

Table 55

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2002

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	6,290	100.0	3,014	47.9	1,478	23.5	1,798	28.6
D.C. CIRCUIT	65	1.0	19	29.2	11	16.9	35	53.8
District of Columbia	65	1.0	19	29.2	11	16.9	35	53.8
FIRST CIRCUIT	144	2.3	43	29.9	24	16.7	77	53.5
Maine	25	0.4	10	40.0	3	12.0	12	48.0
Massachusetts	43	0.7	19	44.2	9	20.9	15	34.9
New Hampshire	9	0.1	3	33.3	0	0.0	6	66.7
Puerto Rico	55	0.9	7	12.7	11	20.0	37	67.3
Rhode Island	12	0.2	4	33.3	1	8.3	7	58.3
SECOND CIRCUIT	177	2.8	80	45.2	50	28.2	47	26.6
Connecticut	13	0.2	7	53.8	3	23.1	3	23.1
New York								
Eastern	63	1.0	21	33.3	20	31.7	22	34.9
Northern	12	0.2	7	58.3	2	16.7	3	25.0
Southern	77	1.2	38	49.4	24	31.2	15	19.5
Western	10	0.2	5	50.0	1	10.0	4	40.0
Vermont	2	0.0	2	100.0	0	0.0	0	0.0
THIRD CIRCUIT	309	4.9	154	49.8	78	25.2	77	24.9
Delaware	7	0.1	5	71.4	2	28.6	0	0.0
New Jersey	91	1.4	50	54.9	25	27.5	16	17.6
Pennsylvania								
Eastern	120	1.9	56	46.7	35	29.2	29	24.2
Middle	45	0.7	25	55.6	9	20.0	11	24.4
Western	35	0.6	15	42.9	7	20.0	13	37.1
Virgin Islands	11	0.2	3	27.3	0	0.0	8	72.7
FOURTH CIRCUIT	972	15.5	456	46.9	238	24.5	278	28.6
Maryland	108	1.7	22	20.4	31	28.7	55	50.9
North Carolina								
Eastern	114	1.8	64	56.1	26	22.8	24	21.1
Middle	139	2.2	86	61.9	28	20.1	25	18.0
Western	120	1.9	64	53.3	31	25.8	25	20.8
South Carolina	147	2.3	86	58.5	31	21.1	30	20.4
Virginia								
Eastern	177	2.8	38	21.5	54	30.5	85	48.0
Western	41	0.7	18	43.9	8	19.5	15	36.6
West Virginia								
Northern	34	0.5	21	61.8	8	23.5	5	14.7
Southern	92	1.5	57	62.0	21	22.8	14	15.2

Table 55 (cont.)

CIRCUIT	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
FIFTH CIRCUIT	1,158	18.4	617	53.3	213	18.4	328	28.3
Louisiana								
Eastern	45	0.7	17	37.8	5	11.1	23	51.1
Middle	14	0.2	2	14.3	1	7.1	11	78.6
Western	49	0.8	20	40.8	15	30.6	14	28.6
Mississippi								
Northern	10	0.2	6	60.0	2	20.0	2	20.0
Southern	21	0.3	6	28.6	4	19.0	11	52.4
Texas								
Eastern	68	1.1	18	26.5	20	29.4	30	44.1
Northern	191	3.0	108	56.5	32	16.8	51	26.7
Southern	415	6.6	207	49.9	85	20.5	123	29.6
Western	345	6.7	233	67.5	49	14.2	63	18.3
SIXTH CIRCUIT	538	8.6	242	45.0	172	32.0	124	23.0
Kentucky								
Eastern	54	0.9	13	24.1	23	42.6	18	33.3
Western	17	0.3	9	52.9	8	47.1	0	0.0
Michigan								
Eastern	93	1.5	35	37.6	33	35.5	25	26.9
Western	42	0.7	27	64.3	9	21.4	6	14.3
Ohio								
Northern	77	1.2	33	42.9	23	29.9	21	27.3
Southern	56	0.9	27	48.2	21	37.5	8	14.3
Tennessee								
Eastern	77	1.2	35	45.5	24	31.2	18	23.4
Middle	24	0.4	8	33.3	11	45.8	5	20.8
Western	98	1.6	55	56.1	20	20.4	23	23.5
SEVENTH CIRCUIT	428	6.8	159	37.2	91	21.3	178	41.6
Illinois								
Central	54	0.9	19	35.2	6	11.1	29	53.7
Northern	135	2.1	46	34.1	29	21.5	60	44.4
Southern	59	0.9	26	44.1	9	15.3	24	40.7
Indiana								
Northern	44	0.7	12	27.3	10	22.7	22	50.0
Southern	51	0.8	11	21.6	22	43.1	18	35.3
Wisconsin								
Eastern	44	0.7	17	38.6	9	20.5	18	40.9
Western	41	0.7	28	68.3	6	14.6	7	17.1
EIGHTH CIRCUIT	477	7.6	246	51.6	93	19.5	138	28.9
Arkansas								
Eastern	23	0.4	11	47.8	6	26.1	6	26.1
Western	21	0.3	11	52.4	3	14.3	7	33.3
Iowa								
Northern	57	0.9	26	45.6	10	17.5	21	36.8
Southern	50	0.8	30	60.0	8	16.0	12	24.0
Minnesota	57	0.9	26	45.6	16	28.1	15	26.3
Missouri								
Eastern	46	0.7	19	41.3	13	28.3	14	30.4
Western	98	1.6	60	61.2	16	16.3	22	22.4
Nebraska	82	1.3	50	61.0	16	19.5	16	19.5
North Dakota	14	0.2	5	35.7	3	21.4	6	42.9
South Dakota	29	0.5	8	27.6	2	6.9	19	65.5

Table 55 (cont.)

CIRCUIT	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
NINTH CIRCUIT	1,212	19.3	548	45.2	313	25.8	351	29.0
Alaska	28	0.4	13	46.4	10	35.7	5	17.9
Arizona	145	2.3	79	54.5	30	20.7	36	24.8
California								
Central	248	3.9	117	47.2	56	22.6	75	30.2
Eastern	64	1.0	20	31.3	13	20.3	31	48.4
Northern	65	1.0	21	32.3	13	20.0	31	47.7
Southern	268	4.3	88	32.8	105	39.2	75	28.0
Guam	11	0.2	4	36.4	5	45.5	2	18.2
Hawaii	36	0.6	18	50.0	12	33.3	6	16.7
Idaho	27	0.4	11	40.7	6	22.2	10	37.0
Montana	58	0.9	22	37.9	20	34.5	16	27.6
Nevada	99	1.6	65	65.7	17	17.2	17	17.2
Northern Mariana Islands	3	0.0	3	100.0	0	0.0	0	0.0
Oregon	71	1.1	36	50.7	13	18.3	22	31.0
Washington								
Eastern	26	0.4	15	57.7	2	7.7	9	34.6
Western	63	1.0	36	57.1	11	17.5	16	25.4
TENTH CIRCUIT	320	5.1	126	39.4	66	20.6	128	40.0
Colorado	60	1.0	19	31.7	6	10.0	35	58.3
Kansas	50	0.8	20	40.0	13	26.0	17	34.0
New Mexico	54	0.9	24	44.4	10	18.5	20	37.0
Oklahoma								
Eastern	16	0.3	4	25.0	6	37.5	6	37.5
Northern	28	0.4	9	32.1	4	14.3	15	53.6
Western	40	0.6	13	32.5	17	42.5	10	25.0
Utah	48	0.8	24	50.0	5	10.4	19	39.6
Wyoming	24	0.4	13	54.2	5	20.8	6	25.0
ELEVENTH CIRCUIT	490	7.8	324	66.1	129	26.3	37	7.6
Alabama								
Middle	5	0.1	0	0.0	1	20.0	4	80.0
Northern	23	0.4	17	73.9	5	21.7	1	4.3
Southern	23	0.4	12	52.2	11	47.8	0	0.0
Florida								
Middle	91	1.4	61	67.0	23	25.3	7	7.7
Northern	46	0.7	29	63.0	15	32.6	2	4.3
Southern	236	3.8	147	62.3	52	22.0	17	7.2
Georgia								
Middle	10	0.2	8	80.0	2	20.0	0	0.0
Northern	53	0.8	37	69.8	13	24.5	3	5.7
Southern	23	0.4	13	56.5	7	30.4	3	13.0

¹Of the 6,834 appeals cases, 544 were excluded due to one or both of the following reasons: missing district information (106) or missing type of appeal information (488). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2002 Appeals Datafile, APPFY02.