

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553¹
Fiscal Year 2016**

REASONS	N	%
Reflect seriousness of offense/promotes respect for law/just punishment	733	15.2
Afford adequate deterrence to criminal conduct	635	13.2
Protect public from further crimes	569	11.8
Criminal history issues	448	9.3
The nature and circumstance of the offense pursuant to 18 U.S.C. § 3553(a)(1)	354	7.3
The history and characteristics of the defendant pursuant to 18 U.S.C. § 3553(a)(1)	338	7.0
Pursuant to plea agreement	241	5.0
Nature and circumstance of offense/history of defendant	173	3.6
General aggravating circumstances (§5K2.0)	128	2.7
Avoid unwarranted sentencing disparity	115	2.4
Role in the offense	82	1.7
Victim impact	80	1.7
Dismissed and uncharged conduct (§5K2.21)	77	1.6
Extreme conduct (§5K2.8)	70	1.5
Propensity for violence	58	1.2
Provide correctional treatment pursuant to 18 U.S.C. § 3553(a)(2)(D)	48	1.0
Insufficient documentation provided on SOR to determine reason	47	1.0
Provide educational or vocational training	46	1.0
Drug dependence and alcohol abuse (§5H1.4)	36	0.7
Lack of remorse	29	0.6
Provide restitution to any victims	26	0.5
Conduct while on release, bond, or supervision	24	0.5
Mental and emotional conditions	23	0.5
Provide medical care	22	0.5
General guideline adequacy issues	22	0.5
Provide defendant with educational or vocational training/medical care	20	0.4
Mens Rea	20	0.4
Acceptance of responsibility	16	0.3
Ongoing nature of activity	16	0.3
Age (§5H1.1)	15	0.3
Weapons/dangerous instrumentalities (§5K2.6)	10	0.2
Increase over similar prior's sentence	10	0.2
Death (§5K2.1)	9	0.2
Other	282	5.8
TOTAL	4,822	100.0

¹ Of the 67,742 cases, 1,131 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, 4,822 reasons were cited for the 1,131 cases. In 47 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 nine times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2016 Datafile, USSCFY16.