

**Table 25B**

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**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES BELOW  
THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553<sup>1</sup>  
Fiscal Year 2005, Post-*Booker* (January 12, 2005, through September 30, 2005)**

<b>REASONS</b>	<b>Number</b>	<b>Percent</b>
18 U.S.C. § 3553(a)	1,921	22.0
Judge specifies presence of variance	731	8.4
Exerpt from 18 U.S.C. § 3553(a)	535	6.1
Criminal history issues	504	5.8
Insufficient documentation provided on SOR to determine reason	418	4.8
Reasonableness	368	4.2
<i>US v Booker</i> / <i>US v Fanfan</i>	341	3.9
Advisory nature of guidelines	310	3.6
Reduce disparity	284	3.3
General guideline adequacy issues	250	2.9
Rehabilitation	222	2.5
Family ties and responsibilities (§5H1.6)	214	2.5
Adequate to meet purposes of sentencing	187	2.1
Deterrence	185	2.1
Age (§5H1.1)	126	1.4
Mule/role in the offense	111	1.3
General mitigating circumstances (§5K2.0)	106	1.2
Previous employment record (§5H1.5)	83	1.0
Nature and circumstance of offense/history of defendant	78	0.9
Physical condition (§5H1.4)	73	0.8
Mental and emotional conditions (§5H1.3)	67	0.8
Restitution	63	0.7
Cooperation (motion unknown)	61	0.7
Incapacitation	57	0.7
Time served	57	0.7
Cooperation without motion (Not §5K1.1)	56	0.6
Defendant's positive background or good character	51	0.6
Acceptance of responsibility	42	0.5
Reflect seriousness of offense/promotes respect for law/just punishment	40	0.5
Drug dependence/alcohol abuse (§5H1.4)	38	0.4
Other	1,139	13.1
<b>TOTAL</b>	<b>8,718</b>	<b>100.0</b>

<sup>1</sup>Of the 53,674 cases, 3,199 were sentenced 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, 8,718 reasons were cited for the 3,199 cases, including 418 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 37 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).