

**Table 25A**

**REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD  
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553<sup>1</sup>  
Fiscal Year 2008**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Nature and circumstance of offense/history of defendant	570	14.2
Criminal history issues	464	11.6
Reflect seriousness of offense/promotes respect for law/just punishment	293	7.3
Insufficient documentation provided on SOR to determine reason	237	5.9
Afford adequate deterrence to criminal conduct	228	5.7
Family ties and responsibilities (§5H1.6)	217	5.4
General mitigating circumstances (§5K2.0)	172	4.3
Protect public from further crimes	142	3.5
Rehabilitation	139	3.5
Provide defendant with educational or vocational training/medical care	137	3.4
Avoid unwarranted sentencing disparity among defendants	130	3.2
Age (§5H1.1)	116	2.9
Mental and emotional conditions (§5H1.3)	99	2.5
Physical condition (§5H1.4)	90	2.2
Previous employment record (§5H1.5)	76	1.9
18 U.S.C. § 3553(a)	73	1.8
Aberrant behavior (§5K2.20)	48	1.2
Provide restitution to any victims	38	0.9
Low likelihood of recidivism/not a risk to community	36	0.9
Mule/role in the offense	33	0.8
Drug dependence/alcohol abuse (§5H1.4)	31	0.8
Educational and vocational skills (§5H1.2)	30	0.7
Military record/charitable works/good deeds (§5H1.11)	28	0.7
Reduce disparity	27	0.7
Diminished capacity (§5K2.13)	24	0.6
Time served	22	0.5
General guideline adequacy issues	21	0.5
Deterrence	19	0.5
Party motion/agreement/consent (reason unspecified)	18	0.4
Acceptance of responsibility	17	0.4
Other	428	10.7
<b>TOTAL</b>	<b>4,003</b>	<b>100.0</b>

<sup>1</sup>Of the 76,478 cases, 915 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, 4,003 reasons were cited for the 915 cases. In 237 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 17 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.