Table 25A

REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD
DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553[1]
Fiscal Year 2010

REASONS	N	%
Nature and circumstance of offense/history of defendant	583	14.0
Criminal history issues	528	12.7
Reflect seriousness of offense/promotes respect for law/just punishment	366	8.8
Afford adequate deterrence to criminal conduct	283	6.8
Avoid unwarranted sentencing disparity among defendants	189	4.6
Family ties and responsibilities (§5H1.6)	188	4.5
Insufficient documentation provided on SOR to determine reason	188	4.5
Protect public from further crimes	184	4.4
General mitigating circumstances (§5K2.0)	166	4.0
Provide defendant with educational or vocational training/medical care	130	3.1
Physical condition (§5H1.4)	104	2.5
Mental and emotional conditions (§5H1.3)	86	2.1
Previous employment record (§5H1.5)	84	2.0
Rehabilitation	81	2.0
Age (§5H1.1)	79	1.9
18 U.S.C. § 3553(a)	58	1.4
Aberrant behavior (§5K2.20)	45	1.1
Low likelihood of recidivism/not a risk to community	43	1.0
Role in the offense	39	0.9
Provide restitution to any victims	37	0.9
Crack/powder disparity	34	0.8
Cooperation without motion (not §5K1.1)	33	0.8
Diminished capacity (§5K2.13)	30	0.7
Time served/*U.S. v. Barrera-Saucedo*	30	0.7
Educational and vocational skills (§5H1.2)	26	0.6
Conduct on release/bond/supervision	25	0.6
Party motion/agreement/consent (reason unspecified)	24	0.6
Reduce disparity	23	0.6
General guideline adequacy issues	22	0.5
Military record/charitable works/good deeds (§5H1.11)	21	0.5
Drug dependence/alcohol abuse (§5H1.4)	20	0.5
Other	401	9.7
TOTAL	**4,150**	**100.0**

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[1] Of the 83,946 cases, 865 received a downward departure from the guideline range with *Booker/*18 U.S.C § 3553. 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, 4,150 reasons were cited for the 865 cases. In 188 cases where the SOR was received, there was insufficient documentation provided to determine some of the reasons for the sentence. The "Other" category includes all reasons cited fewer than 20 times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.