

Table 25B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES BELOW
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2009**

REASONS	N	%
Nature and circumstance of offense/history of defendant	7,710	23.3
Reflect seriousness of offense/promotes respect for law/just punishment	4,694	14.2
Afford adequate deterrence to criminal conduct	3,626	11.0
Protect public from further crimes	2,430	7.4
Avoid unwarranted sentencing disparity among defendants	2,269	6.9
Provide defendant with educational or vocational training/medical care	1,711	5.2
Criminal history issues	1,488	4.5
Family ties and responsibilities (§5H1.6)	1,063	3.2
Age (§5H1.1)	509	1.5
Previous employment record (§5H1.5)	494	1.5
Provide restitution to any victims	466	1.4
Rehabilitation	437	1.3
Physical condition (§5H1.4)	409	1.2
Mental and emotional conditions (§5H1.3)	378	1.1
Mule/role in the offense	359	1.1
Low likelihood of recidivism/not a risk to community	291	0.9
Drug dependence/alcohol abuse (§5H1.4)	278	0.8
Crack/powder disparity	235	0.7
Time served	222	0.7
General guideline adequacy issues	206	0.6
Insufficient documentation provided on SOR to determine reason	194	0.6
Cooperation without motion (not §5K1.1)	190	0.6
18 U.S.C. § 3553(a)	178	0.5
Remorse	158	0.5
Educational and vocational skills (§5H1.2)	147	0.4
Conduct on release/bond/supervision	144	0.4
Community ties (§5H1.6)	121	0.4
Military record/charitable works/good deeds (§5H1.11)	115	0.3
Acceptance of responsibility	107	0.3
Lack of youthful guidance/tragic or troubled childhood	104	0.3
Other	2,307	7.0
TOTAL	33,040	100.0

¹Of the 81,372 cases, 9,358 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, 33,040 reasons were cited for the 9,358 cases. In 194 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 104 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.