

Table 25A

**REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553¹
Fiscal Year 2009**

REASONS	N	%
Nature and circumstance of offense/history of defendant	567	14.0
Criminal history issues	461	11.4
Reflect seriousness of offense/promotes respect for law/just punishment	310	7.7
Afford adequate deterrence to criminal conduct	254	6.3
Family ties and responsibilities (§5H1.6)	229	5.7
Insufficient documentation provided on SOR to determine reason	199	4.9
Avoid unwarranted sentencing disparity among defendants	192	4.7
Protect public from further crimes	170	4.2
General mitigating circumstances (§5K2.0)	160	4.0
Provide defendant with educational or vocational training/medical care	127	3.1
Rehabilitation	107	2.6
Mental and emotional conditions (§5H1.3)	97	2.4
Age (§5H1.1)	96	2.4
Previous employment record (§5H1.5)	93	2.3
Physical condition (§5H1.4)	88	2.2
18 U.S.C. § 3553(a)	80	2.0
Low likelihood of recidivism/not a risk to community	48	1.2
Aberrant behavior (§5K2.20)	47	1.2
Provide restitution to any victims	40	1.0
Educational and vocational skills (§5H1.2)	39	1.0
Mule/role in the offense	35	0.9
Diminished capacity (§5K2.13)	33	0.8
Reduce disparity	31	0.8
Military record/charitable works/good deeds (§5H1.11)	27	0.7
Community ties (§5H1.6)	25	0.6
Drug dependence/alcohol abuse (§5H1.4)	23	0.6
Party motion/agreement/consent (reason unspecified)	23	0.6
Cooperation without motion (not §5K1.1)	21	0.5
Conduct on release/bond/supervision	21	0.5
General guideline adequacy issues	21	0.5
Other	380	9.4
TOTAL	4,044	100.0

¹Of the 81,372 cases, 861 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, 4,044 reasons were cited for the 861 cases. In 199 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 21 times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 Datafile, USSCFY09.