

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2015**

REASONS	N	%
Criminal history issues	119	22.8
Nature and circumstance of offense/history of defendant	77	14.7
Reflect seriousness of offense/promotes respect for law/just punishment	70	13.4
Afford adequate deterrence to criminal conduct	60	11.5
Protect public from further crimes	50	9.6
General aggravating circumstances (§5K2.0)	15	2.9
General guideline adequacy issues	14	2.7
Pursuant to plea agreement	12	2.3
Provide defendant with educational or vocational training/medical care	10	1.9
Dismissed and uncharged conduct (§5K2.21)	9	1.7
Avoid unwarranted sentencing disparity among defendants	8	1.5
Insufficient documentation provided on SOR to determine reason	8	1.5
Propensity for violence	6	1.1
Provide restitution to any victims	4	0.8
Unspecified government motion (not §5K1.1 or §5K3.1)	4	0.8
Criminal purpose (§5K2.9)	3	0.6
Public welfare (§5K2.14)	3	0.6
Excerpt from 18 U.S.C. § 3553(a)	3	0.6
Physical injury (§5K2.2)	2	0.4
Circumstance not considered by guidelines	2	0.4
18 U.S.C. § 3553(a)	2	0.4
Other	42	8.0
TOTAL	523	100.0

¹ Of the 71,003 cases, 95 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, 523 reasons were cited for the 95 cases. In eight 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, 2015 Datafile, USSCFY15.