

Table 24

**REASONS GIVEN BY SENTENCING COURTS FOR UPWARD
DEPARTURES FROM THE GUIDELINE RANGE¹
Fiscal Year 2008**

REASONS	N	%
Criminal history issues	270	42.9
Dismissed and uncharged conduct (§5K2.21)	70	11.1
Pursuant to plea agreement	66	10.5
General aggravating circumstances (§5K2.0)	63	10.0
General guideline adequacy issues	18	2.9
Extreme conduct (§5K2.8)	16	2.5
Circumstance not considered by guidelines	9	1.4
Physical injury (§5K2.2)	8	1.3
Training or treatment opportunities	8	1.3
Death (§5K2.1)	6	1.0
Weapons/dangerous instrumentalities (§5K2.6)	6	1.0
Propensity for violence	6	1.0
Waiver of appeal	6	1.0
Extreme psychological injury (§5K2.3)	5	0.8
Early disposition/fast track program (§5K3.1)	4	0.6
On-going nature of activity	4	0.6
Criminal purpose (§5K2.9)	3	0.5
Further obstruction of justice (§3C1.1)	3	0.5
Conduct while on release, bond, or supervision	3	0.5
Number of images	3	0.5
Abduction or unlawful restraint (§5K2.4)	2	0.3
Property damage or loss (§5K2.5)	2	0.3
Public welfare (§5K2.14)	2	0.3
Violent street gang (§5K2.18)	2	0.3
Mule/role in offense	2	0.3
Minors involved	2	0.3
Offense level understates offense seriousness (§2B1.1)	2	0.3
Party motion/agreement/consent (reason unspecified)	2	0.3
Other	36	5.7
TOTAL	629	100.0

¹Of the 76,478 cases, 326 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, 629 reasons were cited for the 326 cases. 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, 2008 Datafile, USSCFY08.