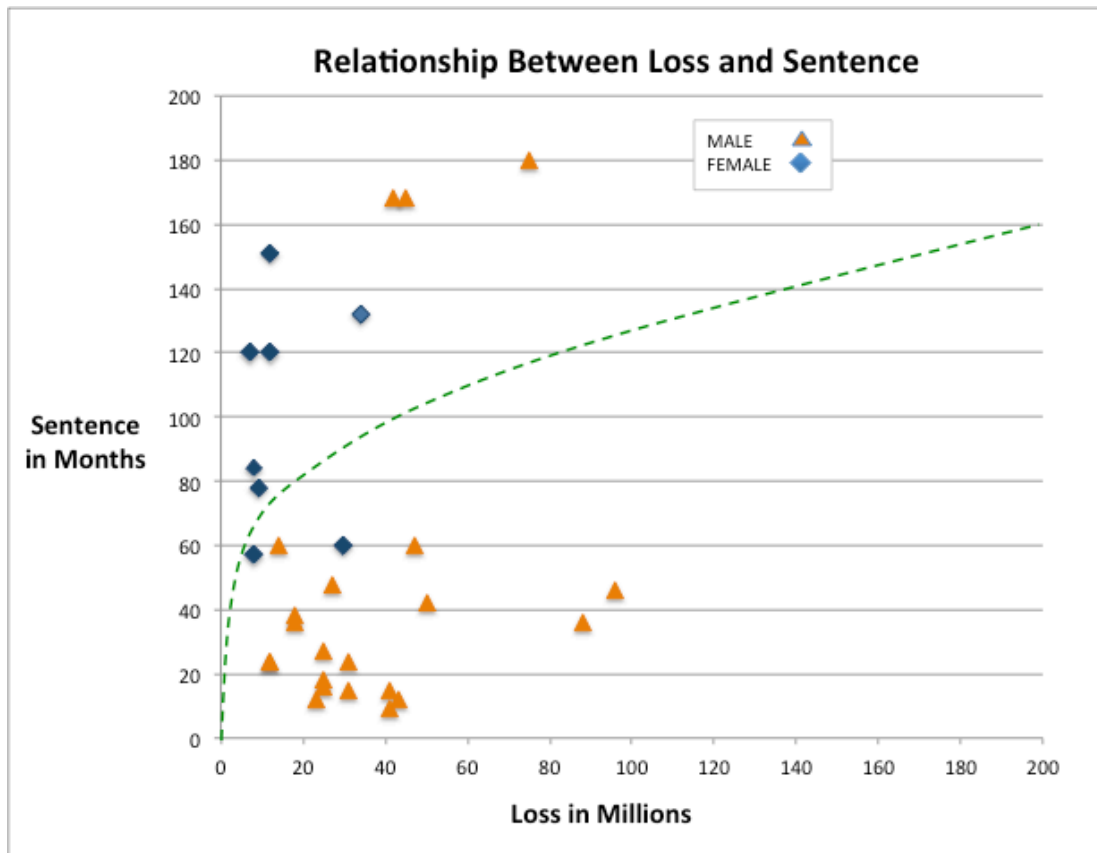
**Example 2:** This is the opposite situation. The loss in this case is 200 million and the sentence was 70 months. Normally (from the plotted sentencing curve) the average sentence in months should be about 150 months. Therefore the **Sentence Severity** is (70/150) or 47%.

The individual in Example 1 received a sentence that was relatively more severe than the individual's sentence in Example 2. To compare these two different sentences (which have different losses) merely divide one **Sentence Severity** by the other. In this case the **Severity Ratio** is 150%/47% or 3.2. That means that the sentence for Example 1 was 3.2 times more severe than Example 2.

As a reminder, upward and downward departures, and the Judges opinions determine the final sentence. The Federal Sentencing Guidelines are just the common starting point for White Collar crimes and a deviation from that start is to be expected. What is also to be expected is that there should be a fairly equal statistical distribution of deviations (higher and lower) for both Males and Females. As has been identified in this analysis, however, that is not the case, there is a definite bias.

### Graphical Representation of the Database

A visual representation of the individuals in the database is illustrated by two graphs. The first, immediately below, covers all those whose loss was greater than 7 million dollars but less than 200 million dollars. The second graph, on the next page, plots the remainder of the database for those sentences based on loss amounts of 7 million dollars or less. Both the Male and Female data is displayed. The dotted line is the graph of the average sentence guideline discussed previously. The individual points are from the actual data used in this analysis (Appendix Page 10 and Page 11)



## A Comparison of White Collar Crime Sentence Lengths between Males and Females

By a visual inspection it is apparent that most of the Female sentences in this range of loss are greater than the average while most Male sentences are less. Secondly there seems to be a “ceiling” (with a few exceptions), of 60 months for Males. All of the data points are clustered below the 100 million dollar loss level.

Not displayed on this graph, to minimize confusion, are five other higher losses for Male sentencing. These are for the amounts of 544, 826, 826, 1,800 and 19,900 Million dollars. The final two data points (1,900 and 19,900) are not considered in any of the analysis since they represent “Outliers”. An explanation of the term “Outliers” is presented later in this document.

This second graph, below illustrates the distribution of sentencing for situations where the loss level is at or below 7 Million dollars.



The results echo the same trend observed in the high-end graph. Female sentences continue to be clustered above the average while Males sentences are distributed below.

By using the measurement of **Sentence Severity** (defined previously as the percentage of the actual sentence with respect to the average of the Federal Sentencing guidelines for a specific loss) as the fundamental metric for a common description, the **Severity Ratio** will then define the relationship between **Female Sentences and Male Sentences**.

### Outliers

As a final note about the analysis, not all of the data for individuals was used in each evaluation. The data from some was sufficiently outside of the range of all of the other data points that they could have dramatically altered the results. Consequently we used a specific determination for inclusion. If a data point was 4 times greater or less than  $\frac{1}{4}$  of the average of the group, it was not included. Exclusions are noted in the appendix.

### **Final Thoughts**

The Bureau of Prisons publishes ongoing statistics, which give an interesting insight. The BOP has a professionally developed and maintained automated system, which can be accessed at [www.bop.gov/news/quick.jsp](http://www.bop.gov/news/quick.jsp) The following data, taken from that system, is used to give an estimate of the current population of Females sentenced for Federal White Collar Crimes

1. Total Prison Population = 218,864
2. Percent Females = 6.7%
3. Percent White Collar Crimes of those Sentenced = 6.2%

A rough estimate, using this data is that the Female population for White Collar Crimes is less than 1000 individuals. Since the average length of the sentence for Women is 81 months (in this study), that would mean that about 130 - 140 new convictions enter each year. Since all of the information needed is probably in the BOP system, a statistically significant sample could be obtained to gain a relatively accurate statistical study. In addition, a segmented random sample from the Male database could be selected to match the range of the approximate financial losses and the type of White Collar Crime as closely as possible.



## Appendix

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### Female White Collar Database

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
1	*Perez	Immigration Fraud	Identity Theft	0.00	120			NY	2012	1
2	*Grice	Wire Fraud	Identity Theft,	0.02	57	8	713%	NY	2012	1
3	Cholodenko	Bank Fraud		0.20	27	27	100%	MA	2012	
4	*Turpin	Bank Fraud	Tax Fraud	0.30	187	33	567%	OH	2004	1
5	Meyrick	Bribery Federal Program		0.45	36	34	106%	PA	2011	
6	*Mebrtatu	Bank Fraud	Aggravated Identity Theft	0.47	78	35	223%	PA	2012	1
7	*Thomas	Bank Fraud		0.54	41	36	114%	MA	2012	1
8	*Smith	Wire Fraud		0.60	24	37	65%	NJ	2012	1
9	Ioulevich	Bank Fraud	Identity Theft	0.78	54	39	138%	NY	2012	
10	Laplante	Mail Fraud		0.88	46	40	115%	NH	2011	
11	Clark	Mail Fraud		1.70	86	47	183%	CT	2013	
12	Brass	Mail Fraud		2.00	96	49	196%	CT	2012	
13	*Logan	Bank Fraud		2.10	102	50	204%	GA	2009	1
14	Sichler	Wire Fraud		2.30	55	51	108%	PA	2011	
15	Floyd	Conspiracy - Impede IRS		3.00	60	53	113%	MA	2012	
16	*Hemphill	Wire Fraud	Money Laundering	4.00	132	57	232%	DC	2006	1
17	Nealy	Mail Fraud		5.00	97	59	164%	NJ	2009	
18	*Esimai	Bank Fraud		5.00	70	59	119%	NY	2011	1
19	*Sykes	Mail Fraud		6.00	60	61	98%	NY	2011	1
20	Dodakian	Wire Fraud		6.00	95	61	156%	NY	2011	
21	Petro	Mail Fraud	Wire Fraud	6.40	41	62	66%	CT	2012	
22	Morice	Mail Fraud		7.00	120	64	188%	PA	2009	
23	Coleman	Mail Fraud		8.00	57	65	88%	CA	2013	
24	Tribby	Bank Fraud		8.00	84	65	129%	VA	2011	
25	McElroy	Mail Fraud	Conspiracy	9.10	78	67	116%	MA	2008	
26	*Davis	Bank Fraud		12.00	151	70	216%	NJ	2008	1
27	*Rickard	Bank Fraud		12.00	120	70	171%	NJ	2008	1
28	Woolf	Mail Fraud	Wire Fraud	29.70	60	85	71%	NY	2008	
29	Sachdeva	Wire Fraud		34.00	132	88	150%	WI	2009	

\*\*\* In Name Column or "1" in Notes Column Indicates African American

AVERAGE SENTENCE SEVERITY 155%

Notes: #1 Perez is not included as there is no loss amount.

Notes #2 Grice is not included in the calculation of Average Sentence Severity since it is greater than 4 times the Average Sentence Severity.

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### Male White Collar Data Base

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
30	Plummer	Mail Fraud	Wire Fraud	1.70	46	47	98%	CT	2013	
31	D'Ambrosio	Wire Fraud		2.10	12	50	24%	PA	2005	House
32	Caffrey	Bank Fraud		4.30	12	58	21%	CT	2012	
33	Spinelli	Wire Fraud		4.40	40	58	69%	NC	2012	
34	Ellis	Bank Fraud		12.00	24	70	34%	NJ	2008	
35	Infantino	Bank Fraud		12.00	24	70	34%	NJ	2008	
36	Lozinski	Bank Fraud		14.00	60	74	81%	NY	2013	
37	Gezachew	Bank Fraud		18.00	38	77	49%	VA	2010	
38	Pinkett	Mail Fraud		18.00	36	77	47%	VA	2004	
39	Turkcan	Sec Fraud		23.00	12	80	15%	MO	2009	
40	Ghavami	Sec Fraud		25.00	18	82	22%	NY	2013	
41	Heinz	Sec Fraud		25.00	27	82	33%	NY	2013	
42	Weity	Sec Fraud		25.00	16	82	20%	NY	2013	
43	Herskowitz	Mail Fraud	Wire Fraud	27.00	48	84	57%	NY	2008	
44	Matthews	Embezzlement of Federal Funds		31.00	15	86	17%	VA	2013	
45	Sanborn	Embezzlement of Federal Funds		31.00	24	86	28%	VA	2013	
46	Hall	Mail Fraud		41.00	15	93	16%	PA	2009	
47	Negrone	Wire Fraud		41.00	9	92		PA	2009	House
48	Fitzgerald	Money Laundering	Money Laundering	42.00	168	92	183%	CA	2008	
49	Spinelli	Wire Fraud		43.40	12	93	13%	FL	2008	
50	Skilling	Insider Trading	Conspiracy to Commit Sec Fraud/Insider Trading	45.00	168	94	179%	TX	2013	
51	Kohler	Sec Fraud		47.00	60	95	63%	FL	2009	
52	Adelson	Sec Fraud		50.00	42	97	43%	NY	2007	
53	Blackburn	Wire Fraud		75.00	180	110	164%	IL	2013	
54	Whittier	Sec Fraud		88.00	36	116	31%	NY	2007	
55	Sanprietto	Sec Fraud		96.00	46	120	38%	NJ	2004	
56	Ferguson	Mail Fraud	Security Fraud	544.00	24	189	13%	CT	2012	
57	Chan	Sec Fraud		826.00	60	189	32%	FL	2008	
58	Ziegler	Sec Fraud		826.00	60	189	32%	FL	2008	

NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
Madoff	Sec Fraud		19,900.00	120			NY	2013	
Farkas	Sec Fraud	Bank, Wire Fraud	1,800.00	360			VA	2011	

AVERAGE SENTENCE SEVERITY 52%

Notes: #47 Negrone is not included in the analysis, the Sentence Severity is less than 1/4

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### Male Versus Female Mail Fraud

#### FEMALE

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN \$MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS	
10	Laplante	Mail Fraud		0.88	46	40	115%	NH	2011		
11	Clark	Mail Fraud		1.70	86	47	183%	CT	2013		
12	Brass	Mail Fraud		2.00	96	49	196%	CT	2012		
17	Nealy	Mail Fraud		5.00	97	59	164%	NJ	2009		
19	*Sykes	Mail Fraud		6.00	60	61	98%	NY	2011	1	
21	Petro	Mail Fraud	Wire Fraud	6.40	41	62	66%	CT	2012		
22	Morice	Mail Fraud		7.00	120	64	188%	PA	2009		
23	Coleman	Mail Fraud		8.00	57	65	88%	CA	2013		
AVERAGE SENTENCE SEVERITY							137%				

#### MALE

	NAME	CONVICTION	SECOND CONVICTION	LOSS AMOUNT (IN \$MILLIONS)	SENTENCE (IN MONTHS)	CURVE LOCATION	SENTENCE SEVERITY	STATE	YEAR	COMMENTS	
30	Plummer	Mail Fraud	Wire Fraud	1.70	46	47	98%	CT	2013		
38	Pinkett	Mail Fraud		18.00	36	77	47%	VA	2004		
43	Herskowitz	Mail Fraud	Wire Fraud	27.00	48	84	57%	NY	2008		
46	Hall	Mail Fraud		41.00	15	93	16%	PA	2009		
56	Ferguson	Mail Fraud	Security Fraud	544.00	24	189	13%	CT	2012	*	
AVERAGE SENTENCE SEVERITY							46%				

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### Male Versus Female Wire Fraud

#### FEMALE

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
28	Woolf	Mail Fraud	Wire Fraud	29.70	60	85	71%	NY	2008	
2	*Grice	Wire Fraud	Identity Theft,	0.02	57	8	713%	NY	2012	1
8	*Smith	Wire Fraud		0.60	24	37	65%	NJ	2012	1
14	Sichler	Wire Fraud		2.30	55	51	108%	PA	2011	
16	*Hemphill	Wire Fraud	Money Laundering	4.00	132	57	232%	DC	2006	1
20	Dodakian	Wire Fraud		6.00	95	61	156%	NY	2011	
29	Sachdeva	Wire Fraud		34.00	132	88	150%	WI	2009	
21	Petro	Mail Fraud	Wire Fraud	6.40	41	62	66%	CT	2012	

"\*" in Name Column or "1" in Notes Column Indicates African American AVERAGE SENTENCE SEVERITY 195%

#### MALE

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
31	D'Ambrosio	Wire Fraud		2.10	12	50	0.24	PA	2005	House
33	Spinelli	Wire Fraud		4.40	40	58	0.69	NC	2012	
47	Negroni	Wire Fraud		41.00	9	92	0.10	PA	2009	House
49	Spinelli	Wire Fraud		43.40	12	93	0.13	FL	2008	
53	Blackburn	Wire Fraud		75.00	180	110	1.64	IL	2013	
30	Plummer	Mail Fraud	Wire Fraud	1.70	46	47	0.98	CT	2013	
43	Herskowitz	Mail Fraud	Wire Fraud	27.00	48	84	0.57	NY	2008	

AVERAGE SENTENCE SEVERITY 71%

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### Male Versus Female Bank Fraud

#### FEMALE

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
3	Cholodenko	Bank Fraud		0.20	27	27	100%	MA	2012	
4	*Turpin	Bank Fraud	Tax Fraud	0.30	187	33	567%	OH	2004	1
6	*Mebrtatu	Bank Fraud	Aggravated Identity Theft	0.47	78	35	223%	PA	2012	1
7	*Thomas	Bank Fraud		0.54	41	36	114%	MA	2012	1
9	Ioulevich	Bank Fraud	Identity Theft	0.78	54	39	138%	NY	2012	
13	*Logan	Bank Fraud		2.10	102	50	204%	GA	2009	1
18	*Esimai	Bank Fraud		5.00	70	59	119%	NY	2011	1
24	Tribby	Bank Fraud		8.00	84	65	129%	VA	2011	
26	*Davis	Bank Fraud		12.00	151	70	216%	NJ	2008	1
27	*Rickard	Bank Fraud		12.00	120	70	171%	NJ	2008	1

\*\*" In Name Column or "1" in Notes Column Indicates African American AVERAGE SENTENCE SEVERITY 198%

#### MALE

#	NAME	CONVICTION	SECOND CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	CURVE LOCATION	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
32	Caffrey	Bank Fraud		4.30	12	58	21%	CT	2012	
34	Ellis	Bank Fraud		12.00	24	70	34%	NJ	2008	
35	Infantino	Bank Fraud		12.00	24	70	34%	NJ	2008	
36	Lozinski	Bank Fraud		14.00	60	74	81%	NY	2013	
37	Gezachew	Bank Fraud		18.00	38	77	49%	VA	2010	

AVERAGE SENTENCE SEVERITY 44%

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### Male Versus Female Low Loss

#### FEMALE

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
1	*Perez	Immigration Fraud	Identity Theft	0.00	120			NY	2012	1
2	*Grice	Wire Fraud	Identity Theft,	0.02	57	8	713%	NY	2012	1
3	Cholodenko	Bank Fraud		0.20	27	27	100%	MA	2012	
4	*Turpin	Bank Fraud	Tax Fraud	0.30	187	33	567%	OH	2004	1
5	Meyrick	Bribery Federal Program		0.45	36	34	106%	PA	2011	
6	*Mebrtatu	Bank Fraud	Aggravated Identity Theft	0.47	78	35	223%	PA	2012	1
7	*Thomas	Bank Fraud		0.54	41	36	114%	MA	2012	1
8	*Smith	Wire Fraud		0.60	24	37	65%	NJ	2012	1
9	Ioulevich	Bank Fraud	Identity Theft	0.78	54	39	138%	NY	2012	
10	Laplante	Mail Fraud		0.88	46	40	115%	NH	2011	
11	Clark	Mail Fraud		1.70	86	47	183%	CT	2013	
12	Brass	Mail Fraud		2.00	96	49	196%	CT	2012	
13	*Logan	Bank Fraud		2.10	102	50	204%	GA	2009	1
14	Sichler	Wire Fraud		2.30	55	51	108%	PA	2011	
15	Floyd	Conspiracy - Impede IRS		3.00	60	53	113%	MA	2012	
16	*Hemphill	Wire Fraud	Money Laundering	4.00	132	57	232%	DC	2006	1
17	Nealy	Mail Fraud		5.00	97	59	164%	NJ	2009	
18	*Esimai	Bank Fraud		5.00	70	59	119%	NY	2011	1
19	*Sykes	Mail Fraud		6.00	60	61	98%	NY	2011	1
20	Dodakian	Wire Fraud		6.00	95	61	156%	NY	2011	
21	Petro	Mail Fraud	Wire Fraud	6.40	41	62	66%	CT	2012	
22	Morice	Mail Fraud		7.00	120	64	188%	PA	2009	
23	Coleman	Mail Fraud		8.00	57	65	88%	CA	2013	
24	Tribby	Bank Fraud		8.00	84	65	129%	VA	2011	
25	McElroy	Mail Fraud	Conspiracy	9.10	78	67	116%	MA	2008	
26	*Davis	Bank Fraud		12.00	151	70	216%	NJ	2008	1
27	*Rickard	Bank Fraud		12.00	120	70	171%	NJ	2008	1
28	Woolf	Mail Fraud	Wire Fraud	29.70	60	85	71%	NY	2008	
29	Sachdeva	Wire Fraud		34.00	132	88	150%	WI	2009	

\*\*\* In Name Column or "1" in Notes Column Indicates African American      AVERAGE SENTENCE SEVERITY      155%

#### MALE

#	NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN MILLIONS)	SENTENCE (IN MONTHS)	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
30	Plummer	Mail Fraud	Wire Fraud	1.70	46	47	98%	CT	2013	
31	D'Ambrosio	Wire Fraud		2.10	12	50	24%	PA	2005	House
32	Caffrey	Bank Fraud		4.30	12	58	21%	CT	2012	
33	Spinelli	Wire Fraud		4.40	40	58	69%	NC	2012	
34	Ellis	Bank Fraud		12.00	24	70	34%	NJ	2008	
35	Infantino	Bank Fraud		12.00	24	70	34%	NJ	2008	
36	Lozinski	Bank Fraud		14.00	60	74	81%	NY	2013	
37	Gezachew	Bank Fraud		18.00	38	77	49%	VA	2010	
38	Pinkett	Mail Fraud		18.00	36	77	47%	VA	2004	
39	Turkcan	Sec Fraud		23.00	12	80	15%	MO	2009	
40	Ghavami	Sec Fraud		25.00	18	82	22%	NY	2013	
41	Heinz	Sec Fraud		25.00	27	82	33%	NY	2013	
42	Weity	Sec Fraud		25.00	16	82	20%	NY	2013	
43	Herskowitz	Mail Fraud	Wire Fraud	27.00	48	84	57%	NY	2008	
44	Matthews	Embezzlement of Federal Funds		31.00	15	86	17%	VA	2013	
45	Sanborn	Embezzlement of Federal Funds		31.00	24	86	28%	VA	2013	

AVERAGE SENTENCE SEVERITY      41%

## A Comparison of White Collar Crime Sentence Lengths between Males and Females

### Female African American

#### FEMALE

NAME	ADDITIONAL CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN \$MILLIONS)	SENTENCE (IN MONTHS )	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
*Turpin	Bank Fraud	Tax Fraud	0.30	187	33	567%	OH	2004	1
*Mebrtatu	Bank Fraud	Aggravated Identity Theft	0.47	78	35	223%	PA	2012	1
*Thomas	Bank Fraud		0.54	41	36	114%	MA	2012	1
*Logan	Bank Fraud		2.10	102	50	204%	GA	2009	1
*Esimai	Bank Fraud		5.00	70	59	119%	NY	2011	1
*Davis	Bank Fraud		12.00	151	70	216%	NJ	2008	1
*Rickard	Bank Fraud		12.00	120	70	171%	NJ	2008	1
*Perez	Immigration Fraud	Identity Theft	0.00	120			NY	2012	1
*Sykes	Mail Fraud		6.00	60	61	98%	NY	2011	1
*Grice	Wire Fraud	Identity Theft,	0.02	57	8	713%	NY	2012	1
*Smith	Wire Fraud		0.60	24	37	65%	NJ	2012	1
*Hemphill	Wire Fraud	Money Laundering	4.00	132	57	232%	DC	2006	1
AVERAGE SENTENCE SEVERITY						247%			

#### MALE

NAME	ADDITIONAL CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN \$MILLIONS)	SENTENCE (IN MONTHS )	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
Plummer	Mail Fraud	Wire Fraud	1.70	46	47	98%	CT	2013	
D'Ambrosio	Wire Fraud		2.10	12	50	24%	PA	2005	House
Caffrey	Bank Fraud		4.30	12	58	21%	CT	2012	
Spinelli	Wire Fraud		4.40	40	58	69%	NC	2012	
Ellis	Bank Fraud		12.00	24	70	34%	NJ	2008	
Infantino	Bank Fraud		12.00	24	70	34%	NJ	2008	
Lozinski	Bank Fraud		14.00	60	74	81%	NY	2013	
Gezachew	Bank Fraud		18.00	38	77	49%	VA	2010	
Pinkett	Mail Fraud		18.00	36	77	47%	VA	2004	
Turkcan	Sec Fraud		23.00	12	80	15%	MO	2009	
Ghavami	Sec Fraud		25.00	18	82	22%	NY	2013	
Heinz	Sec Fraud		25.00	27	82	33%	NY	2013	
Weity	Sec Fraud		25.00	16	82	20%	NY	2013	
Herskowitz	Mail Fraud	Wire Fraud	27.00	48	84	57%	NY	2008	
Matthews	Embezzlement of Federal Funds		31.00	15	86	17%	VA	2013	
Sanborn	Embezzlement of Federal Funds		31.00	24	86	28%	VA	2013	
Hall	Mail Fraud		41.00	15	93	16%	PA	2009	
Negrone	Wire Fraud		41.00	9	92		PA	2009	House
Fitzgerald	Money Laundering	Money Laundering	42.00	168	92	183%	CA	2008	
Spinelli	Wire Fraud		43.40	12	93	13%	FL	2008	
Skilling	Insider Trading	Conspiracy to Commit Sec Fraud/Insider Trading	45.00	168	94	179%	TX	2013	
Kohler	Sec Fraud		47.00	60	95	63%	FL	2009	
Adelson	Sec Fraud		50.00	42	97	43%	NY	2007	
Blackburn	Wire Fraud		75.00	180	110	164%	IL	2013	
Whittier	Sec Fraud		88.00	36	116	31%	NY	2007	
Sanprietto	Sec Fraud		96.00	46	120	38%	NJ	2004	
Ferguson	Mail Fraud	Security Fraud	544.00	24	189	13%	CT	2012	*
Chan	Sec Fraud		826.00	60	189	32%	FL	2008	*
Ziegler	Sec Fraud		826.00	60	189	32%	FL	2008	*

NAME	CONVICTION	ADDITIONAL CONVICTION	LOSS AMOUNT (IN \$MILLIONS)	SENTENCE (IN MONTHS )	AVERAGE GUIDELINE (IN MONTHS)	SENTENCE SEVERITY	STATE	YEAR	COMMENTS
Madoff	Sec Fraud		19,900.00	120			NY	2013	
Farkas	Sec Fraud	Bank, Wire Fraud	1,800.00	360			VA	2011	
AVERAGE SENTENCE SEVERITY						52%			



# 2011 FEDERAL SENTENCING GUIDELINES

## MANUAL

### CHAPTER TWO - OFFENSE CONDUCT

#### PART B - BASIC ECONOMIC OFFENSES

##### 1. THEFT, EMBEZZLEMENT, RECEIPT OF STOLEN PROPERTY, PROPERTY DESTRUCTION, AND OFFENSES INVOLVING FRAUD OR DECEIT

###### *Introductory Commentary*

*These sections address basic forms of property offenses: theft, embezzlement, fraud, forgery, counterfeiting (other than offenses involving altered or counterfeit bearer obligations of the United States), insider trading, transactions in stolen goods, and simple property damage or destruction. (Arson is dealt with separately in Chapter Two, Part K (Offenses Involving Public Safety)). These guidelines apply to offenses prosecuted under a wide variety of federal statutes, as well as offenses that arise under the Assimilative Crimes Act.*

Historical Note: Effective November 1, 1987. Amended effective November 1, 1989 (see Appendix C, amendment 303); November 1, 2001 (see Appendix C, amendment 617).

###### **§2B1.1. Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligations of the United States**

(a) Base Offense Level:

- (1) 7, if (A) the defendant was convicted of an offense referenced to this guideline; and (B) that offense of conviction has a statutory maximum term of imprisonment of 20 years or more; or

(b) Specific Offense Characteristics

(1) If the loss exceeded \$5,000, increase the offense level as follows:

<u>Loss (Apply the Greatest)</u>	<u>Increase in Level</u>
(A) \$5,000 or less	no increase
(B) More than \$5,000	add 2
(C) More than \$10,000	add 4
(D) More than \$30,000	add 6
(E) More than \$70,000	add 8
(F) More than \$120,000	add 10
(G) More than \$200,000	add 12
(H) More than \$400,000	add 14
(I) More than \$1,000,000	add 16
(J) More than \$2,500,000	add 18
(K) More than \$7,000,000	add 20
(L) More than \$20,000,000	add 22
(M) More than \$50,000,000	add 24
(N) More than \$100,000,000	add 26
(O) More than \$200,000,000	add 28
(P) More than \$400,000,000	add 30.

(2) (Apply the greatest) If the offense—

(A) (i) involved 10 or more victims; or (ii) was committed through mass-marketing, increase by 2 levels;

(B) involved 50 or more victims, increase by 4 levels; or

(C) involved 250 or more victims, increase by 6 levels.

(3) If the offense involved a theft from the person of another, increase by 2 levels.

(4) If the offense involved receiving stolen property, and the defendant

A Comparison of White Collar Crime Sentence Lengths between Males and Females

**SENTENCING TABLE**  
(in months of imprisonment)

Offense Level	Criminal History Category (Criminal History Points)					
	I (0 or 1)	II (2 or 3)	III (4, 5, 6)	IV (7, 8, 9)	V (10, 11, 12)	VI (13 or more)
1	0-6	0-6	0-6	0-6	0-6	0-6
2	0-6	0-6	0-6	0-6	0-6	1-7
3	0-6	0-6	0-6	0-6	2-8	3-9
4	0-6	0-6	0-6	2-8	4-10	6-12
5	0-6	0-6	1-7	4-10	6-12	9-15
6	0-6	1-7	2-8	6-12	9-15	12-18
7	0-6	2-8	4-10	8-14	12-18	15-21
8	0-6	4-10	6-12	10-16	15-21	18-24
9	4-10	6-12	8-14	12-18	18-24	21-27
10	6-12	8-14	10-16	15-21	21-27	24-30
11	8-14	10-16	12-18	18-24	24-30	27-33
12	10-16	12-18	15-21	21-27	27-33	30-37
13	12-18	15-21	18-24	24-30	30-37	33-41
14	15-21	18-24	21-27	27-33	33-41	37-46
15	18-24	21-27	24-30	30-37	37-46	41-51
16	21-27	24-30	27-33	33-41	41-51	46-57
17	24-30	27-33	30-37	37-46	46-57	51-63
18	27-33	30-37	33-41	41-51	51-63	57-71
19	30-37	33-41	37-46	46-57	57-71	63-78
20	33-41	37-46	41-51	51-63	63-78	70-87
21	37-46	41-51	46-57	57-71	70-87	77-96
22	41-51	46-57	51-63	63-78	77-96	84-105
23	46-57	51-63	57-71	70-87	84-105	92-115
24	51-63	57-71	63-78	77-96	92-115	100-125
25	57-71	63-78	70-87	84-105	100-125	110-137
26	63-78	70-87	78-97	92-115	110-137	120-150
27	70-87	78-97	87-108	100-125	120-150	130-162
28	78-97	87-108	97-121	110-137	130-162	140-175
29	87-108	97-121	108-135	121-151	140-175	151-188
30	97-121	108-135	121-151	135-168	151-188	168-210
31	108-135	121-151	135-168	151-188	168-210	188-235
32	121-151	135-168	151-188	168-210	188-235	210-262
33	135-168	151-188	168-210	188-235	210-262	235-293
34	151-188	168-210	188-235	210-262	235-293	262-327
35	168-210	188-235	210-262	235-293	262-327	292-365
36	188-235	210-262	235-293	262-327	292-365	324-405
37	210-262	235-293	262-327	292-365	324-405	360-life
38	235-293	262-327	292-365	324-405	360-life	360-life
39	262-327	292-365	324-405	360-life	360-life	360-life
40	292-365	324-405	360-life	360-life	360-life	360-life
41	324-405	360-life	360-life	360-life	360-life	360-life
42	360-life	360-life	360-life	360-life	360-life	360-life
43	life	life	life	life	life	life

November 1, 2012