Table 44

REASONS GIVEN BY SENTENCING COURTS FOR
DOWNWARD VARIANCES FROM THE GUIDELINE RANGE[1]
Fiscal Year 2023

REASONS	N	%
The history and characteristics of the defendant	12,434	12.1
Reflect seriousness of offense/promotes respect for law/just punishment	9,030	8.8
Afford adequate deterrence to criminal conduct	7,532	7.3
The nature and circumstance of the offense	7,050	6.9
Protect public from further crimes	5,219	5.1
Family ties and responsibilities (§5H1.6)	4,454	4.3
Avoid unwarranted sentencing disparity	4,342	4.2
Criminal history issues	4,167	4.1
Drug dependence and alcohol abuse (§5H1.4)	2,905	2.8
Acceptance of responsibility	2,881	2.8
Age (§5H1.1)	2,827	2.8
Remorse	2,693	2.6
Mental and emotional conditions	2,537	2.5
Lack of youthful guidance/tragic or troubled childhood	2,297	2.2
Previous employment record (§5H1.5)	2,255	2.2
Rehabilitation	2,103	2.1
Role in the offense	2,057	2.0
Provide correctional treatment	1,562	1.5
Nonviolent offense	1,456	1.4
General mitigating circumstances (§5K2.0)	1,344	1.3
Conduct while on release, bond, or supervision	1,300	1.3
Physical condition (§5H1.4)	1,237	1.2
Provide educational or vocational training	1,230	1.2
Pursuant to plea agreement	1,034	1.0
Community ties (§5H1.6)	878	0.9
Cooperation without motion (not §5K1.1)	833	0.8
Applied proposed guideline amendment (Amendment 821)	828	0.8
Provide restitution to any victims	756	0.7
First Step Act safety valve expansion	753	0.7
Provide medical care	732	0.7
Aberrant behavior (§5K2.20)	724	0.7
Early plea	710	0.7
Waiver of appeal	705	0.7
Charitable service/good works	519	0.5
Other	9,129	8.9
TOTAL	**102,513**	**100.0**

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[1] Of the 64,124 cases, in 19,232 the sentence was a variance below 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, 102,513 reasons were cited for the 19,232 cases. The 'Other' category includes all reasons cited fewer than 515 times among relevant cases and 999 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Datafile, USSCFY23.