

Table 25B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES BELOW
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2011**

REASONS	N	%
Nature and circumstance of offense/history of defendant	9,410	21.2
Reflect seriousness of offense/promotes respect for law/just punishment	6,017	13.6
Afford adequate deterrence to criminal conduct	4,724	10.7
Protect public from further crimes	2,788	6.3
Avoid unwarranted sentencing disparity among defendants	2,733	6.2
Criminal history issues	2,406	5.4
Provide defendant with educational or vocational training/medical care	1,876	4.2
Family ties and responsibilities (§5H1.6)	1,470	3.3
Previous employment record (§5H1.5)	823	1.9
Age (§5H1.1)	725	1.6
Provide restitution to any victims	699	1.6
Rehabilitation	589	1.3
Low likelihood of recidivism/not a risk to community	589	1.3
Role in the offense	583	1.3
Cooperation without motion (not §5K1.1)	519	1.2
Physical condition (§5H1.4)	518	1.2
Mental and emotional conditions (§5H1.3)	467	1.1
Drug dependence/alcohol abuse (§5H1.4)	408	0.9
Time served/U.S. v. Barrera-Saucedo	374	0.8
Remorse	365	0.8
Conduct on release/bond/supervision	311	0.7
General guideline adequacy issues	297	0.7
Insufficient documentation provided on SOR to determine reason	293	0.7
Educational and vocational skills (§5H1.2)	289	0.7
Military record/charitable works/good deeds (§5H1.11)	266	0.6
Lack of youthful guidance/tragic or troubled childhood	252	0.6
Acceptance of responsibility	223	0.5
Criminal history issues in application of §2L1.2	214	0.5
Mitigating factors regarding illegal entry	212	0.5
Community ties (§5H1.6)	201	0.5
Nonviolent offense/offender	164	0.4
18 U.S.C. § 3553(a)	149	0.3
Crack/powder disparity	132	0.3
Other	3,265	7.4
TOTAL	44,351	100.0

¹ Of the 86,201 cases, 11,371 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, 44,351 reasons were cited for the 11,371 cases. In 293 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 130 times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, USSCFY11.