

Table 25B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES BELOW
THE GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553¹
Fiscal Year 2007**

REASONS	Number	Percent
Nature and circumstance of offense/history of defendant	3,971	23.8
Reflect seriousness of offense/promotes respect for law/just punishment	2,314	13.9
Afford adequate deterrence to criminal conduct	1,915	11.5
Protect public from further crimes	1,242	7.4
Avoid unwarranted sentencing disparity among defendants	1,195	7.2
Provide defendant with educational or vocational training/medical care	889	5.3
Criminal history issues	692	4.1
Family ties and responsibilities (§5H1.6)	468	2.8
Age (§5H1.1)	258	1.5
Provide restitution to any victims	252	1.5
Previous employment record (§5H1.5)	248	1.5
Rehabilitation	232	1.4
Physical condition (§5H1.4)	219	1.3
Mental and emotional conditions (§5H1.3)	180	1.1
18 U.S.C. § 3553(a)	162	1.0
Mule/role in the offense	156	0.9
Low likelihood of recidivism	145	0.9
Cooperation without motion (Not §5K1.1)	115	0.7
Insufficient documentation provided on SOR to determine reason	95	0.6
General guideline adequacy issues	92	0.6
Time served	91	0.5
Drug dependence/alcohol abuse (§5H1.4)	89	0.5
Community ties (§5H1.6)	74	0.4
Military record/charitable works/good deeds (§5H1.11)	73	0.4
Remorse	56	0.3
Defendant's positive background or good character	54	0.3
Acceptance of responsibility	52	0.3
Sufficient punishment	51	0.3
Lack of culpability/accountability	49	0.3
Excerpt from 18 U.S.C. § 3553(a)	47	0.3
Other	1,231	7.4
TOTAL	16,707	100.0

¹Of the 72,865 cases, 4,957 were sentenced below 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, 16,707 reasons were cited for the 4,957 cases. In 95 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 forty seven times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2007 Datafile, USSCFY07.