

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2010**

REASONS	N	%
Criminal history issues	358	52.4
Pursuant to plea agreement	68	10.0
Dismissed and uncharged conduct (§5K2.21)	54	7.9
General aggravating circumstances (§5K2.0)	43	6.3
Extreme conduct (§5K2.8)	14	2.0
Propensity for violence	10	1.5
Conduct while on release, bond, or supervision	10	1.5
General guideline adequacy issues	10	1.5
Mule/role in offense	7	1.0
Physical injury (§5K2.2)	6	0.9
Death (§5K2.1)	5	0.7
Extreme psychological injury (§5K2.3)	5	0.7
Training or treatment opportunities	5	0.7
Weapons/dangerous instrumentalities (§5K2.6)	4	0.6
Mental/emotional conditions (§5H1.3)	3	0.4
Public welfare (§5K2.14)	3	0.4
Violent street gang (§5K2.18)	3	0.4
Abduction or unlawful restraint (§5K2.4)	2	0.3
Property damage or loss (§5K2.5)	2	0.3
Disruption of government function (§5K2.7)	2	0.3
Circumstance not considered by guidelines	2	0.3
Discharge terms of imprisonment (§5K2.23)	2	0.3
Early disposition/fast track program (§5K3.1)	2	0.3
Ongoing nature of activity	2	0.3
Defendant's negative background or bad character	2	0.3
Not representative of heartland	2	0.3
Offense level understates offense seriousness (§2B1.1)	2	0.3
Lack of remorse	2	0.3
Number of images	2	0.3
Victim request/letters from victim	2	0.3
Unusually high drug amount/purity	2	0.3
Insufficient documentation provided on SOR to determine reason	2	0.3
Other	45	6.6
TOTAL	683	100.0

¹ Of the 83,946 cases, 350 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, 683 reasons were cited for the 350 cases. In two 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, 2010 Datafile, USSCFY10.