

**Table 24A**

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD  
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553<sup>1</sup>  
Fiscal Year 2010**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	147	21.7
Nature and circumstance of offense/history of defendant	79	11.7
Protect public from further crimes	76	11.2
Reflect seriousness of offense/promotes respect for law/just punishment	73	10.8
Afford adequate deterrence to criminal conduct	72	10.7
General aggravating circumstances (§5K2.0)	27	4.0
Provide defendant with educational or vocational training/medical care	18	2.7
Insufficient documentation provided on SOR to determine reason	17	2.5
Pursuant to plea agreement	13	1.9
General guideline adequacy issues	12	1.8
Propensity for violence	10	1.5
Dismissed and uncharged conduct (§5K2.21)	8	1.2
Weapons/dangerous instrumentalities (§5K2.6)	7	1.0
Extreme conduct (§5K2.8)	7	1.0
Deterrence	7	1.0
Avoid unwarranted sentencing disparity among defendants	6	0.9
Death (§5K2.1)	6	0.9
Conduct while on release, bond, or supervision	6	0.9
Ongoing nature of activity	5	0.7
Public welfare (§5K2.14)	4	0.6
Violent street gang (§5K2.18)	4	0.6
18 U.S.C. § 3553(a)	4	0.6
Extreme psychological injury (§5K2.3)	3	0.4
Abduction or unlawful restraint (§5K2.4)	2	0.3
Disruption of government function (§5K2.7)	2	0.3
Criminal purpose (§5K2.9)	2	0.3
Victim conduct (§5K2.10)	2	0.3
Circumstance not considered by guidelines	2	0.3
Drug quantity	2	0.3
Dangerous or inhumane treatment (§2L1.1)	2	0.3
Mule/role in offense	2	0.3
Adequate punishment to meet purposes of sentencing	2	0.3
Incapacitation	2	0.3
Other	45	6.7
<b>TOTAL</b>	<b>676</b>	<b>100.0</b>

<sup>1</sup> Of the 83,946 cases, 119 received an upward departure from 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, 676 reasons were cited for the 119 cases. In 17 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 two 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.