

Table 24A

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES WITH *BOOKER*/18 U.S.C. § 3553¹
Fiscal Year 2007**

REASONS	Number	Percent
Criminal history issues	137	20.8
Nature and circumstance of offense/history of defendant	83	12.6
Reflect seriousness of offense/promotes respect for law/just punishment	73	11.1
Afford adequate deterrence to criminal conduct	66	10.0
Protect public from further crimes	65	9.8
Insufficient documentation provided on SOR to determine reason	27	4.1
General aggravating circumstances (§5K2.0)	24	3.6
Pursuant to plea agreement	17	2.6
Provide defendant with educational or vocational training/medical care	13	2.0
Dismissed and uncharged conduct (§5K2.21)	13	2.0
General guideline adequacy issues	12	1.8
Extreme conduct (§5K2.8)	11	1.7
Deterrence	11	1.7
18 U.S.C. § 3553(a)	9	1.4
Extreme psychological injury (§5K2.3)	8	1.2
Propensity for violence	7	1.1
Excerpt from 18 U.S.C. § 3553(a)	7	1.1
Public welfare (§5K2.14)	5	0.8
Defendant's negative background or bad character	5	0.8
Avoid unwarranted sentencing disparity among defendants	4	0.6
Death (§5K2.1)	3	0.5
Criminal purpose (§5K2.9)	3	0.5
Adequate punishment to meet purposes of sentencing	3	0.5
On-going nature of activity	3	0.5
Reasonableness	3	0.5
Other	48	7.3
TOTAL	660	100.0

¹Of the 72,865 cases, 143 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, 660 reasons were cited for the 143 cases. In 27 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 three times among relevant cases. Descriptions of the variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2007 Datafile, USSCFY07.