

Table 25

**REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2010**

REASONS	N	%
Criminal history issues	1,533	43.8
General mitigating circumstances (§5K2.0)	446	12.8
Family ties and responsibilities (§5H1.6)	183	5.2
Physical condition (§5H1.4)	111	3.2
Age (§5H1.1)	97	2.8
Mental and emotional conditions (§5H1.3)	97	2.8
Time served/ <i>U.S. v. Barrera-Saucedo</i>	82	2.3
Aberrant behavior (§5K2.20)	72	2.1
Criminal history issues in application of §2L1.2	52	1.5
Previous employment record (§5H1.5)	51	1.5
General guideline adequacy issues	47	1.3
Role in the offense	42	1.2
Diminished capacity (§5K2.13)	40	1.1
Cultural assimilation	38	1.1
Military record/charitable works/good deeds (§5H1.11)	32	0.9
Not representative of the heartland	27	0.8
Coercion and duress (§5K2.12)	26	0.7
Party motion/agreement/consent (reason unspecified)	25	0.7
Crack/powder disparity	24	0.7
Cooperation without motion (not §5K1.1)	24	0.7
Educational and vocational skills (§5H1.2)	23	0.7
Discharged terms of imprisonment (§5K2.23)	23	0.7
Mitigating factors regarding illegal entry	23	0.7
Low likelihood of recidivism/not a risk to community	22	0.6
Drug dependence/alcohol abuse (§5H1.4)	20	0.6
Conduct on release/bond/supervision	16	0.5
Remorse	16	0.5
Lack of youthful guidance/tragic or troubled childhood	14	0.4
Nonviolent offense/offender	12	0.3
Convictions on related counts (§5G1.3)	12	0.3
Other	267	7.6
TOTAL	3,497	100.0

¹ Of the 83,946 cases, 1,687 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, 3,497 reasons were cited for the 1,687 cases. In seven 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, 2010 Datafile, USSCFY10.