

Table 25B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES BELOW
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2012**

REASONS	N	%
Nature and circumstance of offense/history of defendant	9,719	21.8
Reflect seriousness of offense/promotes respect for law/just punishment	6,221	14.0
Afford adequate deterrence to criminal conduct	4,989	11.2
Protect public from further crimes	3,026	6.8
Avoid unwarranted sentencing disparity among defendants	2,976	6.7
Criminal history issues	2,311	5.2
Provide defendant with educational or vocational training/medical care	1,802	4.0
Family ties and responsibilities (§5H1.6)	1,393	3.1
Previous employment record (§5H1.5)	743	1.7
Provide restitution to any victims	711	1.6
Age (§5H1.1)	706	1.6
Rehabilitation	591	1.3
Role in the offense	581	1.3
Low likelihood of recidivism/not a risk to community	542	1.2
Physical condition (§5H1.4)	501	1.1
Mental and emotional conditions (§5H1.3)	491	1.1
Cooperation without motion (not §5K1.1)	489	1.1
Remorse	442	1.0
Drug dependence/alcohol abuse (§5H1.4)	368	0.8
Conduct on release/bond/supervision	312	0.7
Lack of youthful guidance/tragic or troubled childhood	274	0.6
Acceptance of responsibility	270	0.6
Insufficient documentation provided on SOR to determine reason	259	0.6
General guideline adequacy issues	257	0.6
Educational and vocational skills (§5H1.2)	235	0.5
Time served/U.S. v. Barrera-Saucedo	231	0.5
Military record/charitable works/good deeds (§5H1.11)	224	0.5
Community ties (§5H1.6)	193	0.4
Mitigating factors regarding illegal entry	183	0.4
18 U.S.C. § 3553(a)	154	0.3
Criminal history issues in application of §2L1.2	152	0.3
Nonviolent offense/offender	137	0.3
Aberrant behavior (§5K2.20)	130	0.3
Other	2,961	6.6
TOTAL	44,574	100.0

¹ Of the 84,173 cases, 11,487 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, 44,574 reasons were cited for the 11,487 cases. In 259 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, 2012 Datafile, USSCFY12.