

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2006**

REASONS	Number	Percent
Nature and circumstance of offense/history of defendant	311	21.7
Reflect seriousness of offense/promotes respect for law/just punishment	279	19.4
Afford adequate deterrence to criminal conduct	226	15.7
Protect public from further crimes	212	14.8
Provide defendant with educational or vocational training/medical care	71	4.9
Criminal history issues	70	4.9
18 U.S.C. § 3553(a)	48	3.3
Avoid unwarranted sentencing disparity among defendants	31	2.2
Pursuant to plea agreement	25	1.7
General guideline adequacy issues	16	1.1
Reasonableness	14	1.0
Excerpt from 18 U.S.C. § 3553(a)	14	1.0
Interest of justice	13	0.9
Provide restitution to any victims	8	0.6
Deterrence	7	0.5
Insufficient documentation provided on SOR to determine reason	7	0.5
Time served	6	0.4
Propensity for violence	5	0.3
Extreme conduct (§5K2.8)	4	0.3
Statutory minimum/maximum	3	0.2
Training or treatment opportunities	3	0.2
Incapacitation	3	0.2
Defendant's negative background or bad character	3	0.2
<i>U.S. v. Booker / U.S. v. Fanfan</i>	3	0.2
Other	53	3.7
TOTAL	1,435	100.0

¹Of the 72,585 cases, 455 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, 1,435 reasons were cited for the 455 cases, including seven 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 three times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2006 Datafile, USSCFY06.