

Table 24**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2007**

REASONS	Number	Percent
Criminal history issues	278	46.9
Dismissed and uncharged conduct (§5K2.21)	81	13.7
General aggravating circumstances (§5K2.0)	56	9.4
Pursuant to plea agreement	41	6.9
General guideline adequacy issues	15	2.5
Extreme conduct (§5K2.8)	14	2.4
Death (§5K2.1)	7	1.2
Insufficient documentation provided on SOR to determine reason	7	1.2
Weapons/dangerous instrumentalities (§5K2.6)	5	0.8
Criminal purpose (§5K2.9)	4	0.7
Public welfare (§5K2.14)	4	0.7
Offense level understates offense seriousness (§2B1.1)	4	0.7
Extreme psychological injury (§5K2.3)	3	0.5
Abduction or unlawful restraint (§5K2.4)	3	0.5
Circumstance not considered by guidelines	3	0.5
Intended consumption by person other than defendant (§2D2.1)	3	0.5
Drug quantity	3	0.5
Propensity for violence	3	0.5
On-going nature of activity	3	0.5
Conduct while on release, bond or supervision	3	0.5
Not representative of heartland	3	0.5
Party motion/agreement/consent (Reason unspecified)	3	0.5
Risk of death or bodily injury (§8C4.2)	3	0.5
Unusually high drug amount/purity	3	0.5
Physical injury (§5K2.2)	2	0.3
Disruption of government function (§5K2.7)	2	0.3
Mule/role in offense	2	0.3
Training or treatment opportunities	2	0.3
Minors involved	2	0.3
Other	31	5.2
TOTAL	593	100.0

¹Of the 72,865 cases, 324 received an upward departure from 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, 593 reasons were cited for the 324 cases. In seven 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 two 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.