

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553¹
Fiscal Year 2013**

REASONS	N	%
Criminal history issues	291	39.9
Protect public from further crimes	152	20.8
Pursuant to plea agreement	27	3.7
General aggravating circumstances (§5K2.0)	25	3.4
Propensity for violence	24	3.3
Dismissed and uncharged conduct (§5K2.21)	22	3.0
Avoid unwarranted sentencing disparity among defendants	19	2.6
Afford adequate deterrence to criminal conduct	13	1.8
Ongoing nature of activity	13	1.8
Conduct while on release, bond, or supervision	13	1.8
Deterrence	10	1.4
18 U.S.C. § 3553(a)	10	1.4
Insufficient documentation provided on SOR to determine reason	10	1.4
Provide defendant with educational or vocational training/medical care	8	1.1
Weapons/dangerous instrumentalities (§5K2.6)	7	1.0
Role in the offense	7	1.0
Reflect seriousness of offense/promotes respect for law/just punishment	6	0.8
Provide restitution to any victims	6	0.8
Criminal history issues in application of §2L1.2	6	0.8
Lack of remorse	5	0.7
Extreme conduct (§5K2.8)	3	0.4
Other plea agreement reason	3	0.4
Excerpt from 18 U.S.C. § 3553(a)	3	0.4
General guideline adequacy issues	3	0.4
Reduce disparity	3	0.4
Death (§5K2.1)	2	0.3
Public welfare (§5K2.14)	2	0.3
Other	37	5.1
TOTAL	730	100.0

¹ Of the 80,035 cases, 132 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, 730 reasons were cited for the 132 cases. In ten 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.