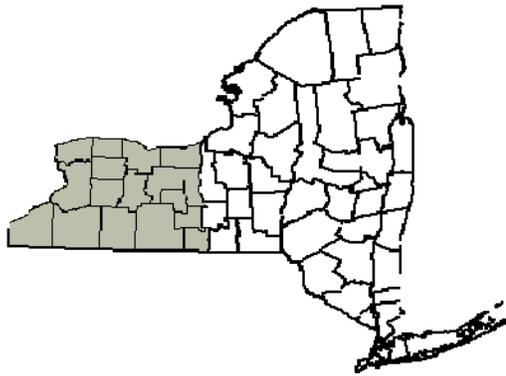


Pre-Booker Fiscal Year 2005 Guideline Sentences

NEW YORK, Western



Gender, Race, and Ethnicity¹

| | TOTAL | | Male | | Female | |
|--------------|------------|---------------|------------|--------------|-----------|--------------|
| TOTAL | 168 | 100.0% | 137 | 81.5% | 31 | 18.5% |
| White | 65 | 38.7% | 51 | 78.5% | 14 | 21.5% |
| Black | 79 | 47.0% | 63 | 79.7% | 16 | 20.3% |
| Hispanic | 21 | 12.5% | 20 | 95.2% | 1 | 4.8% |
| Other | 3 | 1.8% | 3 | 100.0% | 0 | 0.0% |

Departure Status²

| | | |
|---|------------|---------------|
| TOTAL | 168 | 100.0% |
| Sentenced Within Guideline Range | 106 | 63.1% |
| Substantial Assistance Departure | 45 | 26.8% |
| Government Sponsored Downward Departure | 3 | 1.8% |
| Other Downward Departure | 13 | 7.7% |
| Upward Departure | 1 | 0.6% |

Average Age³

| | Mean | Median |
|--------------|-------------|-------------|
| TOTAL | 34.1 | 30.0 |
| Male | 34.4 | 30.0 |
| Female | 32.6 | 30.0 |

Mode of Conviction⁴

| | | |
|--------------|------------|---------------|
| TOTAL | 173 | 100.0% |
| Plea | 171 | 98.8% |
| Trial | 2 | 1.2% |

SENTENCING INFORMATION BY PRIMARY OFFENSE⁵

| | TOTAL | Robbery | Larceny | Embezlmt | Fraud | Drug Traffck | Counterftng | Firearms | Immigratn | All Other |
|--|------------|----------|-----------|----------|-----------|--------------|-------------|-----------|-----------|-----------|
| | 173 | 9 | 13 | 2 | 19 | 53 | 1 | 28 | 16 | 32 |
| CASES INVOLVING PRISON⁶ | | | | | | | | | | |
| Total Receiving Prison | 121 | 9 | 0 | 0 | 12 | 48 | 0 | 26 | 15 | 11 |
| Prison | 116 | 9 | 0 | 0 | 11 | 46 | 0 | 25 | 15 | 10 |
| Prison/Community Split | 5 | 0 | 0 | 0 | 1 | 2 | 0 | 1 | 0 | 1 |
| Prison Term Ordered | | | | | | | | | | |
| Up to 12 Months | 26 | 0 | 0 | 0 | 7 | 6 | 0 | 1 | 10 | 2 |
| 13-24 Months | 15 | 1 | 0 | 0 | 1 | 6 | 0 | 5 | 1 | 1 |
| 25-36 Months | 18 | 3 | 0 | 0 | 0 | 7 | 0 | 5 | 1 | 2 |
| 37-60 Months | 34 | 3 | 0 | 0 | 2 | 14 | 0 | 11 | 1 | 3 |
| Over 60 Months | 25 | 2 | 0 | 0 | 0 | 15 | 0 | 4 | 1 | 3 |
| Mean Sentence | 46.5 | 46.1 | - | - | 11.0 | 60.3 | - | 46.4 | 15.7 | 58.8 |
| Median Sentence | 36.0 | 41.0 | - | - | 3.8 | 41.5 | - | 37.0 | 6.9 | 41.0 |
| CASES INVOLVING PROBATION | | | | | | | | | | |
| Total Receiving Probation | 52 | 0 | 13 | 2 | 7 | 5 | 1 | 2 | 1 | 21 |
| Probation Only | 35 | 0 | 9 | 2 | 3 | 4 | 1 | 2 | 1 | 13 |
| Probation and Confinement | 17 | 0 | 4 | 0 | 4 | 1 | 0 | 0 | 0 | 8 |
| CASES INVOLVING FINES AND RESTITUTION⁷ | | | | | | | | | | |
| Total Receiving Fines and Restitution | 69 | 5 | 13 | 2 | 9 | 13 | 0 | 12 | 0 | 15 |
| Median Dollar Amount | \$1,627 | \$13,845 | \$5,825 | \$743 | \$5,260 | \$750 | - | \$500 | - | \$3,000 |

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

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Pre-Booker Only Cases (October 1, 2004, through January 11, 2005).