

Table 25

**REASONS GIVEN BY SENTENCING COURTS FOR OTHER DEPARTURES
BELOW THE GUIDELINE RANGE¹
Fiscal Year 2004, Pre-Blakely (October 1, 2003, through June 24, 2004)**

REASONS FOR DEPARTURES BELOW THE RANGE²	Number	Percent
Criminal history issues	720	20.5
General mitigating circumstances	543	15.4
(§5K2.20) Aberrant behavior	241	6.8
Family ties and responsibilities	237	6.7
Physical condition	190	5.4
Diminished capacity	181	5.1
Insufficient documentation provided on SOR to determine reason	138	3.9
Rehabilitation	117	3.3
Not representative of the heartland	106	3.0
Acceptance of responsibility	68	1.9
Mental and emotional conditions	65	1.8
Time served	51	1.4
Age	49	1.4
(§5G1.3)	45	1.3
Coercion and duress	42	1.2
Lesser harm	33	0.9
Voluntary disclosure (§5K2.16)	29	0.8
(§5K2.23) Discharged terms of imprisonment	27	0.8
Cultural assimilation	24	0.7
Loss issues	20	0.6
Reduce disparity	20	0.6
Mule/role in the offense	19	0.5
Offense behavior was an isolated incident	17	0.5
Child abuse syndrome	16	0.5
(§5H1.11) - Military record/charitable works/good deeds	16	0.5
General guideline adequacy issues	15	0.4
Victim's conduct	14	0.4
Community ties	13	0.4
Drug dependence/alcohol abuse	12	0.3
Cooperation (motion unknown)	12	0.3
Other	439	12.5
TOTAL	3,519	100.0

¹The 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

²Of the 51,865 cases, 2,498 had a non-government sponsored departure below the guideline range. Departure reasons were available in 2,487 of these cases which cited 3,519 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, Pre-Blakely Only Cases (October 1, 2003, through June 24, 2004).