

Table 25B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES BELOW
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2008**

REASONS	N	%
Nature and circumstance of offense/history of defendant	5,427	23.6
Reflect seriousness of offense/promotes respect for law/just punishment	3,269	14.2
Afford adequate deterrence to criminal conduct	2,580	11.2
Protect public from further crimes	1,641	7.1
Avoid unwarranted sentencing disparity among defendants	1,607	7.0
Provide defendant with educational or vocational training/medical care	1,157	5.0
Criminal history issues	992	4.3
Family ties and responsibilities (§5H1.6)	666	2.9
Previous employment record (§5H1.5)	387	1.7
Age (§5H1.1)	335	1.5
Rehabilitation	327	1.4
Provide restitution to any victims	323	1.4
Physical condition (§5H1.4)	289	1.3
Mental and emotional conditions (§5H1.3)	258	1.1
Low likelihood of recidivism/not a risk to community	240	1.0
Mule/role in the offense	218	0.9
Drug dependence/alcohol abuse (§5H1.4)	174	0.8
Insufficient documentation provided on SOR to determine reason	171	0.7
Cooperation without motion (not §5K1.1)	142	0.6
General guideline adequacy issues	140	0.6
Time served	139	0.6
Conduct on release/bond/supervision	114	0.5
Remorse	107	0.5
18 U.S.C. § 3553(a)	104	0.5
Restitution	88	0.4
Aberrant behavior (§5K2.20)	85	0.4
Nonviolent offense/offender	83	0.4
Military record/charitable works/good deeds (§5H1.11)	78	0.3
Educational and vocational skills (§5H1.2)	75	0.3
Other	1,806	7.8
TOTAL	23,022	100.0

¹Of the 76,478 cases, 6,678 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, 23,022 reasons were cited for the 6,678 cases. In 171 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 75 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.