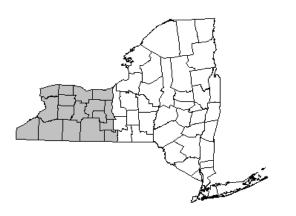
## **Fiscal Year 2009 Guideline Sentences**

## NEW YORK, Western



Average Age <sup>3</sup>	Mean	Median
TOTAL	35.5	33.0
Male	35.4	33.0
Female	36.4	35.0
Mode of Conviction <sup>4</sup>		
TOTAL	715	100.0%
Plea	696	97.3%
Trial	19	2.7%

Gender, Race, and Ethnicity <sup>1</sup>								
	TOTAL		Ma	le	Female			
TOTAL	648	100.0%	553	85.3%	95	14.7%		
White	283	43.7%	231	81.6%	52	18.4%		
Black	191	29.5%	164	85.9%	27	14.1%		
Hispanic	139	21.5%	127	91.4%	12	8.6%		
Other	35	5.4%	31	88.6%	4	11.4%		

TOTAL	715	100.0%
Sentenced Within Guideline Range	372	52.0%
Upward Departure from Guideline Range	2	0.3%
Upward Departure with Booker /18 U.S.C. § 3553	1	0.1%
Above Guideline Range with Booker/18 U.S.C. § 3553	5	0.7%
All Remaining Cases Above Guideline Range	0	0.0%
§5K1.1 Substantial Assistance Departure	201	28.1%
§5K3.1 Early Disposition Program Departure	0	0.0%
Other Government-Sponsored Below Guideline Range	26	3.6%
Downward Departure from Guideline Range	2	0.3%
Downward Departure with Booker /18 U.S.C. § 3553	3	0.4%
Below Guideline Range with Booker /18 U.S.C. § 3553	95	13.3%
All Remaining Cases Below Guideline Range	8	1.1%

## SENTENCING INFORMATION BY PRIMARY OFFENSE<sup>5</sup>

	TOTAL	Robbery	Larceny	Embezlmnt	Fraud	Drug Trafck	Counterftng 7	Firearms 68	Immigratn 137	All Other 176
	715	3	18	4	86	216				
CASES INVOLVING PRISON	6									
<b>Total Receiving Prison</b>	534	2	5	0	52	181	4	58	133	99
Prison	518	2	4	0	50	178	4	56	133	91
Prison/Community Split	16	0	1	0	2	3	0	2	0	8
Prison Term Ordered										
Up to 12 Months	119	0	3	0	21	12	1	4	50	28
13-24 Months	92	0	2	0	13	42	1	10	14	10
25-36 Months	40	0	0	0	3	23	2	5	2	5
37-60 Months	88	1	0	0	9	41	0	17	4	16
Over 60 Months	122	1	0	0	4	55	0	22	0	40
Mean Sentence	53.9	-	9.8	-	32.0	60.4	20.0	79.1	10.6	72.4
Median Sentence	30.0	-	12.0	-	13.0	41.0	22.5	58.5	6.8	48.0
CASES INVOLVING PROBATION										
Total Receiving Probation	176	0	13	4	31	35	3	10	3	77
Probation Only	122	0	11	3	25	16	2	6	1	58
Probation and Confinement	54	0	2	1	6	19	1	4	2	19
CASES INVOLVING FINES AND RESTITUTION <sup>7</sup> Total Receiving Fines and										
Restitution	238	3	17	3	53	50	4	34	6	68
Median Dollar Amount	\$1,491	\$1,500	\$15,006	\$20,470	\$24,000	\$750	\$49,983	\$500	\$225	\$1,000

Footnotes and a complete description of all variables in this table are provided in Appendix A. SOURCE: U.S. Sentencing Commission, 2009 Datafile, USSCFY09.