

**Table 24**

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD  
DEPARTURES FROM THE GUIDELINE RANGE<sup>1</sup>  
Fiscal Year 2009**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Criminal history issues	361	49.7
Pursuant to plea agreement	81	11.1
Dismissed and uncharged conduct (§5K2.21)	69	9.5
General aggravating circumstances (§5K2.0)	60	8.3
General guideline adequacy issues	24	3.3
Extreme conduct (§5K2.8)	19	2.6
Death (§5K2.1)	7	1.0
Physical injury (§5K2.2)	6	0.8
Extreme psychological injury (§5K2.3)	6	0.8
Weapons/dangerous instrumentalities (§5K2.6)	6	0.8
Public welfare (§5K2.14)	4	0.6
Deported on one or more prior occasions (§§2L2.2, 2L2.4)	4	0.6
Propensity for violence	4	0.6
Training or treatment opportunities	4	0.6
Conduct while on release, bond, or supervision	4	0.6
Abduction or unlawful restraint (§5K2.4)	3	0.4
Property damage or loss (§5K2.5)	3	0.4
Criminal purpose (§5K2.9)	3	0.4
Early disposition/fast track program (§5K3.1)	3	0.4
Mule/role in offense	3	0.4
Ongoing nature of activity	3	0.4
Disruption of government function (§5K2.7)	2	0.3
Circumstance not considered by guidelines	2	0.3
Aberrant behavior (§5K2.20)	2	0.3
Further obstruction of justice (§3C1.1)	2	0.3
Other plea agreement reason	2	0.3
Deportation	2	0.3
Not representative of heartland	2	0.3
Lack of remorse	2	0.3
Other	34	4.7
<b>TOTAL</b>	<b>727</b>	<b>100.0</b>

<sup>1</sup>Of the 81,372 cases, 382 received an upward departure from the guideline range. 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, 727 reasons were cited for the 382 cases. 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, 2009 Datafile, USSCFY09.