

**Table 42**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD VARIANCES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2020**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Reflect seriousness of offense/promotes respect for law/just punishment	795	15.0
Afford adequate deterrence to criminal conduct	658	12.4
Protect public from further crimes	573	10.8
The history and characteristics of the defendant	546	10.3
The nature and circumstance of the offense	540	10.2
Criminal history issues	406	7.7
General aggravating circumstances (§5K2.0)	151	2.9
Dismissed and uncharged conduct (§5K2.21)	140	2.6
Pursuant to plea agreement	124	2.3
Avoid unwarranted sentencing disparity	112	2.1
Role in the offense	91	1.7
Victim impact	90	1.7
Extreme conduct (§5K2.8)	78	1.5
Provide correctional treatment	63	1.2
Propensity for violence	62	1.2
Lack of remorse	42	0.8
Provide educational or vocational training	40	0.8
Drug dependence and alcohol abuse (§5H1.4)	38	0.7
Acceptance of responsibility	27	0.5
Mental and emotional conditions	27	0.5
Age (§5H1.1)	25	0.5
Provide medical care	25	0.5
General guideline adequacy issues	25	0.5
Lack of youthful guidance/tragic or troubled childhood	24	0.5
Provide restitution to any victims	22	0.4
Conduct while on release, bond, or supervision	22	0.4
Mens Rea	18	0.3
Weapons/dangerous instrumentalities (§5K2.6)	17	0.3
Previous employment record (§5H1.5)	16	0.3
Family ties and responsibilities (§5H1.6)	15	0.3
Ongoing nature of activity	15	0.3
Nature and circumstance of offense/history of defendant	13	0.2
Nature or seriousness of the offense	13	0.2
Aberrant behavior (§5K2.20)	12	0.2
Other	424	8.0
<b>TOTAL</b>	<b>5,289</b>	<b>100.0</b>

<sup>1</sup> Of the 64,565 cases, in 1,182 the sentence was a variance above 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, 5,289 reasons were cited for the 1,182 cases. The 'Other' category includes all reasons cited fewer than 12 times among relevant cases and 83 cases where the Statement of Reason was received, but there was insufficient documentation provided to determine some of the reasons for the sentence. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Datafile, USSCFY20.