

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553¹
Fiscal Year 2012**

REASONS	N	%
Criminal history issues	258	34.9
Protect public from further crimes	123	16.6
Avoid unwarranted sentencing disparity among defendants	39	5.3
Lack of remorse	26	3.5
Provide restitution to any victims	24	3.2
Insufficient documentation provided on SOR to determine reason	23	3.1
General aggravating circumstances (§5K2.0)	22	3.0
Pursuant to plea agreement	21	2.8
General guideline adequacy issues	17	2.3
Propensity for violence	16	2.2
Provide defendant with educational or vocational training/medical care	15	2.0
Public welfare (§5K2.14)	13	1.8
Conduct while on release, bond, or supervision	12	1.6
Dismissed and uncharged conduct (§5K2.21)	11	1.5
Ongoing nature of activity	10	1.4
Afford adequate deterrence to criminal conduct	7	0.9
Loss issues	6	0.8
Weapons/dangerous instrumentalities (§5K2.6)	5	0.7
Drug quantity	5	0.7
Defendant's negative background or bad character	5	0.7
18 U.S.C. § 3553(a)	5	0.7
Extreme conduct (§5K2.8)	4	0.5
Unspecified government motion (not §5K1.1 or §5K3.1)	4	0.5
Reflect seriousness of offense/promotes respect for law/just punishment	3	0.4
Violent street gang (§5K2.18)	3	0.4
Nature and circumstance of offense/history of defendant	2	0.3
Extreme psychological injury (§5K2.3)	2	0.3
Role in the offense	2	0.3
Deterrence	2	0.3
Other	54	7.3
TOTAL	739	100.0

¹ Of the 84,173 cases, 127 received an upward departure from 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, 739 reasons were cited for the 127 cases. In 23 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, 2012 Datafile, USSCFY12.