

Table 56A

**DISPOSITION OF GOVERNMENT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2009**

| CIRCUIT District | AFFIRMED | | | REVERSED ² | | | AFFIRMED AND REVERSED ² | | | DISMISSED | | REMANDED | |
|-----------------------|-----------|-----------|-------------|-----------------------|-------------|-------------|---------------------------------------|------------|-------------|-----------|------------|----------|-------------|
| | TOTAL | N | % | N | % | N | % | N | % | N | % | N | % |
| TOTAL | 64 | 19 | 29.7 | 36 | (33) | 56.3 | 5 | (4) | 7.8 | 0 | 0.0 | 4 | 6.3 |
| D.C. CIRCUIT | 2 | 0 | 0.0 | 1 | (0) | 50.0 | 1 | (0) | 50.0 | 0 | 0.0 | 0 | 0.0 |
| District of Columbia | 2 | 0 | 0.0 | 1 (0) | 50.0 | | 1 (1) | 50.0 | | 0 | 0.0 | 0 | 0.0 |
| FIRST CIRCUIT | 2 | 0 | 0.0 | 1 | (1) | 50.0 | 0 | (0) | 0.0 | 0 | 0.0 | 1 | 50.0 |
| Maine | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| Massachusetts | 2 | 0 | 0.0 | 1 (1) | 50.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 1 | 50.0 |
| New Hampshire | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| Puerto Rico | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 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 | 0 | 0.0 |
| SECOND CIRCUIT | 11 | 1 | 9.1 | 7 | (6) | 63.6 | 1 | (1) | 9.1 | 0 | 0.0 | 2 | 18.2 |
| Connecticut | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| New York | | | | | | | | | | | | | |
| Eastern | 2 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 2 | 100.0 |
| Northern | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| Southern | 6 | 1 | 16.7 | 4 (3) | 66.7 | | 1 (1) | 16.7 | | 0 | 0.0 | 0 | 0.0 |
| Western | 3 | 0 | 0.0 | 3 (3) | 100.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| Vermont | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| THIRD CIRCUIT | 4 | 2 | 50.0 | 2 | (2) | 50.0 | 0 | (0) | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Delaware | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| New Jersey | 2 | 1 | 50.0 | 1 (1) | 50.0 | | 0 (0) | 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 | 0 | 0.0 |
| Middle | 2 | 1 | 50.0 | 1 (1) | 50.0 | | 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 | 0 | 0.0 |
| Virgin Islands | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| FOURTH CIRCUIT | 3 | 0 | 0.0 | 2 | (2) | 66.7 | 1 | (1) | 33.3 | 0 | 0.0 | 0 | 0.0 |
| Maryland | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| North Carolina | | | | | | | | | | | | | |
| Eastern | 1 | 0 | 0.0 | 0 (0) | 0.0 | | 1 (1) | 100.0 | | 0 | 0.0 | 0 | 0.0 |
| Middle | 0 | 0 | 0.0 | 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 | 0 | 0.0 |
| South Carolina | 0 | 0 | 0.0 | 0 (0) | 0.0 | | 0 (0) | 0.0 | | 0 | 0.0 | 0 | 0.0 |
| Virginia | | | | | | | | | | | | | |
| Eastern | 0 | 0 | 0.0 | 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 | 0 | 0.0 |
| West Virginia | | | | | | | | | | | | | |
| Northern | 0 | 0 | 0.0 | 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 | 0 | 0.0 |

Table 56A (cont.)

| CIRCUIT District | AFFIRMED | | REVERSED ² | | AFFIRMED AND REVERSED ² | | DISMISSED | | REMANDED | | | | |
|------------------------|----------|----------|-----------------------|----------|---------------------------------------|-------------|-----------|------------|------------|----------|------------|----------|-------------|
| | N | % | N | % | N | % | N | % | N | % | | | |
| FIFTH CIRCUIT | 2 | 2 | 100.0 | 0 | (0) | 0.0 | 0 | (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Middle | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Mississippi | | | | | | | | | | | | | |
| Northern | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Southern | 1 | 1 | 100.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Northern | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Southern | 1 | 1 | 100.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| SIXTH CIRCUIT | 6 | 2 | 33.3 | 4 | (4) | 66.7 | 0 | (0) | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Kentucky | | | | | | | | | | | | | |
| Eastern | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (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 | 0 | 0.0 | 0 | 0.0 |
| Michigan | | | | | | | | | | | | | |
| Eastern | 1 | 0 | 0.0 | 1 (1) | 100.0 | 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 | 0 | 0.0 | 0 | 0.0 |
| Ohio | | | | | | | | | | | | | |
| Northern | 1 | 0 | 0.0 | 1 (1) | 100.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Southern | 1 | 1 | 100.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Tennessee | | | | | | | | | | | | | |
| Eastern | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Western | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| SEVENTH CIRCUIT | 2 | 0 | 0.0 | 1 | (1) | 50.0 | 0 | (0) | 0.0 | 0 | 0.0 | 1 | 50.0 |
| Illinois | | | | | | | | | | | | | |
| Central | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Northern | 1 | 0 | 0.0 | 1 (1) | 100.0 | 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 | 0 | 0.0 | 0 | 0.0 |
| Indiana | | | | | | | | | | | | | |
| Northern | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Wisconsin | | | | | | | | | | | | | |
| Eastern | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Western | 1 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 1 | 100.0 |
| EIGHTH CIRCUIT | 8 | 4 | 50.0 | 4 | (4) | 50.0 | 0 | (0) | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arkansas | | | | | | | | | | | | | |
| Eastern | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Iowa | | | | | | | | | | | | | |
| Northern | 2 | 2 | 100.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Southern | 2 | 1 | 50.0 | 1 (1) | 50.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Minnesota | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Missouri | | | | | | | | | | | | | |
| Eastern | 2 | 0 | 0.0 | 2 (2) | 100.0 | 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 | 0 | 0.0 | 0 | 0.0 |
| Nebraska | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| North Dakota | 1 | 1 | 100.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| South Dakota | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |

Table 56A (cont.)

| CIRCUIT District | AFFIRMED | | REVERSED ² | | AFFIRMED AND REVERSED ² | | DISMISSED | | REMANDED | | | | |
|--------------------------|-----------|----------|-----------------------|----------|---------------------------------------|-------------|-----------|------------|-------------|----------|------------|----------|------------|
| | N | % | N | % | N | % | N | % | N | % | | | |
| NINTH CIRCUIT | 9 | 2 | 22.2 | 6 | (5) | 66.7 | 1 | (0) | 11.1 | 0 | 0.0 | 0 | 0.0 |
| Alaska | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Arizona | 1 | 0 | 0.0 | 1 (0) | 100.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| California | | | | | | | | | | | | | |
| Central | 5 | 1 | 20.0 | 4 (4) | 80.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Eastern | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Northern | 1 | 0 | 0.0 | 1 (1) | 100.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Southern | 1 | 0 | 0.0 | 0 (0) | 0.0 | 1 (1) | 100.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Guam | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Idaho | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Montana | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Nevada | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Western | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| TENTH CIRCUIT | 3 | 1 | 33.3 | 2 | (2) | 66.7 | 0 | (0) | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Colorado | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Kansas | 2 | 1 | 50.0 | 1 (1) | 50.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| New Mexico | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Oklahoma | | | | | | | | | | | | | |
| Eastern | 0 | 0 | 0.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Western | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Utah | 1 | 0 | 0.0 | 1 (1) | 100.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Wyoming | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| ELEVENTH CIRCUIT | 12 | 5 | 41.7 | 6 | (6) | 50.0 | 1 | (1) | 8.3 | 0 | 0.0 | 0 | 0.0 |
| Alabama | | | | | | | | | | | | | |
| Middle | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Northern | 1 | 1 | 100.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Florida | | | | | | | | | | | | | |
| Middle | 3 | 1 | 33.3 | 1 (1) | 33.3 | 1 (1) | 33.3 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Northern | 2 | 0 | 0.0 | 2 (2) | 100.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Southern | 3 | 0 | 0.0 | 3 (3) | 100.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Georgia | | | | | | | | | | | | | |
| Middle | 3 | 3 | 100.0 | 0 (0) | 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 | 0 | 0.0 | 0 | 0.0 |
| Southern | 0 | 0 | 0.0 | 0 (0) | 0.0 | 0 (0) | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |

¹Of the 8,774 appeals cases, 2,267 were excluded because the type of appeal was "conviction only." Of the 6,507 remaining cases, 6,443 were excluded as the appeal was by the defendant only. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2009 Appeals Datafile, APPFY09.