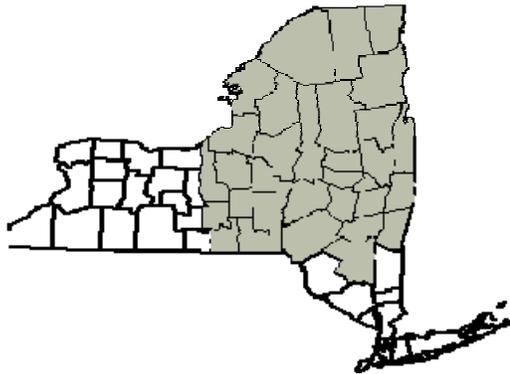


Post-Booker Fiscal Year 2005 Guideline Sentences

NEW YORK, Northern



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

|              | TOTAL      |               | Male       |              | Female    |              |
|--------------|------------|---------------|------------|--------------|-----------|--------------|
|              | Count      | Percentage    | Count      | Percentage   | Count     | Percentage   |
| <b>TOTAL</b> | <b>313</b> | <b>100.0%</b> | <b>269</b> | <b>85.9%</b> | <b>44</b> | <b>14.1%</b> |
| White        | 162        | 51.8%         | 137        | 84.6%        | 25        | 15.4%        |
| Black        | 82         | 26.2%         | 74         | 90.2%        | 8         | 9.8%         |
| Hispanic     | 47         | 15.0%         | 42         | 89.4%        | 5         | 10.6%        |
| Other        | 22         | 7.0%          | 16         | 72.7%        | 6         | 27.3%        |

Departure Status<sup>2</sup>

|   | Count      | Percentage    |
|---|------------|---------------|
| <b>TOTAL</b>  | <b>327</b> | <b>100.0%</b> |
| Sentenced Within Guideline Range                        | 189        | 57.8%         |
| Upward Departure from the Guideline Range               | 0          | 0.0%          |
| Upward Departure with <i>Booker</i> /18 U.S.C. § 3553   | 0          | 0.0%          |
| Above the Range with <i>Booker</i> /18 U.S.C. § 3553    | 0          | 0.0%          |
| All Remaining Cases Above the Guideline Range           | 2          | 0.6%          |
| §5K1.1 Substantial Assistance Departure                 | 86         | 26.3%         |
| §5K3.1 Early Disposition Program Departure              | 0          | 0.0%          |
| Government-Sponsored Departure                          | 2          | 0.6%          |
| Downward Departure from the Guideline Range             | 13         | 4.0%          |
| Downward Departure with <i>Booker</i> /18 U.S.C. § 3553 | 3          | 0.9%          |
| Below the Range with <i>Booker</i> /18 U.S.C. § 3553    | 13         | 4.0%          |
| All Remaining Cases Below the Guideline Range           | 19         | 5.8%          |

| Average Age <sup>3</sup> | Mean        | Median      |
|--------------------------|-------------|-------------|
| <b>TOTAL</b>             | <b>36.6</b> | <b>35.0</b> |
| Male                     | 36.3        | 34.0        |
| Female                   | 38.0        | 38.0        |

| Mode of Conviction <sup>4</sup> | Count      | Percentage    |
|---------------------------------|------------|---------------|
| <b>TOTAL</b>                    | <b>348</b> | <b>100.0%</b> |
| Plea                            | 335        | 96.3%         |
| Trial                           | 13         | 3.7%          |

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

|  | TOTAL      | Robbery  | Larceny  | Embezzlmt | Fraud     | Drug Trafck | Counterftng | Firearms  | Immigratr | All Other |
|--|------------|----------|----------|-----------|-----------|-------------|-------------|-----------|-----------|-----------|
|  | <b>348</b> | <b>1</b> | <b>9</b> | <b>7</b>  | <b>51</b> | <b>100</b>  | <b>6</b>    | <b>45</b> | <b>80</b> | <b>49</b> |

CASES INVOLVING PRISON<sup>6</sup>

|                               | TOTAL      | Robbery  | Larceny  | Embezzlmt | Fraud     | Drug Trafck | Counterftng | Firearms  | Immigratr | All Other |
|-------------------------------|------------|----------|----------|-----------|-----------|-------------|-------------|-----------|-----------|-----------|
| <b>Total Receiving Prison</b> | <b>282</b> | <b>1</b> | <b>0</b> | <b>3</b>  | <b>31</b> | <b>94</b>   | <b>3</b>    | <b>42</b> | <b>75</b> | <b>33</b> |
| Prison                        | 264        | 1        | 0        | 3         | 28        | 86          | 3           | 36        | 75        | 32        |
| Prison/Community Split        | 18         | 0        | 0        | 0         | 3         | 8           | 0           | 6         | 0         | 1         |
| <b>Prison Term Ordered</b>    |            |          |          |           |           |             |             |           |           |           |
| Up to 12 Months               | 86         | 0        | 0        | 0         | 13        | 14          | 1           | 7         | 45        | 6         |
| 13-24 Months                  | 63         | 0        | 0        | 1         | 8         | 24          | 0           | 12        | 10        | 8         |
| 25-36 Months                  | 24         | 0        | 0        | 2         | 4         | 6           | 0           | 4         | 4         | 4         |
| 37-60 Months                  | 37         | 0        | 0        | 0         | 1         | 14          | 2           | 9         | 6         | 5         |
| Over 60 Months                | 57         | 1        | 0        | 0         | 0         | 36          | 0           | 9         | 3         | 8         |
| Mean Sentence                 | 46.2       | 70.0     | -        | 26.3      | 14.5      | 54.2        | 29.0        | 80.9      | 15.1      | 72.8      |
| Median Sentence               | 24.0       | 70.0     | -        | 33.0      | 10.9      | 37.0        | 41.0        | 34.0      | 6.3       | 27.0      |

CASES INVOLVING PROBATION

|                                  | TOTAL     | Robbery  | Larceny  | Embezzlmt | Fraud     | Drug Trafck | Counterftng | Firearms | Immigratr | All Other |
|----------------------------------|-----------|----------|----------|-----------|-----------|-------------|-------------|----------|-----------|-----------|
| <b>Total Receiving Probation</b> | <b>61</b> | <b>0</b> | <b>7</b> | <b>3</b>  | <b>20</b> | <b>6</b>    | <b>2</b>    | <b>3</b> | <b>5</b>  | <b>15</b> |
| Probation Only                   | 47        | 0        | 4        | 3         | 18        | 4           | 2           | 1        | 3         | 12        |
| Probation and Confinement        | 14        | 0        | 3        | 0         | 2         | 2           | 0           | 2        | 2         | 3         |

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

|                                       | TOTAL   | Robbery | Larceny | Embezzlmt | Fraud    | Drug Trafck | Counterftng | Firearms | Immigratr | All Other |
|---------------------------------------|---------|---------|---------|-----------|----------|-------------|-------------|----------|-----------|-----------|
| Total Receiving Fines and Restitution | 101     | 0       | 9       | 6         | 31       | 12          | 5           | 9        | 10        | 19        |
| Median Dollar Amount                  | \$6,238 | -       | \$4,968 | \$85,932  | \$49,250 | \$5,000     | \$5,630     | \$24,500 | \$2,000   | \$10,000  |

Footnotes and a complete description of all variables in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).