

Table 24B

**REASONS GIVEN BY SENTENCING COURTS FOR SENTENCES ABOVE
THE GUIDELINE RANGE WITH *BOOKER* / 18 U.S.C. § 3553¹
Fiscal Year 2005, Post-*Booker* (January 12, 2005, through September 30, 2005)**

REASONS	Number	Percent
18 U.S.C. § 3553(a)	179	16.9
Excerpt from 18 U.S.C. § 3553(a)	109	10.3
Criminal history issues	101	9.5
Judge specifies presence of variance	97	9.1
General guideline adequacy issues	80	7.5
Deterrence	62	5.8
Incapacitation	45	4.2
Insufficient documentation provided on SOR to determine reason	41	3.8
<i>US v Booker</i> / <i>US v Fanfan</i>	36	3.4
Advisory nature of guidelines	34	3.2
Adequate punishment to meet purposes of sentencing	21	2.0
Reasonableness	21	2.0
Pursuant to plea agreement	16	1.5
General aggravating circumstances (§5K2.0)	14	1.3
Reflect seriousness of offense/promotes respect for law/just punishment	12	1.1
Afford adequate deterrence to criminal conduct	11	1.0
Nature and circumstance of offense/history of defendant	10	0.9
Protect public from further crimes	9	0.8
Training or treatment opportunities	9	0.8
Ongoing nature of activity	6	0.6
Drug dependence and alcohol abuse (§5H1.4)	5	0.5
Official victim (§3A1.2)	5	0.5
Defendant's negative background or bad character	5	0.5
Abuse of trust/skill	5	0.5
Reduce disparity	5	0.5
Provide defendant with educational or vocational training/medical care	4	0.4
Rehabilitation	4	0.4
Not representative of heartland	4	0.4
Avoid unwarranted sentencing disparity among defendants	3	0.3
Other	109	10.3
TOTAL	1,062	100.0

¹Of the 53,674 cases, 343 were sentenced above the guideline range with *Booker* / 18 U.S.C. § 3553(a). 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, 1,062 reasons were cited for the 343 cases, including 41 cases where the SOR was received but there was insufficient documentation provided to determine the reason. 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, 2005 Datafile, USSCFY05, Post-*Booker* Only Cases (January 12, 2005, through September 30, 2005).