

Table 56A

DISPOSITION OF GOVERNMENT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2004

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
TOTAL	133	24	18.0	77 (52)	57.9	32 (30)	24.1	0	0.0
D.C. CIRCUIT	1	0	0.0	1 (1)	0.0	0 (0)	0.0	0	0.0
District of Columbia	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0
FIRST CIRCUIT	5	1	20.0	4 (4)	80.0	0 (0)	0.0	0	0.0
Maine	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0
Massachusetts	2	1	50.0	1 (1)	50.0	0 (0)	0.0	0	0.0
New Hampshire	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Puerto Rico	2	0	0.0	2 (2)	100.0	0 (0)	0.0	0	0.0
Rhode Island	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
SECOND CIRCUIT	18	2	11.1	11 (11)	61.1	5 (5)	27.8	0	0.0
Connecticut	3	0	0.0	3 (3)	100.0	0 (0)	0.0	0	0.0
New York									
Eastern	7	1	14.3	3 (3)	42.9	3 (3)	42.9	0	0.0
Northern	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0
Southern	3	1	33.3	2 (2)	66.7	0 (0)	0.0	0	0.0
Western	4	0	0.0	2 (2)	50.0	2 (2)	50.0	0	0.0
Vermont	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
THIRD CIRCUIT	5	0	0.0	5 (5)	100.0	0 (0)	0.0	0	0.0
Delaware	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
New Jersey	3	0	0.0	3 (3)	100.0	0 (0)	0.0	0	0.0
Pennsylvania									
Eastern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Middle	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0
Western	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0
Virgin Islands	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0?
FOURTH CIRCUIT	12	2	16.7	3 (3)	25.0	7 (7)	58.3	0	0.0
Maryland	2	0	0.0	1 (1)	50.0	1 (1)	50.0	0	0.0
North Carolina									
Eastern	3	1	33.3	0 (0)	0.0	2 (2)	66.7	0	0.0
Middle	1	0	0.0	0 (0)	0.0	1 (1)	100.0	0	0.0
Western	2	0	0.0	1 (1)	50.0	1 (1)	50.0	0	0.0
South Carolina	2	0	0.0	1 (1)	50.0	1 (1)	50.0	0	0.0
Virginia									
Eastern	2	1	50.0	0 (0)	0.0	1 (1)	50.0	0	0.0
Western	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
West Virginia									
Northern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Southern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0

Table 56A (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
FIFTH CIRCUIT	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0
Louisiana											
Eastern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Middle	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Western	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Mississippi											
Northern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Southern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Texas											
Eastern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Northern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Southern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
SIXTH CIRCUIT	9	1	11.1	6	(6)	66.7	2	(2)	22.2	0	0.0
Kentucky											
Eastern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Western	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0
Michigan											
Eastern	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Ohio											
Northern	3	1	33.3	0	(0)	0.0	2	(2)	66.7	0	0.0
Southern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Tennessee											
Eastern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Middle	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
SEVENTH CIRCUIT	6	0	0.0	6	(6)	100.0	0	(0)	0.0	0	0.0
Illinois											
Central	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Northern	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0
Southern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Indiana											
Northern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Southern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Wisconsin											
Eastern	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
EIGHTH CIRCUIT	19	2	10.5	13	(13)	68.4	4	(4)	21.1	0	0.0
Arkansas											
Eastern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Western	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Iowa											
Northern	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0
Southern	5	0	0.0	3	(3)	60.0	2	(2)	40.0	0	0.0
Minnesota	6	2	33.3	4	(4)	66.7	0	(0)	0.0	0	0.0
Missouri											
Eastern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0
Western	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0
Nebraska	1	0	0.0	0	(0)	0.0	1	(1)	100.0	0	0.0
North Dakota	1	0	0.0	0	(0)	0.0	1	(1)	100.0	0	0.0
South Dakota	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0

Table 56A (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	24	9	37.5	9 (9)	37.5	6 (5)	25.0	0	0.0
Alaska	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Arizona	4	1	25.0	2 (2)	50.0	1 (1)	25.0	0	0.0
California									
Central	11	4	36.4	5 (5)	45.5	2 (1)	18.2	0	0.0
Eastern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Northern	1	0	0.0	0 (0)	0.0	1 (1)	100.0	0	0.0
Southern	2	1	50.0	0 (0)	0.0	1 (1)	50.0	0	0.0
Guam	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Hawaii	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Idaho	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Montana	3	1	33.3	1 (1)	33.3	1 (1)	33.3	0	0.0
Nevada	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Oregon	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Washington									
Eastern	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Western	2	1	50.0	1 (1)	50.0	0 (0)	0.0	0	0.0
TENTH CIRCUIT	9	3	33.3	4 (3)	44.4	2 (2)	22.2	0	0.0
Colorado	1	0	0.0	1 (0)	100.0	0 (0)	0.0	0	0.0
Kansas	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0
New Mexico	3	1	33.3	2 (2)	66.7	0 (0)	0.0	0	0.0
Oklahoma									
Eastern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Northern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Western	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Utah	1	0	0.0	0 (0)	0.0	1 (1)	100.0	0	0.0
Wyoming	3	2	66.7	0 (0)	0.0	1 (1)	33.3	0	0.0
ELEVENTH CIRCUIT	23	4	17.4	13 (11)	56.5	6 (6)	26.1	0	0.0
Alabama									
Middle	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Northern	5	0	0.0	0 (0)	0.0	5 (5)	100.0	0	0.0
Southern	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Florida									
Middle	9	0	0.0	8 (8)	88.9	1 (1)	11.1	0	0.0
Northern	1	0	0.0	1 (0)	100.0	0 (0)	0.0	0	0.0
Southern	3	0	0.0	3 (3)	100.0	0 (0)	0.0	0	0.0
Georgia									
Middle	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Northern	3	3	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Southern	1	0	0.0	1 (0)	100.0	0 (0)	0.0	0	0.0

¹Of the 7,213 appeals cases, 2,102 were excluded because the type of appeal was “conviction only.” Of the 5,111 remaining cases, 501 were excluded due to missing type of appeal. Of the 4,610 cases, 4,470 were excluded as the appeal was by the Defendant only. Of the remaining 140 cases, seven were excluded due to missing district information. Descriptions of variables used in this table are provided in Appendix A.

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