

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR DEPARTURES
ABOVE THE GUIDELINE RANGE
Fiscal Year 2004, Post-Blakely (June 25, 2004, through September 30, 2004)**

REASONS FOR DEPARTURES ABOVE THE RANGE¹	Number	Percent
Criminal history issues	41	31.8
(§5K2.21) Dismissed and uncharged conduct	18	14.0
General aggravating circumstances	14	10.9
Pursuant to BINDING plea agreement 11(c)(1)(C)	8	6.2
Weapons/dangerous instrumentalities	5	3.9
Criminal purpose	5	3.9
Extreme psychological injury	4	3.1
Pursuant to plea agreement	3	2.3
(§5K2.2) Physical injury	2	1.6
(§5K2.4) Abduction or unlawful restraint	2	1.6
Property damage or loss	2	1.6
Extreme conduct	2	1.6
Public welfare	2	1.6
Time served	2	1.6
General guideline adequacy issues	2	1.6
Other	17	13.2
TOTAL	129	100.0

¹Of the 18,203 cases, 95 were above the guideline range. Departure reasons were available in 95 of these cases which cited 129 reasons for upward departure. Courts often provided multiple reasons for departure; consequently, the total number of upward departure reasons may exceed the number of cases with an upward departure. The "Other" category includes all reasons provided fewer than two times among relevant cases.

SOURCE: U.S. Sentencing Commission, 2004 Datafile, USSCFY04, Post-Blakely Only Cases (June 25, 2004, through September 30, 2004).