

**Table 55**

**TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2004**

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>6,670</b>	<b>100.0</b>	<b>3,243</b>	<b>48.6</b>	<b>1,358</b>	<b>20.4</b>	<b>2,069</b>	<b>31.0</b>
<b>D.C. CIRCUIT</b>	<b>66</b>	<b>1.0</b>	<b>19</b>	<b>28.8</b>	<b>16</b>	<b>24.2</b>	<b>31</b>	<b>47.0</b>
District of Columbia	66	1.0	19	28.8	16	24.2	31	47.0
<b>FIRST CIRCUIT</b>	<b>182</b>	<b>2.7</b>	<b>60</b>	<b>33.0</b>	<b>53</b>	<b>29.1</b>	<b>69</b>	<b>37.9</b>
Maine	25	0.4	10	40.0	4	16.0	11	44.0
Massachusetts	53	0.8	13	24.5	18	34.0	22	41.5
New Hampshire	14	0.2	4	28.6	1	7.1	9	64.3
Puerto Rico	64	1.0	16	25.0	27	42.2	21	32.8
Rhode Island	26	0.4	17	65.4	3	11.5	6	23.1
<b>SECOND CIRCUIT</b>	<b>420</b>	<b>6.3</b>	<b>156</b>	<b>37.1</b>	<b>87</b>	<b>20.7</b>	<b>177</b>	<b>42.1</b>
Connecticut	33	0.5	18	54.5	1	3.0	14	42.4
New York								
Eastern	114	1.7	38	33.3	25	21.9	51	44.7
Northern	27	0.4	7	25.9	4	14.8	16	59.3
Southern	198	3.0	77	38.9	44	22.2	77	38.9
Western	35	0.5	11	31.4	13	37.1	11	31.4
Vermont	13	0.2	5	38.5	0	0.0	8	61.5
<b>THIRD CIRCUIT</b>	<b>330</b>	<b>4.9</b>	<b>147</b>	<b>44.5</b>	<b>66</b>	<b>20.0</b>	<b>117</b>	<b>35.5</b>
Delaware	9	0.1	5	55.6	3	33.3	1	11.1
New Jersey	67	1.0	34	50.7	14	20.9	19	28.4
Pennsylvania								
Eastern	142	2.1	61	43.0	36	25.4	45	31.7
Middle	44	0.7	18	40.9	5	11.4	21	47.7
Western	45	0.7	21	46.7	6	13.3	18	40.0
Virgin Islands	23	0.3	8	34.8	2	8.7	13	56.5
<b>FOURTH CIRCUIT</b>	<b>937</b>	<b>14.0</b>	<b>409</b>	<b>43.7</b>	<b>199</b>	<b>21.2</b>	<b>329</b>	<b>35.1</b>
Maryland	85	1.3	27	31.8	21	24.7	37	43.5
North Carolina								
Eastern	93	1.4	50	53.8	12	12.9	31	33.3
Middle	91	1.4	54	59.3	12	13.2	25	27.5
Western	99	1.5	37	37.4	30	30.3	32	32.3
South Carolina	171	2.6	76	44.4	44	25.7	51	29.8
Virginia								
Eastern	190	2.8	64	33.7	34	17.9	92	48.4
Western	73	1.1	24	32.9	22	30.1	27	37.0
West Virginia								
Northern	40	0.6	21	52.5	9	22.5	10	25.0
Southern	95	1.4	56	58.9	15	15.8	24	25.3

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentencing Only</b>		<b>Sentencing and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>1,429</b>	<b>21.4</b>	<b>959</b>	<b>67.1</b>	<b>200</b>	<b>14.0</b>	<b>270</b>	<b>18.9</b>
Louisiana								
Eastern	25	0.4	12	48.0	8	32.0	5	20.0
Middle	8	0.1	1	12.5	3	37.5	4	50.0
Western	57	0.9	31	54.4	8	14.0	18	31.6
Mississippi								
Northern	22	0.3	5	22.7	8	36.4	9	40.9
Southern	23	0.3	4	17.4	6	26.1	13	56.5
Texas								
Eastern	69	1.0	31	44.9	11	15.9	27	39.1
Northern	166	2.5	104	62.7	25	15.1	37	22.3
Southern	611	9.2	430	70.4	94	15.4	87	14.2
Western	448	6.7	341	76.1	37	8.3	70	15.6
<b>SIXTH CIRCUIT</b>	<b>666</b>	<b>10.0</b>	<b>291</b>	<b>43.7</b>	<b>166</b>	<b>24.9</b>	<b>209</b>	<b>31.4</b>
Kentucky								
Eastern	59	0.9	19	32.2	15	25.4	25	42.4
Western	47	0.7	12	25.5	13	27.7	22	46.8
Michigan								
Eastern	110	1.6	47	42.7	28	25.5	35	31.8
Western	68	1.0	40	58.8	18	26.5	10	14.7
Ohio								
Northern	87	1.3	29	33.3	33	37.9	25	28.7
Southern	57	0.9	29	50.9	15	26.3	13	22.8
Tennessee								
Eastern	89	1.3	40	44.9	13	14.6	36	40.4
Middle	43	0.6	17	39.5	13	30.2	13	30.2
Western	106	1.6	58	54.7	18	17.0	30	28.3
<b>SEVENTH CIRCUIT</b>	<b>394</b>	<b>5.9</b>	<b>175</b>	<b>44.4</b>	<b>95</b>	<b>24.1</b>	<b>124</b>	<b>31.5</b>
Illinois								
Central	47	0.7	19	40.4	11	23.4	17	36.2
Northern	140	2.1	59	42.1	39	27.9	42	30.0
Southern	41	0.6	24	58.5	7	17.1	10	24.4
Indiana								
Northern	41	0.6	13	31.7	10	24.4	18	43.9
Southern	41	0.6	17	41.5	11	26.8	13	31.7
Wisconsin								
Eastern	44	0.7	22	50.0	7	15.9	15	34.1
Western	40	0.6	21	52.5	10	25.0	9	22.5
<b>EIGHTH CIRCUIT</b>	<b>496</b>	<b>7.4</b>	<b>255</b>	<b>51.4</b>	<b>99</b>	<b>20.0</b>	<b>142</b>	<b>28.6</b>
Arkansas								
Eastern	18	0.3	14	77.8	3	16.7	1	5.6
Western	17	0.3	7	41.2	6	35.3	4	23.5
Iowa								
Northern	85	1.3	55	64.7	16	18.8	14	16.5
Southern	44	0.7	19	43.2	13	29.5	12	27.3
Minnesota	80	1.2	42	52.5	13	16.3	25	31.3
Missouri								
Eastern	43	0.6	20	46.5	9	20.9	14	32.6
Western	88	1.3	37	42.0	15	17.0	36	40.9
Nebraska	64	1.0	37	57.8	16	25.0	11	17.2
North Dakota	18	0.3	6	33.3	3	16.7	9	50.0
South Dakota	39	0.6	18	46.2	5	12.8	16	41.0

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentencing Only</b>		<b>Sentencing and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>966</b>	<b>14.5</b>	<b>420</b>	<b>43.5</b>	<b>213</b>	<b>22.1</b>	<b>333</b>	<b>34.5</b>
Alaska	13	0.2	3	23.1	7	53.8	3	23.1
Arizona	146	2.2	68	46.6	30	20.5	48	32.9
California								
Central	195	2.9	70	35.9	58	29.7	67	34.4
Eastern	54	0.8	15	27.8	19	35.2	20	37.0
Northern	50	0.8	10	20.0	9	18.0	31	62.0
Southern	109	1.6	35	32.1	24	22.0	50	45.9
Guam	7	0.1	2	28.6	2	28.6	3	42.9
Hawaii	31	0.5	13	41.9	10	32.3	8	25.8
Idaho	29	0.4	15	51.7	4	13.8	10	34.5
Montana	76	1.1	45	59.2	13	17.1	18	23.7
Nevada	101	1.5	60	59.4	8	7.9	33	32.7
Northern Mariana Islands	6	0.1	1	16.7	2	33.3	3	50.0
Oregon	43	0.6	21	48.8	8	18.6	14	32.6
Washington								
Eastern	51	0.8	28	54.9	8	15.7	15	29.4
Western	55	0.8	34	61.8	11	20.0	10	18.2
<b>TENTH CIRCUIT</b>	<b>393</b>	<b>5.9</b>	<b>154</b>	<b>39.2</b>	<b>79</b>	<b>20.1</b>	<b>160</b>	<b>40.7</b>
Colorado	56	0.8	28	50.0	8	14.3	20	35.7
Kansas	68	1.0	27	39.7	13	19.1	28	41.2
New Mexico	66	1.0	23	34.8	12	18.2	31	47.0
Oklahoma								
Eastern	20	0.3	8	40.0	7	35.0	5	25.0
Northern	52	0.8	15	28.8	11	21.2	26	50.0
Western	42	0.6	19	45.2	12	28.6	11	26.2
Utah	56	0.8	23	41.1	9	16.1	24	42.9
Wyoming	33	0.5	11	33.3	7	21.2	15	45.5
<b>ELEVENTH CIRCUIT</b>	<b>391</b>	<b>5.9</b>	<b>198</b>	<b>50.6</b>	<b>85</b>	<b>21.7</b>	<b>108</b>	<b>27.6</b>
Alabama								
Middle	7	0.1	0	0.0	3	42.9	4	57.1
Northern	26	0.4	7	26.9	14	53.8	5	19.2
Southern	15	0.2	8	53.3	3	20.0	4	26.7
Florida								
Middle	85	1.3	36	42.4	19	22.4	30	35.3
Northern	29	0.4	14	48.3	6	20.7	9	31.0
Southern	236	3.5	78	33.1	27	11.4	39	16.5
Georgia								
Middle	15	0.2	9	60.0	4	26.7	2	13.3
Northern	57	0.9	38	66.7	8	14.0	11	19.3
Southern	13	0.2	8	61.5	1	7.7	4	30.8

<sup>1</sup>Of the 7,213 appeals cases, 543 were excluded due to one or both of the following reasons: missing district information (69), or missing type of appeal information (503). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2004 Appeals Datafile, APPFY04.