

Table 25A

**REASONS GIVEN BY SENTENCING COURTS FOR DEPARTURES
BELOW THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553¹
Fiscal Year 2005, Post-*Booker* (January 12, 2005, through September 30, 2005)**

REASONS	Number	Percent
18 U.S.C. § 3553(a)	247	16.6
Criminal history issues	146	9.8
Family ties and responsibilities (§5H1.6)	123	8.3
Judge specifies presence of variance	112	7.5
General mitigating circumstances (§5K2.0)	79	5.3
Rehabilitation	74	5.0
Physical condition (§5H1.4)	72	4.8
Exerpt from 18 U.S.C. § 3553(a)	68	4.6
<i>US v Booker</i> / <i>US v Fanfan</i>	57	3.8
Mental and emotional conditions (§5H1.3)	53	3.6
Age (§5H1.1)	50	3.4
Reduce disparity	45	3.0
Reasonableness	40	2.7
Aberrant behavior (§5K2.20)	36	2.4
Insufficient documentation provided on SOR to determine reason	35	2.4
Diminished capacity (§5K2.13)	28	1.9
Other	222	14.9
TOTAL	1,487	100.0

¹Of the 53,674 cases, 487 were sentenced with departures below the guideline range with *Booker* / 18 U.S.C. § 3553(a). Courts may cite multiple reasons for sentencing outside the guideline range; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 1,487 reasons were cited for the 487 cases, including 35 cases where the SOR was received but there was insufficient documentation provided to determine the reason. The 'Other' category includes all reasons cited fewer than twenty seven times among relevant cases. Descriptions of the variables used 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).