

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553¹
Fiscal Year 2008**

REASONS	N	%
Criminal history issues	158	21.4
Nature and circumstance of offense/history of defendant	99	13.4
Reflect seriousness of offense/promotes respect for law/just punishment	88	11.9
Protect public from further crimes	80	10.8
Afford adequate deterrence to criminal conduct	75	10.2
General aggravating circumstances (§5K2.0)	31	4.2
Insufficient documentation provided on SOR to determine reason	29	3.9
Provide defendant with educational or vocational training/medical care	27	3.7
Pursuant to plea agreement	15	2.0
General guideline adequacy issues	15	2.0
Deterrence	13	1.8
Dismissed and uncharged conduct (§5K2.21)	12	1.6
Avoid unwarranted sentencing disparity among defendants	8	1.1
Propensity for violence	7	0.9
Weapons/dangerous instrumentalities (§5K2.6)	5	0.7
Extreme conduct (§5K2.8)	5	0.7
Public welfare (§5K2.14)	4	0.5
Circumstance not considered by guidelines	4	0.5
Adequate punishment to meet purposes of sentencing	4	0.5
Excerpt from 18 U.S.C. § 3553(a)	4	0.5
Untruthful testimony	3	0.4
18 U.S.C. § 3553(a)	3	0.4
Physical injury (§5K2.2)	2	0.3
Disruption of government function (§5K2.7)	2	0.3
Intended to murder the victim (§2B3.1)	2	0.3
Training or treatment opportunities	2	0.3
Other	41	5.6
TOTAL	738	100.0

¹Of the 76,478 cases, 147 received an upward departure from 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, 738 reasons were cited for the 147 cases. In 29 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 two times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.