

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR DEPARTURES
ABOVE THE GUIDELINE RANGE
Fiscal Year 2004, Pre-Blakely (October 1, 2003, through June 24, 2004)**

REASONS FOR DEPARTURES ABOVE THE RANGE¹	Number	Percent
Criminal history issues	207	36.5
(§5K2.21) Dismissed and uncharged conduct	47	8.3
General aggravating circumstances	40	7.1
Pursuant to BINDING plea agreement 11(c)(1)(C)	27	4.8
Extreme conduct	16	2.8
General guideline adequacy issues	14	2.5
Insufficient documentation provided on SOR to determine reason	14	2.5
(§5K2.2) Physical injury	11	1.9
Pursuant to plea agreement	10	1.8
Death	8	1.4
Not representative of heartland	8	1.4
Weapons/dangerous instrumentalities	7	1.2
(§5K2.7) Disruption of government function	6	1.1
Several persons injured	5	0.9
(§5K2.4) Abduction or unlawful restraint	5	0.9
Public welfare	5	0.9
Loss issues	5	0.9
Extreme psychological injury	4	0.7
Criminal purpose	4	0.7
Other plea agreement reason	4	0.7
(§3D1.4) Offenses significantly > 5 units	3	0.5
Deterrence	3	0.5
Justifiable reasons	3	0.5
(§2B1.1) Offense level understates offense seriousness	3	0.5
Property damage or loss	2	0.4
(§2T3.1) Duties may not adequately reflect harm	2	0.4
(§3A1.2) Official victim	2	0.4
Further obstruction of justice	2	0.4
Untruthful testimony	2	0.4
Other	98	17.3
TOTAL	567	100.0

¹Of the 51,865 cases, 382 were above the guideline range. Departure reasons were available in 382 of these cases which cited 567 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, Pre-Blakely Only Cases (October 1, 2003, through June 24, 2004).