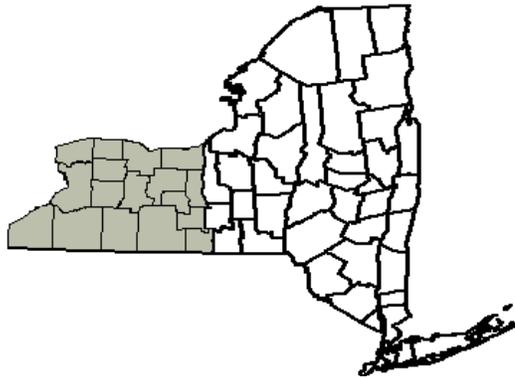


# Post-Blakely Fiscal Year 2004 Guideline Sentences

# NEW YORK, Western



## Gender, Race, and Ethnicity<sup>1</sup>

|              | TOTAL      |               | Male       |              | Female    |              |
|--------------|------------|---------------|------------|--------------|-----------|--------------|
| <b>TOTAL</b> | <b>172</b> | <b>100.0%</b> | <b>150</b> | <b>87.2%</b> | <b>22</b> | <b>12.8%</b> |
| White        | 80         | 46.5%         | 67         | 83.8%        | 13        | 16.3%        |
| Black        | 68         | 39.5%         | 63         | 92.6%        | 5         | 7.4%         |
| Hispanic     | 20         | 11.6%         | 17         | 85.0%        | 3         | 15.0%        |
| Other        | 4          | 2.3%          | 3          | 75.0%        | 1         | 25.0%        |

## Departure Status<sup>2</sup>

|   | TOTAL      |               |
|---|------------|---------------|
| <b>TOTAL</b>                            | <b>168</b> | <b>100.0%</b> |
| Sentenced Within Guideline Range        | 111        | 66.1%         |
| Substantial Assistance Departure        | 46         | 27.4%         |
| Government Sponsored Downward Departure | 4          | 2.4%          |
| Other Downward Departure                | 6          | 3.6%          |
| Upward Departure                        | 1          | 0.6%          |

## Mode of Conviction<sup>4</sup>

|              | TOTAL      |               |
|--------------|------------|---------------|
| <b>TOTAL</b> | <b>182</b> | <b>100.0%</b> |
| Plea         | 179        | 98.4%         |
| Trial        | 3          | 1.6%          |

## Average Age<sup>3</sup>

|              | Mean        | Median      |
|--------------|-------------|-------------|
| <b>TOTAL</b> | <b>36.4</b> | <b>34.0</b> |
| Male         | 36.1        | 33.0        |
| Female       | 38.6        | 41.0        |

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

|  | TOTAL | Robbery | Larceny | Embezzlmt | Fraud | Drug Trafck | Counterftng | Firearms | Immigratn | All Other |
|--|-------|---------|---------|-----------|-------|-------------|-------------|----------|-----------|-----------|
|  | 183   | 7       | 12      | 4         | 12    | 55          | 4           | 28       | 15        | 46        |

### CASES INVOLVING PRISON<sup>6</sup>

|                               |            |          |          |          |          |           |          |           |           |           |
|-------------------------------|------------|----------|----------|----------|----------|-----------|----------|-----------|-----------|-----------|
| <b>Total Receiving Prison</b> | <b>112</b> | <b>7</b> | <b>2</b> | <b>2</b> | <b>5</b> | <b>42</b> | <b>3</b> | <b>24</b> | <b>10</b> | <b>17</b> |
| Prison                        | 111        | 7        | 2        | 2        | 5        | 42        | 2        | 24        | 10        | 17        |
| Prison/Community Split        | 1          | 0        | 0        | 0        | 0        | 0         | 1        | 0         | 0         | 0         |
| <b>Prison Term Ordered</b>    |            |          |          |          |          |           |          |           |           |           |
| Up to 12 Months               | 14         | 0        | 2        | 2        | 2        | 0         | 1        | 0         | 4         | 3         |
| 13-24 Months                  | 24         | 0        | 0        | 0        | 0        | 10        | 1        | 3         | 3         | 7         |
| 25-36 Months                  | 13         | 2        | 0        | 0        | 1        | 4         | 0        | 2         | 1         | 3         |
| 37-60 Months                  | 29         | 2        | 0        | 0        | 0        | 11        | 1        | 10        | 2         | 3         |
| Over 60 Months                | 31         | 3        | 0        | 0        | 1        | 17        | 0        | 9         | 0         | 1         |
| Mean Sentence                 | 50.5       | 72.6     | 7.5      | 3.0      | 26.3     | 63.4      | 20.0     | 64.5      | 22.5      | 28.2      |
| Median Sentence               | 37.0       | 50.0     | 7.5      | 3.0      | 19.5     | 54.0      | 18.0     | 58.5      | 18.0      | 24.0      |

### CASES INVOLVING PROBATION

|                                  |           |          |           |          |          |           |          |          |          |           |
|----------------------------------|-----------|----------|-----------|----------|----------|-----------|----------|----------|----------|-----------|
| <b>Total Receiving Probation</b> | <b>67</b> | <b>0</b> | <b>10</b> | <b>1</b> | <b>7</b> | <b>12</b> | <b>1</b> | <b>4</b> | <b>5</b> | <b>27</b> |
| Probation Only                   | 45        | 0        | 6         | 1        | 6        | 8         | 1        | 3        | 3        | 17        |
| Probation and Confinement        | 22        | 0        | 4         | 0        | 1        | 4         | 0        | 1        | 2        | 10        |

### CASES INVOLVING FINES AND RESTITUTION<sup>7</sup>

|  |           |          |           |          |          |           |          |           |          |           |
|--|-----------|----------|-----------|----------|----------|-----------|----------|-----------|----------|-----------|
| <b>Total Receiving Fines and Restitution</b> | <b>81</b> | <b>6</b> | <b>10</b> | <b>2</b> | <b>8</b> | <b>16</b> | <b>4</b> | <b>10</b> | <b>2</b> | <b>23</b> |
| Median Dollar Amount                         | \$2,000   | \$2,200  | \$4,738   | \$1,837  | \$5,741  | \$1,000   | \$10,900 | \$750     | \$3,500  | \$2,000   |

Footnotes and a complete description of all variables in this table are provided in Appendix A.  
 SOURCE: U.S. Sentencing Commission, 2004 Datafile, USSCFY04, Post-Blakely Only Cases (June 25, 2004, through September 30, 2004).