

Table 25B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES BELOW
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2010**

REASONS	N	%
Nature and circumstance of offense/history of defendant	9,198	23.0
Reflect seriousness of offense/promotes respect for law/just punishment	5,798	14.5
Afford adequate deterrence to criminal conduct	4,545	11.3
Protect public from further crimes	2,832	7.1
Avoid unwarranted sentencing disparity among defendants	2,750	6.9
Provide defendant with educational or vocational training/medical care	2,001	5.0
Criminal history issues	1,828	4.6
Family ties and responsibilities (§5H1.6)	1,312	3.3
Previous employment record (§5H1.5)	687	1.7
Age (§5H1.1)	603	1.5
Physical condition (§5H1.4)	465	1.2
Provide restitution to any victims	443	1.1
Crack/powder disparity	442	1.1
Role in the offense	440	1.1
Mental and emotional conditions (§5H1.3)	418	1.0
Rehabilitation	413	1.0
Low likelihood of recidivism/not a risk to community	381	1.0
Cooperation without motion (not §5K1.1)	372	0.9
Drug dependence/alcohol abuse (§5H1.4)	295	0.7
Time served/ <i>U.S. v. Barrera-Saucedo</i>	286	0.7
General guideline adequacy issues	265	0.7
Educational and vocational skills (§5H1.2)	212	0.5
Mitigating factors regarding illegal entry	205	0.5
Remorse	191	0.5
Community ties (§5H1.6)	186	0.5
Conduct on release/bond/supervision	174	0.4
Insufficient documentation provided on SOR to determine reason	166	0.4
Acceptance of responsibility	159	0.4
Lack of youthful guidance/tragic or troubled childhood	135	0.3
Military record/charitable works/good deeds (§5H1.11)	133	0.3
Deportation	130	0.3
Aberrant behavior (§5K2.20)	119	0.3
Nonviolent offense/offender	109	0.3
Other	2,383	5.9
TOTAL	40,076	100.0

¹ Of the 83,946 cases, 11,116 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, 40,076 reasons were cited for the 11,116 cases. In 166 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 100 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.