

**Table 25**

**REASONS GIVEN BY SENTENCING COURTS FOR OTHER DEPARTURES  
BELOW THE GUIDELINE RANGE<sup>1</sup>  
Fiscal Year 2004, Post-Blakely (June 25, 2004, through September 30, 2004)**

<b>REASONS FOR DEPARTURES BELOW THE RANGE<sup>2</sup></b>	<b>Number</b>	<b>Percent</b>
Criminal history issues	225	22.6
General mitigating circumstances	221	22.2
Family ties and responsibilities	89	8.9
(§5K2.20) Aberrant behavior	60	6.0
Physical condition	45	4.5
Diminished capacity	44	4.4
Rehabilitation	35	3.5
Age	31	3.1
Insufficient documentation provided on SOR to determine reason	24	2.4
Mental and emotional conditions	21	2.1
Coercion and duress	16	1.6
Not representative of the heartland	13	1.3
(§5K2.23) Discharged terms of imprisonment	12	1.2
Offense behavior was an isolated incident	12	1.2
Other	149	14.9
<b>TOTAL</b>	<b>997</b>	<b>100.0</b>

<sup>1</sup>The departure reasons in the table represent non-government sponsored departures. A portion of 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 sponsored 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 departure reasons listed in this table are properly categorized as other downward departures

<sup>2</sup>Of the 18,203 cases, 772 had a non-government sponsored departure below the guideline range. Departure reasons were available in 765 of these cases which cited 997 reasons for downward departure. 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, 2004 Datafile, USSCFY04, Post-Blakely Only Cases (June 25, 2004, through September 30, 2004).