

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2009**

REASONS	N	%
Nature and circumstance of offense/history of defendant	634	21.0
Reflect seriousness of offense/promotes respect for law/just punishment	604	20.0
Afford adequate deterrence to criminal conduct	473	15.7
Protect public from further crimes	429	14.2
Criminal history issues	242	8.0
Provide defendant with educational or vocational training/medical care	113	3.7
Avoid unwarranted sentencing disparity among defendants	82	2.7
Pursuant to plea agreement	69	2.3
General guideline adequacy issues	44	1.5
Propensity for violence	29	1.0
Insufficient documentation provided on SOR to determine reason	20	0.7
Provide restitution to any victims	17	0.6
Ongoing nature of activity	15	0.5
Deterrence	14	0.5
Conduct while on release, bond, or supervision	13	0.4
Mule/role in offense	12	0.4
Time served	12	0.4
Circumstance not considered by guidelines	10	0.3
Dismissed and uncharged conduct (§5K2.21)	8	0.3
Deported on one or more prior occasions (§§2L2.2, 2L2.4)	8	0.3
18 U.S.C. § 3553(a)	8	0.3
Weapons/dangerous instrumentalities (§5K2.6)	7	0.2
Defendant's negative background or bad character	7	0.2
Lack of remorse	7	0.2
Abuse of trust/skill	7	0.2
Not representative of heartland	6	0.2
Training or treatment opportunities	5	0.2
Other	124	4.1
TOTAL	3,019	100.0

¹Of the 81,372 cases, 842 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, 3,019 reasons were cited for the 842 cases. In 20 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 five 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.