

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2008**

REASONS	N	%
Nature and circumstance of offense/history of defendant	439	20.0
Reflect seriousness of offense/promotes respect for law/just punishment	434	19.7
Afford adequate deterrence to criminal conduct	353	16.1
Protect public from further crimes	322	14.6
Criminal history issues	172	7.8
Provide defendant with educational or vocational training/medical care	89	4.0
Avoid unwarranted sentencing disparity among defendants	71	3.2
Pursuant to plea agreement	66	3.0
General guideline adequacy issues	51	2.3
Insufficient documentation provided on SOR to determine reason	17	0.8
Propensity for violence	16	0.7
Conduct while on release, bond or supervision	13	0.6
On-going nature of activity	11	0.5
Dismissed and uncharged conduct (§5K2.21)	10	0.5
Provide restitution to any victims	9	0.4
Defendant's negative background or bad character	7	0.3
Deterrence	6	0.3
18 U.S.C. § 3553(a)	6	0.3
Circumstance not considered by guidelines	5	0.2
Mule/role in offense	5	0.2
General aggravating circumstances (§5K2.0)	5	0.2
Training or treatment opportunities	4	0.2
Offense level understates offense seriousness (§2B1.1)	4	0.2
Interest of justice	4	0.2
Excerpt from 18 U.S.C. § 3553(a)	4	0.2
Time served	4	0.2
Other	72	3.3
TOTAL	2,199	100.0

¹Of the 76,478 cases, 622 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, 2,199 reasons were cited for the 622 cases. In 17 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 four 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.