

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2012**

REASONS	N	%
Nature and circumstance of offense/history of defendant	739	20.8
Reflect seriousness of offense/promotes respect for law/just punishment	694	19.5
Afford adequate deterrence to criminal conduct	609	17.1
Protect public from further crimes	509	14.3
Criminal history issues	309	8.7
Avoid unwarranted sentencing disparity among defendants	127	3.6
Provide defendant with educational or vocational training/medical care	118	3.3
Pursuant to plea agreement	103	2.9
Propensity for violence	32	0.9
General guideline adequacy issues	26	0.7
Lack of remorse	24	0.7
Provide restitution to any victims	21	0.6
Dismissed and uncharged conduct (§5K2.21)	19	0.5
Insufficient documentation provided on SOR to determine reason	19	0.5
Role in the offense	15	0.4
Conduct while on release, bond, or supervision	15	0.4
Excerpt from 18 U.S.C. § 3553(a)	15	0.4
Ongoing nature of activity	7	0.2
Extreme conduct (§5K2.8)	6	0.2
18 U.S.C. § 3553(a)	6	0.2
Defendant's negative background or bad character	5	0.1
Party motion/agreement/consent (reason unspecified)	5	0.1
Circumstance not considered by guidelines	4	0.1
Abuse of trust/skill	4	0.1
Has had inappropriate contact with minors/exploited minors	4	0.1
Reduce disparity	4	0.1
Physical injury (§5K2.2)	3	0.1
Drug quantity	3	0.1
Statutory minimum/maximum	3	0.1
Terrifying the victim	3	0.1
Offense level understates offense seriousness (§2B1.1)	3	0.1
Time served	3	0.1
Loss issues	3	0.1
Other	92	2.6
TOTAL	3,552	100.0

¹ Of the 84,173 cases, 977 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, 3,552 reasons were cited for the 977 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 three 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.