

Table 24B

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

REASONS	N	%
Nature and circumstance of offense/history of defendant	734	20.8
Reflect seriousness of offense/promotes respect for law/just punishment	653	18.5
Afford adequate deterrence to criminal conduct	569	16.1
Protect public from further crimes	515	14.6
Criminal history issues	290	8.2
Provide defendant with educational or vocational training/medical care	131	3.7
Avoid unwarranted sentencing disparity among defendants	107	3.0
Pursuant to plea agreement	101	2.9
Propensity for violence	41	1.2
Insufficient documentation provided on SOR to determine reason	41	1.2
General guideline adequacy issues	29	0.8
Provide restitution to any victims	28	0.8
Ongoing nature of activity	22	0.6
Mule/role in offense	17	0.5
Conduct while on release, bond, or supervision	17	0.5
Dismissed and uncharged conduct (§5K2.21)	16	0.5
Lack of remorse	13	0.4
18 U.S.C. § 3553(a)	11	0.3
Drug quantity	9	0.3
Defendant's negative background or bad character	8	0.2
Time served	7	0.2
Has had inappropriate contact with minors/exploited minors	7	0.2
Alien status	6	0.2
Terrifying the victim	6	0.2
Party motion/agreement/consent (reason unspecified)	6	0.2
Loss issues	6	0.2
Weapons/dangerous instrumentalities (§5K2.6)	5	0.1
Untruthful testimony	5	0.1
Excerpt from 18 U.S.C. § 3553(a)	5	0.1
Abuse of trust/skill	5	0.1
Deterrence	4	0.1
Training or treatment opportunities	4	0.1
Other	115	3.3
TOTAL	3,533	100.0

¹ Of the 86,201 cases, 947 were sentenced above 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, 3,533 reasons were cited for the 947 cases. In 41 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 four 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.