

Table 25

**REASONS GIVEN BY SENTENCING COURTS FOR GOV'T INITIATED
DEPARTURES BELOW THE GUIDELINE RANGE¹
Fiscal Year 2003**

REASONS FOR DEPARTURES BELOW THE RANGE ²	Number	Percent
Pursuant to plea agreement	2,969	67.7
Fast track	431	9.8
Savings to government	268	6.1
Early plea	243	5.5
Deportation	174	4.0
Waiver of indictment and/or appeal	146	3.3
Other government motion	54	1.2
Global disposition	47	1.1
(5K3.1) Early Disposition Program (EDP)	22	0.5
Due to stipulations	13	0.3
Pursuant to binding plea agreement	9	0.2
Facilitated early release of material witness	4	0.1
Joint recommendation	4	0.1
Large number of immigration cases	2	0.0
TOTAL	4,386	100.0

¹The departure reasons in the table represent government initiated departures. This data was collected prior to the issuance of AO Form 245B, Revision 12/03, which now provides specific entries for the sentencing court to indicate whether a departure was initiated by one of the parties. As a result, the Commission could not definitively determine the attribution for every case. However, based on a review of the available sentencing documentation by USSC legal staff, the Commission believes that the overwhelming majority of the departure reasons listed in this table are properly categorized as government initiated departure and the overwhelming majority of the departure reasons listed in Table 25A are properly categorized as "other downward departures."

²Of the 70,258 cases, 4,121 had a government initiated departure below the guideline range. Departure reasons were available in 4,118 of these cases which cited 5,648 reasons for downward departure. This table provides an exhaustive list of reasons used to determine that the departure was government initiated. Additional reasons may have been cited by the court but are not documented in this table. Courts often provide multiple reasons for departure; consequently, the total number of downward departure reasons may exceed the number of cases with a downward departure. Cases with substantial assistance as a reason for downward departure were not included in this table. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2003 Datafile, USSCFY2003.