

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2010**

REASONS	N	%
Nature and circumstance of offense/history of defendant	723	21.3
Reflect seriousness of offense/promotes respect for law/just punishment	672	19.8
Afford adequate deterrence to criminal conduct	533	15.7
Protect public from further crimes	500	14.7
Criminal history issues	292	8.6
Provide defendant with educational or vocational training/medical care	144	4.2
Avoid unwarranted sentencing disparity among defendants	92	2.7
Pursuant to plea agreement	67	2.0
General guideline adequacy issues	42	1.2
Propensity for violence	24	0.7
Insufficient documentation provided on SOR to determine reason	19	0.6
Provide restitution to any victims	17	0.5
Conduct while on release, bond, or supervision	17	0.5
Ongoing nature of activity	16	0.5
Time served	14	0.4
Dismissed and uncharged conduct (§5K2.21)	11	0.3
Mule/role in offense	11	0.3
Circumstance not considered by guidelines	10	0.3
Weapons/dangerous instrumentalities (§5K2.6)	9	0.3
Lack of remorse	9	0.3
Deterrence	8	0.2
Untruthful testimony	8	0.2
Further obstruction of justice (§3C1.1)	7	0.2
Training or treatment opportunities	5	0.1
Terrifying the victim	5	0.1
Loss issues	5	0.1
Extreme psychological injury (§5K2.3)	4	0.1
Extreme conduct (§5K2.8)	4	0.1
Drug quantity	4	0.1
Deportation	4	0.1
Charge/plea does not reflect seriousness of offense	4	0.1
18 U.S.C. § 3553(a)	4	0.1
Has had inappropriate contact with minors/exploited minors	4	0.1
Other	102	3.0
TOTAL	3,390	100.0

¹ Of the 83,946 cases, 916 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, 3,390 reasons were cited for the 916 cases. In 19 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, 2010 Datafile, USSCFY10.