

Table 24C

**REASONS GIVEN BY SENTENCING COURTS FOR REMAINING
SENTENCES ABOVE THE GUIDELINE RANGE¹
Fiscal Year 2005, Post-Booker (January 12, 2005, through September 30, 2005)**

REASONS	Number	Percent
Criminal history issues	155	26.5
Pursuant to plea agreement	108	18.4
Insufficient documentation provided on SOR to determine reason	68	11.4
Dismissed and uncharged conduct (§5K2.21)	43	7.3
General aggravating circumstances (§5K2.0)	39	6.7
General guideline adequacy issues	27	4.6
Abduction or unlawful restraint (§5K2.4)	10	1.7
Offense level understates offense seriousness (§2B1.1)	6	1.0
Time served	6	1.0
Training or treatment opportunities	5	0.9
Other	120	20.5
TOTAL	587	100.0

¹Of the 53,674 cases, 342 were the remaining cases sentenced above 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, 587 reasons were cited for the 342 cases, including 68 cases where the SOR was received but there was insufficient documentation provided to determine the reason. The 'Other' category includes all reasons cited fewer than five times among relevant cases. Descriptions of the variable used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Datafile, USSCFY05, Post-Booker Only Cases (January 12, 2005, through September 30, 2005).