

Table 42

**REASONS GIVEN BY SENTENCING COURTS FOR
UPWARD VARIANCES FROM THE GUIDELINE RANGE¹**

Fiscal Year 2024

REASONS	N	%
Reflect seriousness of offense/promotes respect for law/just punishment	1,632	16.8
Afford adequate deterrence to criminal conduct	1,196	12.3
The history and characteristics of the defendant	1,106	11.4
Protect public from further crimes	1,093	11.2
The nature and circumstances of the offense	1,029	10.6
Criminal history issues	846	8.7
General aggravating circumstances (§5K2.0)	292	3.0
Avoid unwarranted sentencing disparity	183	1.9
Extreme conduct (§5K2.8)	176	1.8
Pursuant to plea agreement	159	1.6
Dismissed and uncharged conduct (§5K2.21)	145	1.5
Victim impact	139	1.4
Role in the offense	122	1.3
Provide correctional treatment	103	1.1
Provide educational or vocational training	97	1.0
Drug dependence and alcohol abuse (§5H1.4)	94	1.0
Party motion/agreement/consent (reason unspecified)	67	0.7
Lack of remorse	65	0.7
Age (§5H1.1)	56	0.6
Acceptance of responsibility	52	0.5
Propensity for violence	51	0.5
Provide medical care	49	0.5
Mental and emotional conditions	49	0.5
Conduct while on release, bond, or supervision	47	0.5
Lack of youthful guidance/tragic or troubled childhood	46	0.5
Family ties and responsibilities (§5H1.6)	43	0.4
General guideline adequacy issues	27	0.3
Previous employment record (§5H1.5)	26	0.3
Provide restitution to any victims	24	0.2
Weapons/dangerous instrumentalities (§5K2.6)	20	0.2
Aberrant behavior (§5K2.20)	20	0.2
Mens Rea	20	0.2
Deported on one or more prior occasions (§§2L2.2, 2L2.4)	20	0.2
Other	638	6.6
TOTAL	9,732	100.0

¹ Of the 61,678 cases, in 2,108 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, 9,732 reasons were cited for the 2,108 cases. The 'Other' category includes all reasons cited fewer than 20 times among relevant cases and 96 cases where the Statement of Reasons 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, 2024 Datafile, USSCFY24.