

Table 56

**DISPOSITION OF SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2002**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED			
		n	%	n	%	n	%	n	%		
<b>TOTAL</b>	<b>4,492</b>	<b>3,555</b>	<b>79.1</b>	<b>316</b>	<b>(298)</b>	<b>7.0</b>	<b>297</b>	<b>(279)</b>	<b>6.6</b>	<b>324</b>	<b>7.2</b>
<b>D.C. CIRCUIT</b>	<b>30</b>	<b>22</b>	<b>73.3</b>	<b>1</b>	<b>(1)</b>	<b>3.3</b>	<b>4</b>	<b>(4)</b>	<b>13.3</b>	<b>3</b>	<b>10.0</b>
District of Columbia	30	22	73.3	1	(1)	3.3	4	(4)	13.3	3	10.0
<b>FIRST CIRCUIT</b>	<b>67</b>	<b>56</b>	<b>83.6</b>	<b>7</b>	<b>(7)</b>	<b>10.4</b>	<b>4</b>	<b>(4)</b>	<b>6.0</b>	<b>0</b>	<b>0.0</b>
Maine	13	12	92.3	1	(1)	7.7	0	(0)	0.0	0	0.0
Massachusetts	28	22	78.6	4	(4)	14.3	2	(2)	7.1	0	0.0
New Hampshire	3	3	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Puerto Rico	18	15	83.3	1	(1)	5.6	2	(2)	11.1	0	0.0
Rhode Island	5	4	80.0	1	(1)	20.0	0	(0)	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>130</b>	<b>118</b>	<b>90.8</b>	<b>1</b>	<b>(1)</b>	<b>0.8</b>	<b>7</b>	<b>(5)</b>	<b>5.4</b>	<b>4</b>	<b>3.1</b>
Connecticut	10	9	90.0	0	(0)	0.0	0	(0)	0.0	1	10.0
New York											
Eastern	41	38	92.7	0	(0)	0.0	3	(1)	7.3	0	0.0
Northern	9	8	88.9	0	(0)	0.0	1	(1)	11.1	0	0.0
Southern	62	56	90.3	1	(1)	1.6	2	(2)	3.2	3	4.8
Western	6	5	83.3	0	(0)	0.0	1	(1)	16.7	0	0.0
Vermont	2	2	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>232</b>	<b>191</b>	<b>82.3</b>	<b>12</b>	<b>(11)</b>	<b>5.2</b>	<b>8</b>	<b>(4)</b>	<b>3.4</b>	<b>21</b>	<b>9.1</b>
Delaware	7	7	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
New Jersey	75	63	84.0	2	(2)	2.7	1	(1)	1.3	9	12.0
Pennsylvania											
Eastern	91	74	81.3	5	(4)	5.5	6	(3)	6.6	6	6.6
Middle	34	27	79.4	2	(2)	5.9	0	(0)	0.0	5	14.7
Western	22	18	81.8	2	(2)	9.1	1	(0)	4.5	1	4.5
Virgin Islands	3	2	66.7	1	(1)	33.3	0	(0)	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>694</b>	<b>562</b>	<b>81.0</b>	<b>34</b>	<b>(33)</b>	<b>4.9</b>	<b>55</b>	<b>(52)</b>	<b>7.9</b>	<b>43</b>	<b>6.2</b>
Maryland	53	39	73.6	2	(2)	3.8	11	(11)	20.8	1	1.9
North Carolina											
Eastern	90	71	78.9	4	(4)	4.4	8	(8)	8.9	7	7.8
Middle	114	99	86.8	6	(5)	5.3	6	(5)	5.3	3	2.6
Western	95	67	70.5	7	(7)	7.4	10	(9)	10.5	11	11.6
South Carolina	117	98	83.8	3	(3)	2.6	8	(8)	6.8	8	6.8
Virginia											
Eastern	92	76	82.6	5	(5)	5.4	5	(5)	5.4	6	6.5
Western	26	18	69.2	2	(2)	7.7	2	(2)	7.7	4	15.4
West Virginia											
Northern	29	24	82.8	1	(1)	3.4	1	(0)	3.4	3	10.3
Southern	78	70	89.7	4	(4)	5.1	4	(4)	5.1	0	0.0

**Table 56 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED			
		n	%	n	%	n	%	n	%		
<b>FIFTH CIRCUIT</b>	<b>830</b>	<b>694</b>	<b>83.6</b>	<b>61</b>	<b>(60)</b>	<b>7.3</b>	<b>32</b>	<b>(29)</b>	<b>3.9</b>	<b>43</b>	<b>5.2</b>
Louisiana											
Eastern	22	18	81.8	2	(2)	9.1	1	(1)	4.5	1	4.5
Middle	3	1	33.3	0	(0)	0.0	1	(0)	33.3	1	33.3
Western	35	31	88.6	2	(2)	5.7	1	(1)	2.9	1	2.9
Mississippi											
Northern	8	6	75.0	1	(1)	12.5	0	(0)	0.0	1	12.5
Southern	10	9	90.0	0	(0)	0.0	0	(0)	0.0	1	10.0
Texas											
Eastern	38	24	63.2	0	(0)	0.0	11	(11)	28.9	3	7.9
Northern	140	123	87.9	6	(6)	4.3	2	(2)	1.4	9	6.4
Southern	292	236	80.8	30	(29)	10.3	9	(7)	3.1	17	5.8
Western	282	246	87.2	20	(20)	7.1	7	(7)	2.5	9	3.2
<b>SIXTH CIRCUIT</b>	<b>414</b>	<b>317</b>	<b>76.6</b>	<b>38</b>	<b>(37)</b>	<b>9.2</b>	<b>51</b>	<b>(50)</b>	<b>12.3</b>	<b>8</b>	<b>1.9</b>
Kentucky											
Eastern	36	27	75.0	4	(3)	11.1	4	(4)	11.1	1	2.8
Western	17	10	58.8	2	(2)	11.8	5	(5)	29.4	0	0.0
Michigan											
Eastern	68	50	73.5	9	(9)	13.2	5	(5)	7.4	4	5.9
Western	36	30	83.3	3	(3)	8.3	3	(3)	8.3	0	0.0
Ohio											
Northern	56	42	75.0	1	(1)	1.8	12	(12)	21.4	1	1.8
Southern	48	38	79.2	4	(4)	8.3	6	(6)	12.5	0	0.0
Tennessee											
Eastern	59	41	69.5	7	(7)	11.9	10	(10)	16.9	1	1.7
Middle	19	17	89.5	0	(0)	0.0	2	(2)	10.5	0	0.0
Western	75	62	82.7	8	(8)	10.7	4	(3)	5.3	1	1.3
<b>SEVENTH CIRCUIT</b>	<b>250</b>	<b>148</b>	<b>59.2</b>	<b>25</b>	<b>(21)</b>	<b>10.0</b>	<b>15</b>	<b>(14)</b>	<b>6.0</b>	<b>62</b>	<b>24.8</b>
Illinois											
Central	25	18	72.0	2	(1)	8.0	0	(0)	0.0	5	20.0
Northern	75	45	60.0	5	(3)	6.7	9	(9)	12.0	16	21.3
Southern	35	20	57.1	3	(3)	8.6	3	(3)	8.6	9	25.7
Indiana											
Northern	22	11	50.0	6	(6)	27.3	2	(2)	9.1	3	13.6
Southern	33	19	57.6	6	(5)	18.2	1	(0)	3.0	7	21.2
Wisconsin											
Eastern	26	13	50.0	0	(0)	0.0	0	(0)	0.0	13	50.0
Western	34	22	64.7	3	(3)	8.8	0	(0)	0.0	9	26.5
<b>EIGHTH CIRCUIT</b>	<b>339</b>	<b>289</b>	<b>85.3</b>	<b>28</b>	<b>(22)</b>	<b>8.3</b>	<b>14</b>	<b>(13)</b>	<b>4.1</b>	<b>8</b>	<b>2.4</b>
Arkansas											
Eastern	17	13	76.5	1	(0)	5.9	3	(3)	17.6	0	0.0
Western	14	11	78.6	2	(1)	14.3	1	(1)	7.1	0	0.0
Iowa											
Northern	36	33	91.7	2	(2)	5.6	1	(1)	2.8	0	0.0
Southern	38	33	86.8	3	(1)	7.9	2	(2)	5.3	0	0.0
Minnesota	42	39	92.9	3	(2)	7.1	0	(0)	0.0	0	0.0
Missouri											
Eastern	32	27	84.4	4	(3)	12.5	1	(1)	3.1	0	0.0
Western	76	64	84.2	5	(5)	6.6	2	(2)	2.6	5	6.6
Nebraska	66	56	84.8	4	(4)	6.1	3	(3)	4.5	3	4.5
North Dakota	8	5	62.5	3	(3)	37.5	0	(0)	0.0	0	0.0
South Dakota	10	8	80.0	1	(1)	10.0	1	(0)	10.0	0	0.0

**Table 56 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED			
		n	%	n	%	n	%	n	%		
<b>NINTH CIRCUIT</b>	<b>861</b>	<b>626</b>	<b>72.7</b>	<b>75</b>	<b>(73)</b>	<b>8.7</b>	<b>73</b>	<b>(70)</b>	<b>8.5</b>	<b>87</b>	<b>10.1</b>
Alaska	23	17	73.9	1	(1)	4.3	2	(2)	8.7	3	13.0
Arizona	109	49	45.0	21	(21)	19.3	7	(7)	6.4	32	29.4
California											
Central	173	129	74.6	18	(16)	10.4	12	(12)	6.9	14	8.1
Eastern	33	24	72.7	2	(2)	6.1	4	(4)	12.1	3	9.1
Northern	34	24	70.6	5	(5)	14.7	1	(1)	2.9	4	11.8
Southern	193	165	85.5	6	(6)	3.1	10	(9)	5.2	12	6.2
Guam	9	7	77.8	0	(0)	0.0	2	(2)	22.2	0	0.0
Hawaii	30	25	83.3	1	(1)	3.3	3	(2)	10.0	1	3.3
Idaho	17	13	76.5	1	(1)	5.9	3	(3)	17.6	0	0.0
Montana	42	21	50.0	7	(7)	16.7	12	(12)	28.6	2	4.8
Nevada	82	61	74.4	6	(6)	7.3	7	(6)	8.5	8	9.8
Northern Mariana Islands	3	3	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Oregon	49	39	79.6	3	(3)	6.1	3	(3)	6.1	4	8.2
Washington											
Eastern	17	14	82.4	1	(1)	5.9	1	(1)	5.9	1	5.9
Western	47	35	74.5	3	(3)	6.4	6	(6)	12.8	3	6.4
<b>TENTH CIRCUIT</b>	<b>192</b>	<b>114</b>	<b>59.4</b>	<b>17</b>	<b>(16)</b>	<b>8.9</b>	<b>16</b>	<b>(16)</b>	<b>8.3</b>	<b>45</b>	<b>23.4</b>
Colorado	25	14	56.0	0	(0)	0.0	0	(0)	0.0	11	44.0
Kansas	33	23	69.7	4	(4)	12.1	1	(1)	3.0	5	15.2
New Mexico	34	20	58.8	3	(3)	8.8	4	(4)	11.8	7	20.6
Oklahoma											
Eastern	10	6	60.0	1	(1)	10.0	0	(0)	0.0	3	30.0
Northern	13	1	7.7	5	(5)	38.5	5	(5)	38.5	2	15.4
Western	30	21	70.0	1	(1)	3.3	0	(0)	0.0	8	26.7
Utah	29	18	62.1	2	(2)	6.9	5	(5)	17.2	4	13.8
Wyoming	18	11	61.1	1	(0)	5.6	1	(1)	5.6	5	27.8
<b>ELEVENTH CIRCUIT</b>	<b>453</b>	<b>418</b>	<b>92.3</b>	<b>17</b>	<b>(15)</b>	<b>3.8</b>	<b>18</b>	<b>(16)</b>	<b>4.0</b>	<b>0</b>	<b>0.0</b>
Alabama											
Middle	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Northern	22	20	90.9	1	(1)	4.5	1	(1)	4.5	0	0.0
Southern	23	22	95.7	0	(0)	0.0	1	(1)	4.3	0	0.0
Florida											
Middle	84	79	94.0	2	(2)	2.4	3	(3)	3.6	0	0.0
Northern	44	43	97.7	1	(1)	2.3	0	(0)	0.0	0	0.0
Southern	199	178	89.4	9	(7)	4.5	12	(10)	6.0	0	0.0
Georgia											
Middle	10	9	90.0	1	(1)	10.0	0	(0)	0.0	0	0.0
Northern	50	47	94.0	2	(2)	4.0	1	(1)	2.0	0	0.0
Southern	20	19	95.0	1	(1)	5.0	0	(0)	0.0	0	0.0

<sup>1</sup>Of the 6,834 appeals cases, 1,816 were excluded because the type of appeal was “conviction only.” Of the 5,018 remaining cases, 526 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.

<sup>2</sup>This category (in parentheses) includes cases that were remanded for sentencing purposes.

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