

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2013**

| REASONS | N | % |
|--|------------|--------------|
| Criminal history issues | 263 | 41.2 |
| Dismissed and uncharged conduct (§5K2.21) | 114 | 17.8 |
| Pursuant to plea agreement | 97 | 15.2 |
| General aggravating circumstances (§5K2.0) | 44 | 6.9 |
| General guideline adequacy issues | 15 | 2.3 |
| Death (§5K2.1) | 10 | 1.6 |
| Extreme conduct (§5K2.8) | 9 | 1.4 |
| Physical injury (§5K2.2) | 6 | 0.9 |
| Weapons/dangerous instrumentalities (§5K2.6) | 6 | 0.9 |
| Insufficient documentation provided on SOR to determine reason | 6 | 0.9 |
| High capacity semi-automatic firearm (§5K2.17) | 4 | 0.6 |
| Propensity for violence | 4 | 0.6 |
| Public welfare (§5K2.14) | 3 | 0.5 |
| Early disposition/fast track program (§5K3.1) | 3 | 0.5 |
| Other plea agreement reason | 3 | 0.5 |
| Role in the offense | 3 | 0.5 |
| Party motion/agreement/consent (reason unspecified) | 3 | 0.5 |
| Abduction or unlawful restraint (§5K2.4) | 2 | 0.3 |
| Criminal purpose (§5K2.9) | 2 | 0.3 |
| Circumstance not considered by guidelines | 2 | 0.3 |
| Unspecified government motion (not §5K1.1 or §5K3.1) | 2 | 0.3 |
| Drug quantity | 2 | 0.3 |
| Offenses significantly > 5 units (§3D1.4) | 2 | 0.3 |
| Number of documents | 2 | 0.3 |
| Unusually high drug amount/purity | 2 | 0.3 |
| Other | 30 | 4.7 |
| TOTAL | 639 | 100.0 |

¹ Of the 80,035 cases, 399 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, 639 reasons were cited for the 399 cases. In six 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, 2013 Datafile, USSCFY13.