

Table 25

**REASONS GIVEN BY SENTENCING COURTS FOR DOWNWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2012**

REASONS	N	%
Criminal history issues	1,148	31.6
General mitigating circumstances (§5K2.0)	533	14.7
Family ties and responsibilities (§5H1.6)	255	7.0
Mental and emotional conditions (§5H1.3)	159	4.4
Physical condition (§5H1.4)	152	4.2
Criminal history issues in application of §2L1.2	135	3.7
Age (§5H1.1)	121	3.3
Cultural assimilation	109	3.0
Previous employment record (§5H1.5)	71	2.0
Aberrant behavior (§5K2.20)	69	1.9
Party motion/agreement/consent (reason unspecified)	63	1.7
Military record/charitable works/good deeds (§5H1.11)	55	1.5
Time served/U.S. v. Barrera-Saucedo	48	1.3
Discharged terms of imprisonment (§5K2.23)	43	1.2
Educational and vocational skills (§5H1.2)	37	1.0
Diminished capacity (§5K2.13)	37	1.0
Role in the offense	37	1.0
Not representative of the heartland	34	0.9
General guideline adequacy issues	33	0.9
Cooperation without motion (not §5K1.1)	32	0.9
Drug dependence/alcohol abuse (§5H1.4)	31	0.9
Low likelihood of recidivism/not a risk to community	24	0.7
Coercion and duress (§5K2.12)	21	0.6
Mitigating factors regarding illegal entry	21	0.6
Totality of circumstances/combination of factors	20	0.6
First immigration offense	20	0.6
Nonviolent offense/offender	18	0.5
Conduct on release/bond/supervision	16	0.4
Lack of youthful guidance/tragic or troubled childhood	16	0.4
Restitution/pay taxes	14	0.4
Insufficient documentation provided on SOR to determine reason	14	0.4
Acceptance of responsibility	13	0.4
Other	233	6.4
TOTAL	3,632	100.0

¹ Of the 84,173 cases, 1,897 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, 3,632 reasons were cited for the 1,897 cases. In 14 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 13 times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.