

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2013**

REASONS	N	%
Nature and circumstance of offense/history of defendant	723	19.6
Reflect seriousness of offense/promotes respect for law/just punishment	686	18.6
Afford adequate deterrence to criminal conduct	591	16.0
Protect public from further crimes	523	14.2
Criminal history issues	298	8.1
Pursuant to plea agreement	210	5.7
Avoid unwarranted sentencing disparity among defendants	117	3.2
Provide defendant with educational or vocational training/medical care	111	3.0
Propensity for violence	32	0.9
Provide restitution to any victims	30	0.8
Conduct while on release, bond, or supervision	27	0.7
Insufficient documentation provided on SOR to determine reason	27	0.7
General guideline adequacy issues	26	0.7
Dismissed and uncharged conduct (§5K2.21)	21	0.6
Ongoing nature of activity	18	0.5
Role in the offense	15	0.4
Time served	15	0.4
Defendant's negative background or bad character	12	0.3
Lack of remorse	12	0.3
18 U.S.C. § 3553(a)	11	0.3
Weapons/dangerous instrumentalities (§5K2.6)	8	0.2
Drug quantity	8	0.2
Abuse of trust/skill	7	0.2
Death (§5K2.1)	6	0.2
Terrifying the victim	5	0.1
Party motion/agreement/consent (reason unspecified)	5	0.1
Unspecified government motion (not §5K1.1 or §5K3.1)	4	0.1
Other plea agreement reason	4	0.1
Untruthful testimony	4	0.1
Has had inappropriate contact with minors/exploited minors	4	0.1
Loss issues	4	0.1
Other	124	3.4
TOTAL	3,688	100.0

¹ Of the 80,035 cases, 1,065 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, 3,688 reasons were cited for the 1,065 cases. In 27 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, 2013 Datafile, USSCFY13.