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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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RITA *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 06–5754. Argued February 20, 2007—Decided June 21, 2007

Petitioner Rita sought a sentence lower than the recommended Federal Guidelines range of 33 to 41 months based on his physical condition, likely vulnerability in prison, and military experience. The judge concluded that the appropriate sentence was 33 months, the bottom of the Guidelines range. In affirming, the Fourth Circuit observed that a sentence imposed within a properly calculated Guidelines range is presumptively reasonable.

Held:

1. A court of appeals may apply a presumption of reasonableness to a district court sentence within the Guidelines. Pp. 7–16.

(a) Such a presumption is not binding. It does not reflect strong judicial deference of the kind that leads appeals court to grant greater factfinding leeway to an expert agency than to a district judge. It reflects the nature of the Guidelines-writing task that Congress set for the Sentencing Commission and how the Commission carries out that task. In 18 U. S. C. §3553(a), Congress instructed the *sentencing judge* to consider (1) offense and offender characteristics; (2) the need for a sentence to reflect the basic aims of sentencing, (3) the sentences legally available; (4) the Sentencing Guidelines; (5) Sentencing Commission policy statements; (6) the need to avoid unwarranted disparities; and (7) the need for restitution. Statutes then tell the *Commission* to write Guidelines that will carry out the same basic §3553(a) objectives. The Guidelines as written reflect the fact that the Sentencing Commission examined tens of thousands of sentences and had the help of the law enforcement community over a long period in an effort to fulfill this statutory mandate. They also reflect the fact that judges (and others) can differ as to how best to reconcile the disparate ends of punishment. The resulting Guidelines

seek to embody the §3553(a) considerations, both in principle and in practice, and it is fair to assume that they, insofar as practicable, reflect a rough approximation of sentences that might achieve §3553(a)'s objectives. An individual sentence reflects the sentencing judge's determination that the Commission's application of §3553(a) is appropriate in the mine run of cases, that the individual case does not differ significantly, and consequently that a Guidelines sentence reflects a proper application of §3553(a) in the case at hand. The "reasonableness" presumption simply recognizes these real-world circumstances. It applies only on appellate review. The sentencing court does not enjoy the presumption's benefit when determining the merits of the arguments by prosecution or defense that a Guidelines sentence should not apply. Pp. 7–12.

(b) Even if the presumption increases the likelihood that the judge, not the jury, will find "sentencing facts," it does not violate the Sixth Amendment. This Court's Sixth Amendment cases do not forbid a sentencing court to take account of factual matters not determined by a jury and increase the sentence accordingly to take account of the Sentencing Commission's factual findings or recommended sentences. The relevant Sixth Amendment inquiry is whether a law forbids a judge to increase a sentence *unless* the judge finds facts that the jury did not find. A nonbinding appellate reasonableness presumption for Guidelines sentences does not *require* the sentencing judge to impose a Guidelines sentence. Still less does it *forbid* the judge to impose a sentence higher than the Guidelines provide for the jury-determined facts standing alone. In addition, any general conflict between §3353(a) and the Guidelines for appellate review purposes is alleviated where judge and Commission both determine that the Guidelines sentence is appropriate in the case at hand, for that sentence likely reflects §3353(a)'s factors. Pp. 12–16.

2. The District Court properly analyzed the relevant sentencing factors, and given the record, its ultimate sentence was reasonable. Section 3353(c) calls for the judge to "state" his "reasons," but does not insist on a full opinion in every case. The appropriateness of brevity or length, conciseness or detail, when to write, what to say, depends upon circumstances. The law leaves much, in this respect, to the judge's own professional judgment. In the present context, the sentencing judge should articulate enough to satisfy the appellate court that he has considered the parties' arguments and has a reasoned basis for exercising his own legal decisionmaking authority. He may say less when his decision rests upon the Commission's own reasoning that the Guidelines sentence is proper in the typical case, and the judge has found that the case before him is typical. But where a party presents nonfrivolous reasons for imposing a different

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sentence, the judge will normally go further and explain why he has rejected those arguments. Here, the sentencing judge's statement of reasons was brief but legally sufficient. The record makes clear that the judge listened to each of Rita's arguments for a downward departure and considered the supporting evidence before finding those circumstances insufficient to warrant a sentence lower than the Guidelines range. Where, as here, the matter is conceptually simple and the record makes clear that the sentencing judge considered the evidence and arguments, the law does not require a judge to write more extensively. Pp. 16–20.

3. The Fourth Circuit, after applying the presumption, was legally correct in holding that Rita's sentence was not "unreasonable." Like the District Court and the Fourth Circuit, this Court simply cannot say that Rita's special circumstances—his health, fear of retaliation, and military record—are special enough, in light of §3553(a), to require a sentence lower than the one the Guidelines provide. Rita's argument that the Guidelines sentence is not reasonable under §3553(a) because it expressly declines to consider various personal characteristics, such as his physical condition, employment record, and military service, was not raised below and will not be considered here. Pp. 20–21.

177 Fed. Appx. 357, affirmed.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and STEVENS, KENNEDY, GINSBURG, and ALITO, JJ., joined, and in which SCALIA and THOMAS, JJ., joined as to Part III. STEVENS, J., filed a concurring opinion, in which GINSBURG, J., joined as to all but Part II. SCALIA, J., filed an opinion concurring in part and concurring in the judgment, in which THOMAS, J., joined. SOUTER, J., filed a dissenting opinion.