

**Table 42**  
**REASONS GIVEN BY SENTENCING COURTS FOR**  
**UPWARD VARIANCES FROM THE GUIDELINE RANGE<sup>1</sup>**  
**Fiscal Year 2023**

<b>REASONS</b>	<b>N</b>	<b>%</b>
Reflect seriousness of offense/promotes respect for law/just punishment	1,467	17.8
Afford adequate deterrence to criminal conduct	986	12.0
The nature and circumstance of the offense	951	11.5
The history and characteristics of the defendant	942	11.4
Protect public from further crimes	863	10.5
Criminal history issues	495	6.0
General aggravating circumstances (§5K2.0)	265	3.2
Avoid unwarranted sentencing disparity	161	2.0
Pursuant to plea agreement	143	1.7
Extreme conduct (§5K2.8)	142	1.7
Dismissed and uncharged conduct (§5K2.21)	139	1.7
Victim impact	127	1.5
Role in the offense	123	1.5
Provide correctional treatment	94	1.1
Provide educational or vocational training	81	1.0
Drug dependence and alcohol abuse (§5H1.4)	76	0.9
Lack of remorse	74	0.9
Party motion/agreement/consent (reason unspecified)	59	0.7
Age (§5H1.1)	55	0.7
Mental and emotional conditions	55	0.7
Acceptance of responsibility	49	0.6
Propensity for violence	46	0.6
Conduct while on release, bond, or supervision	44	0.5
Lack of youthful guidance/tragic or troubled childhood	35	0.4
Family ties and responsibilities (§5H1.6)	32	0.4
Provide medical care	30	0.4
General guideline adequacy issues	22	0.3
Provide restitution to any victims	20	0.2
Mens Rea	18	0.2
Aberrant behavior (§5K2.20)	17	0.2
Previous employment record (§5H1.5)	16	0.2
Death (§5K2.1)	15	0.2
Policy disagreement with the Guidelines ( <i>Kimbrough v. U.S.</i> 552 U.S. 85 (2007))	15	0.2
Advisory nature of guidelines	15	0.2
Other	563	6.8
<b>TOTAL</b>	<b>8,235</b>	<b>100.0</b>

<sup>1</sup> Of the 64,124 cases, in 1,896 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, 8,235 reasons were cited for the 1,896 cases. The 'Other' category includes all reasons cited fewer than 15 times among relevant cases and 102 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, 2023 Datafile, USSCFY23.