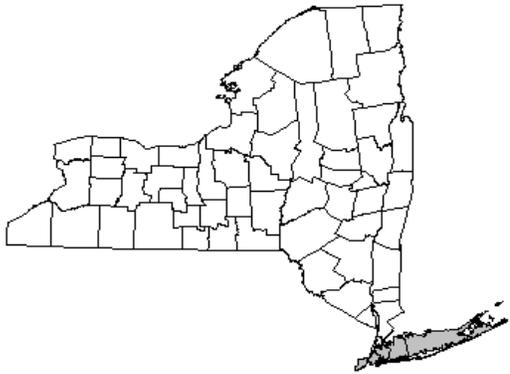


# Fiscal Year 2009 Guideline Sentences

# NEW YORK, Eastern



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

	TOTAL		Male		Female	
	Count	Percentage	Count	Percentage	Count	Percentage
<b>TOTAL</b>	<b>1,202</b>	<b>100.0%</b>	<b>1,052</b>	<b>87.5%</b>	<b>150</b>	<b>12.5%</b>
White	357	29.7%	328	91.9%	29	8.1%
Black	348	29.0%	292	83.9%	56	16.1%
Hispanic	420	34.9%	359	85.5%	61	14.5%
Other	77	6.4%	73	94.8%	4	5.2%

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

	Count	Percentage
<b>TOTAL</b>	<b>1,207</b>	<b>100.0%</b>
Sentenced Within Guideline Range	422	35.0%
Upward Departure from Guideline Range	1	0.1%
Upward Departure with <i>Booker</i> /18 U.S.C. § 3553	1	0.1%
Above Guideline Range with <i>Booker</i> /18 U.S.C. § 3553	6	0.5%
All Remaining Cases Above Guideline Range	0	0.0%
§5K1.1 Substantial Assistance Departure	314	26.0%
§5K3.1 Early Disposition Program Departure	1	0.1%
Other Government-Sponsored Below Guideline Range	61	5.1%
Downward Departure from Guideline Range	34	2.8%
Downward Departure with <i>Booker</i> /18 U.S.C. § 3553	36	3.0%
Below Guideline Range with <i>Booker</i> /18 U.S.C. § 3553	303	25.1%
All Remaining Cases Below Guideline Range	28	2.3%

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

	Mean	Median
<b>TOTAL</b>	<b>38.7</b>	<b>37.0</b>
Male	39.0	37.0
Female	36.6	35.0

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

	Count	Percentage
<b>TOTAL</b>	<b>1,213</b>	<b>100.0%</b>
Plea	1,159	95.5%
Trial	54	4.5%

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

	TOTAL	Robbery	Larceny	Embezzlmt	Fraud	Drug Traffck	Counterftng	Firearms	Immigratr	All Other
	1,213	9	13	3	167	538	11	94	123	255

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

<b>Total Receiving Prison</b>	<b>1,007</b>	<b>9</b>	<b>4</b>	<b>2</b>	<b>102</b>	<b>510</b>	<b>5</b>	<b>88</b>	<b>117</b>	<b>170</b>
Prison	970	9	4	2	94	493	4	85	116	163
Prison/Community Split	37	0	0	0	8	17	1	3	1	7
<b>Prison Term Ordered</b>										
Up to 12 Months	205	0	3	1	36	70	1	6	56	32
13-24 Months	197	0	1	1	23	102	4	11	16	39
25-36 Months	136	1	0	0	9	70	0	10	17	29
37-60 Months	182	3	0	0	12	109	0	24	18	16
Over 60 Months	238	5	0	0	14	133	0	35	6	45
Mean Sentence	50.8	65.3	7.5	-	30.3	51.7	10.4	73.6	20.9	70.8
Median Sentence	31.0	63.0	7.5	-	15.0	36.2	12.0	55.0	12.0	31.0

### CASES INVOLVING PROBATION

<b>Total Receiving Probation</b>	<b>204</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>64</b>	<b>28</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>85</b>
Probation Only	153	0	8	0	49	24	5	4	5	58
Probation and Confinement	51	0	1	0	15	4	1	2	1	27

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

Total Receiving Fines and Restitution	293	7	10	2	124	21	5	19	3	102
Median Dollar Amount	\$25,000	\$9,910	\$12,194	-	\$75,000	\$5,000	\$30,000	\$9,910	\$1,000	\$10,000

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