

**Table 56**

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2005**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
<b>TOTAL</b>	<b>6,133</b>	<b>3,364</b>	<b>54.9</b>	<b>1275</b>	<b>(1,246)</b>	<b>20.8</b>	<b>420</b>	<b>(385)</b>	<b>6.8</b>	<b>472</b>	<b>7.7</b>	<b>607</b>	<b>9.9</b>
<b>D.C. CIRCUIT</b>	<b>50</b>	<b>14</b>	<b>28.0</b>	<b>6</b>	<b>(6)</b>	<b>12.0</b>	<b>2</b>	<b>(2)</b>	<b>4.0</b>	<b>10</b>	<b>20.0</b>	<b>18</b>	<b>36.0</b>
District of Columbia	50	14	28.0	6	(6)	12.0	2	(2)	4.0	10	20.0	18	36.0
<b>FIRST CIRCUIT</b>	<b>135</b>	<b>91</b>	<b>67.4</b>	<b>24</b>	<b>(24)</b>	<b>17.8</b>	<b>11</b>	<b>(11)</b>	<b>8.1</b>	<b>5</b>	<b>3.7</b>	<b>9</b>	<b>6.7</b>
Maine	21	14	66.7	4	(4)	19.0	1	(1)	4.8	0	0.0	2	9.5
Massachusetts	31	22	71.0	5	(5)	16.1	4	(4)	12.9	0	0.0	0	0.0
New Hampshire	11	8	72.7	3	(3)	27.3	0	(0)	0.0	0	0.0	0	0.0
Puerto Rico	60	37	61.7	11	(11)	18.3	5	(5)	8.3	5	8.3	7	11.7
Rhode Island	12	10	83.3	1	(1)	8.3	1	(1)	8.3	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>313</b>	<b>121</b>	<b>38.7</b>	<b>56</b>	<b>(56)</b>	<b>17.9</b>	<b>38</b>	<b>(36)</b>	<b>12.1</b>	<b>14</b>	<b>4.5</b>	<b>84</b>	<b>26.8</b>
Connecticut	17	12	70.6	2	(2)	11.8	0	(0)	0.0	0	0.0	3	17.6
New York													
Eastern	80	29	36.3	16	(16)	20.0	11	(10)	13.8	5	6.3	19	23.8
Northern	19	4	21.1	4	(4)	21.1	3	(3)	15.8	1	5.3	7	36.8
Southern	155	58	37.4	28	(28)	18.1	17	(16)	11.0	8	5.2	44	28.4
Western	28	11	39.3	4	(4)	14.3	5	(5)	17.9	0	0.0	8	28.6
Vermont	14	7	50.0	2	(2)	14.3	2	(2)	14.3	0	0.0	3	21.4
<b>THIRD CIRCUIT</b>	<b>278</b>	<b>75</b>	<b>27.0</b>	<b>147</b>	<b>(145)</b>	<b>52.9</b>	<b>28</b>	<b>(27)</b>	<b>10.1</b>	<b>3</b>	<b>1.1</b>	<b>25</b>	<b>9.0</b>
Delaware	7	0	0.0	5	(5)	71.4	1	(1)	14.3	0	0.0	1	14.3
New Jersey	61	16	26.2	38	(38)	62.3	3	(3)	4.9	0	0.0	4	6.6
Pennsylvania													
Eastern	116	33	28.4	55	(54)	47.4	12	(11)	10.3	2	1.7	14	12.1
Middle	52	17	32.7	24	(24)	46.2	6	(6)	11.5	1	1.9	4	7.7
Western	36	7	19.4	21	(20)	58.3	6	(6)	16.7	0	0.0	2	5.6
Virgin Islands	6	2	33.3	4	(4)	66.7	0	(0)	0.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>572</b>	<b>316</b>	<b>55.2</b>	<b>140</b>	<b>(140)</b>	<b>24.5</b>	<b>38</b>	<b>(34)</b>	<b>6.6</b>	<b>65</b>	<b>11.4</b>	<b>13</b>	<b>2.3</b>
Maryland	54	18	33.3	15	(15)	27.8	5	(5)	9.3	15	27.8	1	1.8
North Carolina													
Eastern	74	41	55.4	21	(21)	28.4	4	(3)	5.4	8	10.8	0	0.0
Middle	89	60	67.4	17	(17)	19.1	4	(4)	4.5	6	6.7	2	2.2
Western	59	33	55.9	13	(13)	22.0	6	(6)	10.2	7	11.9	0	0.0
South Carolina	85	57	67.1	19	(19)	22.4	3	(2)	3.5	5	5.9	1	1.2
Virginia													
Eastern	92	44	47.8	22	(22)	23.9	6	(4)	6.5	15	16.3	5	5.4
Western	41	16	39.0	12	(12)	29.3	6	(6)	14.6	6	14.6	1	2.4
West Virginia													
Northern	20	14	70.0	3	(3)	15.0	0	(0)	0.0	2	10.0	1	5.0
Southern	58	33	56.9	18	(18)	31.0	4	(4)	6.9	1	1.7	2	3.4

**Table 56 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
<b>FIFTH CIRCUIT</b>	<b>1,294</b>	<b>1,013</b>	<b>78.3</b>	<b>172</b>	<b>(171)</b>	<b>13.3</b>	<b>35</b>	<b>(29)</b>	<b>2.7</b>	<b>31</b>	<b>2.4</b>	<b>43</b>	<b>3.3</b>
Louisiana													
Eastern	17	16	94.1	1 (1)	5.9	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Middle	16	12	75.0	2 (2)	12.5	0 (0)	0.0	2	12.5	0	0.0	0	0.0
Western	64	45	70.3	9 (9)	14.1	8 (7)	12.5	0	0.0	2	3.1		
Mississippi													
Northern	14	12	85.7	2 (2)	14.3	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Southern	9	5	55.6	1 (1)	11.1	1 (1)	11.1	2	22.2	0	0.0	0	0.0
Texas													
Eastern	80	62	77.5	11 (11)	13.8	1 (1)	1.3	2	2.5	4	5.0		
Northern	188	136	72.3	34 (33)	18.1	4 (4)	2.1	10	5.3	4	2.1		
Southern	469	399	85.1	44 (44)	9.4	15 (11)	3.2	9	1.9	2	0.4		
Western	437	326	74.6	68 (68)	15.6	6 (5)	1.4	6	1.4	31	7.1		
<b>SIXTH CIRCUIT</b>	<b>573</b>	<b>205</b>	<b>35.8</b>	<b>240</b>	<b>(239)</b>	<b>41.9</b>	<b>50</b>	<b>(49)</b>	<b>8.7</b>	<b>39</b>	<b>6.8</b>	<b>39</b>	<b>6.8</b>
Kentucky													
Eastern	48	21	43.8	11 (11)	22.9	3 (3)	6.3	10	20.8	3	6.2		
Western	31	21	67.7	6 (6)	19.4	3 (3)	9.7	0	0.0	1	3.2		
Michigan													
Eastern	98	36	36.7	42 (41)	42.9	7 (6)	7.1	7	7.1	6	6.1		
Western	75	22	29.3	37 (37)	49.3	6 (6)	8.0	5	6.7	5	6.7		
Ohio													
Northern	59	16	27.1	24 (24)	40.7	6 (6)	10.2	9	15.3	4	6.8		
Southern	44	15	34.1	20 (20)	45.5	3 (3)	6.8	3	6.8	3	6.8		
Tennessee													
Eastern	81	31	38.3	33 (33)	40.7	9 (9)	11.1	2	2.5	6	7.4		
Middle	30	14	46.7	8 (8)	26.7	1 (1)	3.3	3	10.0	4	13.3		
Western	107	29	27.1	59 (59)	55.1	12 (12)	11.2	0	0.0	7	6.5		
<b>SEVENTH CIRCUIT</b>	<b>421</b>	<b>152</b>	<b>36.1</b>	<b>60</b>	<b>(58)</b>	<b>14.3</b>	<b>32</b>	<b>(31)</b>	<b>7.6</b>	<b>96</b>	<b>22.8</b>	<b>81</b>	<b>19.2</b>
Illinois													
Central	40	16	40.0	2 (2)	5.0	3 (3)	7.5	13	32.5	6	15.0		
Northern	136	34	25.0	28 (27)	20.6	13 (12)	9.6	25	18.4	36	26.5		
Southern	47	14	29.8	5 (5)	10.6	5 (5)	10.6	17	36.2	6	12.8		
Indiana													
Northern	44	16	36.4	5 (5)	11.4	1 (1)	2.3	10	22.7	12	27.3		
Southern	41	16	39.0	3 (3)	7.3	3 (3)	7.3	10	24.4	9	22.0		
Wisconsin													
Eastern	40	20	50.0	8 (7)	20.0	3 (3)	7.5	6	15.0	3	7.5		
Western	73	36	49.3	9 (9)	12.3	4 (4)	5.5	15	20.5	9	12.3		
<b>EIGHTH CIRCUIT</b>	<b>558</b>	<b>442</b>	<b>79.2</b>	<b>53</b>	<b>(48)</b>	<b>9.5</b>	<b>22</b>	<b>(21)</b>	<b>3.9</b>	<b>14</b>	<b>2.5</b>	<b>27</b>	<b>4.8</b>
Arkansas													
Eastern	35	34	97.1	0 (0)	0.0	0 (0)	0.0	1	2.9	0	0.0		
Western	16	13	81.3	1 (1)	6.3	0 (0)	0.0	0	0.0	2	12.5		
Iowa													
Northern	90	73	81.1	11 (11)	12.2	3 (3)	3.3	1	1.1	2	2.2		
Southern	59	47	79.7	4 (3)	6.8	2 (2)	3.4	1	1.7	5	8.5		
Minnesota	75	62	82.7	6 (6)	8.0	4 (4)	5.3	2	2.7	1	1.3		
Missouri													
Eastern	64	46	71.9	5 (4)	7.8	0 (0)	0.0	5	7.8	8	12.5		
Western	89	75	84.3	7 (6)	7.9	2 (1)	2.2	1	1.1	4	4.5		
Nebraska	97	70	72.2	16 (15)	16.5	5 (5)	5.2	3	3.1	3	3.1		
North Dakota	9	6	66.7	0 (0)	0.0	2 (2)	22.2	0	0.0	1	11.1		
South Dakota	24	16	66.7	3 (2)	12.5	4 (4)	16.7	0	0.0	1	4.2		

**Table 56 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
<b>NINTH CIRCUIT</b>	<b>793</b>	<b>210</b>	<b>26.5</b>	<b>174</b>	<b>(159)</b>	<b>21.9</b>	<b>130</b>	<b>(115)</b>	<b>16.4</b>	<b>68</b>	<b>8.6</b>	<b>211</b>	<b>26.6</b>
Alaska	28	7	25.0	6	(6)	21.4	9	(6)	32.1	0	0.0	6	21.4
Arizona	87	28	32.2	12	(11)	13.8	12	(11)	13.8	20	23.0	15	17.2
California													
Central	184	34	18.5	52	(50)	28.3	34	(32)	18.5	8	4.3	56	30.4
Eastern	47	15	31.9	6	(4)	12.8	11	(10)	23.4	4	8.5	11	23.4
Northern	38	10	26.3	5	(5)	13.2	6	(5)	15.8	2	5.3	15	39.5
Southern	84	23	27.4	18	(15)	21.4	13	(12)	15.5	6	7.1	24	28.6
Guam	9	4	44.4	2	(2)	22.2	3	(3)	33.3	0	0.0	0	0.0
Hawaii	22	4	18.2	7	(6)	31.8	2	(2)	9.1	5	22.7	4	18.2
Idaho	15	5	33.3	8	(8)	53.3	0	(0)	0.0	2	13.3	4	21.0
Montana	76	20	26.3	20	(18)	26.3	11	(10)	14.5	5	6.6	20	26.3
Nevada	74	24	32.4	13	(11)	17.6	10	(9)	13.5	9	12.2	18	24.3
Northern Mariana Islands	4	0	66.7	2	(2)	50.0	0	(0)	0.0	0	0.0	2	50.0
Oregon	37	13	35.1	7	(7)	18.9	3	(2)	8.1	5	13.5	9	24.3
Washington													
Eastern	56	14	25.0	14	(14)	25.0	10	(9)	17.9	2	3.6	16	28.6
Western	28	9	32.1	2	(2)	7.1	6	(4)	21.4	0	0.0	11	39.3
<b>TENTH CIRCUIT</b>	<b>404</b>	<b>201</b>	<b>49.8</b>	<b>43</b>	<b>(43)</b>	<b>10.6</b>	<b>10</b>	<b>(8)</b>	<b>2.5</b>	<b>115</b>	<b>28.5</b>	<b>35</b>	<b>8.7</b>
Colorado	62	31	50.0	7	(7)	11.3	0	(0)	0.0	15	24.2	9	14.5
Kansas	63	24	38.1	9	(9)	14.3	2	(2)	3.2	21	33.3	7	11.1
New Mexico	92	47	51.1	10	(10)	10.9	4	(2)	4.3	29	31.5	2	2.2
Oklahoma													
Eastern	18	9	50.0	0	(0)	0.0	0	(0)	0.0	8	44.4	1	5.6
Northern	36	19	52.8	1	(1)	2.8	0	(0)	0.0	11	30.6	5	13.9
Western	46	22	47.8	6	(6)	13.0	0	(0)	0.0	11	23.9	7	15.2
Utah	44	26	59.1	7	(7)	15.9	1	(1)	2.3	8	18.2	2	4.6
Wyoming	43	23	53.5	3	(3)	7.0	3	(3)	7.0	12	27.9	2	4.6
<b>ELEVENTH CIRCUIT</b>	<b>742</b>	<b>524</b>	<b>70.6</b>	<b>160</b>	<b>(157)</b>	<b>21.6</b>	<b>24</b>	<b>(22)</b>	<b>3.2</b>	<b>12</b>	<b>1.6</b>	<b>22</b>	<b>3.0</b>
Alabama													
Middle	8	7	87.5	1	(1)	12.5	0	(0)	0.0	0	0.0	0	0.0
Northern	27	21	77.8	5	(5)	18.5	1	(1)	3.7	0	0.0	0	0.0
Southern	58	42	72.4	13	(13)	22.4	0	(0)	0.0	1	1.7	2	3.4
Florida													
Middle	166	117	70.5	30	(29)	18.1	9	(8)	5.4	4	2.4	6	3.6
Northern	77	63	81.8	11	(11)	14.3	1	(1)	1.3	0	0.0	2	2.6
Southern	249	157	63.1	74	(72)	29.7	6	(5)	2.4	5	2.0	7	2.8
Georgia													
Middle	20	18	90.0	1	(1)	5.0	0	(0)	0.0	1	5.0	0	0.0
Northern	100	75	75.0	16	(16)	16.0	4	(4)	4.0	1	1.0	4	4.0
Southern	37	24	64.9	9	(9)	24.3	3	(3)	8.1	0	0.0	1	2.7

<sup>1</sup>Of the 7,813 appeals cases, 1,434 were excluded because the type of appeal was “conviction only.” Of the 6,379 remaining cases, 171 were excluded due to missing type of appeal. Of the 6,208 cases, 75 were excluded as the appeal was by the Government only. Of the remaining 6,133 cases, none were excluded due to missing district information. 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.