

**Table 25**

**REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD  
DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>  
Fiscal Year 2008**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	1,181	39.3
General mitigating circumstances (§5K2.0)	335	11.2
Family ties and responsibilities (§5H1.6)	182	6.1
Physical condition (§5H1.4)	143	4.8
Mental and emotional conditions (§5H1.3)	110	3.7
Age (§5H1.1)	101	3.4
Aberrant behavior (§5K2.20)	91	3.0
Diminished capacity (§5K2.13)	71	2.4
Previous employment record (§5H1.5)	60	2.0
Discharged terms of imprisonment (§5K2.23)	45	1.5
Low likelihood of recidivism/not a risk to community	39	1.3
Time served	39	1.3
Not representative of the heartland	38	1.3
General guideline adequacy issues	33	1.1
Educational and vocational skills (§5H1.2)	32	1.1
Mule/role in the offense	30	1.0
Military record/charitable works/good deeds (§5H1.11)	29	1.0
Party motion/agreement/consent (reason unspecified)	24	0.8
Coercion and duress (§5K2.12)	22	0.7
Cultural assimilation	19	0.6
Nonviolent offense/offender	17	0.6
Totality of circumstances/combination of factors	16	0.5
Insufficient documentation provided on SOR to determine reason	16	0.5
Drug dependence/alcohol abuse (§5H1.4)	14	0.5
Cooperation (motion unknown)	14	0.5
Voluntary disclosure (§5K2.16)	14	0.5
Cooperation without motion (not §5K1.1)	13	0.4
Acceptance of responsibility	13	0.4
Restitution	12	0.4
Conduct on release/bond/supervision	12	0.4
Other	238	7.9
<b>TOTAL</b>	<b>3,003</b>	<b>100.0</b>

<sup>1</sup>Of the 76,478 cases, 1,544 received a downward departure from the guideline range. 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, 3,003 reasons were cited for the 1,544 cases. In 16 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 12 times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.