

Table 56A

DISPOSITION OF GOVERNMENT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2010

CIRCUIT District	AFFIRMED			REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	86	27	31.4	43	(43)	50.0	12	(12)	14.0	1	1.2	3	3.5
D.C. CIRCUIT	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
District of Columbia	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
FIRST CIRCUIT	2	1	50.0	0	(0)	0.0	0	(0)	0.0	1	50.0	0	0.0
Maine	1	0	0.0	0	(0)	0.0	0	(0)	0.0	1	100.0	0	0.0
Massachusetts	1	1	100.0	0	(0)	0.0	0	(0)	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	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	15	4	26.7	4	(4)	26.7	7	(7)	46.7	0	0.0	0	0.0
Connecticut	5	1	20.0	0	(0)	0.0	4	(4)	80.0	0	0.0	0	0.0
New York													
Eastern	2	0	0.0	2	(2)	100.0	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
Southern	6	2	33.3	1	(1)	16.7	3	(3)	50.0	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
Vermont	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
THIRD CIRCUIT	5	3	60.0	2	(2)	40.0	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	3	2	66.7	1	(1)	33.3	0	(0)	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	1	0	0.0	1	(1)	100.0	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
Western	1	1	100.0	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	14	1	7.1	12	(12)	85.7	1	(1)	7.1	0	0.0	0	0.0
Maryland	4	0	0.0	3	(3)	75.0	1	(1)	25.0	0	0.0	0	0.0
North Carolina													
Eastern	3	0	0.0	3	(3)	100.0	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
Western	4	0	0.0	4	(4)	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	3	1	33.3	2	(2)	66.7	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	TOTAL	AFFIRMED		REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
		N	%	N	%	N	%	N	%	N	%		
FIFTH CIRCUIT	3	2	66.7	1	(1)	33.3	0	(0)	0.0	0	0.0	0	0.0
Louisiana													
Eastern	2	2	100.0	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
Western	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
Southern	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
Northern	0	0	0.0	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	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
SIXTH CIRCUIT	10	4	40.0	4	(4)	40.0	0	(0)	0.0	0	0.0	2	20.0
Kentucky													
Eastern	2	2	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Western	2	2	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Michigan													
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
Ohio													
Northern	1	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	1	100.0
Southern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
Tennessee													
Eastern	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
Middle	2	0	0.0	1	(1)	50.0	0	(0)	0.0	0	0.0	1	50.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	5	0	0.0	4	(4)	80.0	1	(1)	20.0	0	0.0	0	0.0
Illinois													
Central	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
Northern	3	0	0.0	2	(2)	66.7	1	(1)	33.3	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
Indiana													
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
Wisconsin													
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
EIGHTH CIRCUIT	14	4	28.6	9	(9)	64.3	0	(0)	0.0	0	0.0	1	7.1
Arkansas													
Eastern	1	1	100.0	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
Iowa													
Northern	5	0	0.0	5	(5)	100.0	0	(0)	0.0	0	0.0	0	0.0
Southern	2	2	100.0	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
Missouri													
Eastern	3	1	33.3	1	(1)	33.3	0	(0)	0.0	0	0.0	1	33.3
Western	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
Nebraska	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
North Dakota	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

Table 56A (cont.)

CIRCUIT District	AFFIRMED			REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	10	4	40.0	5	(5)	50.0	1	(1)	10.0	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
Arizona	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
California													
Central	3	1	33.3	2	(2)	66.7	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
Northern	1	0	0.0	0	(0)	0.0	1	(1)	100.0	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
Guam	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
Idaho	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Montana	1	1	100.0	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
Northern Mariana Islands	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Oregon	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Washington													
Eastern	1	0	0.0	1	(1)	100.0	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
TENTH CIRCUIT	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Colorado	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Kansas	0	0	0.0	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
Oklahoma													
Eastern	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
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Utah	0	0	0.0	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
ELEVENTH CIRCUIT	7	3	42.9	2	(2)	28.6	2	(2)	28.6	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
Northern	1	1	100.0	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
Florida													
Middle	3	2	66.7	1	(1)	33.3	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
Southern	1	0	0.0	0	(0)	0.0	1	(1)	100.0	0	0.0	0	0.0
Georgia													
Middle	0	0	0.0	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	0	0.0
Southern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0

¹ Of the 8,748 appeals cases, 3,479 were excluded due to one of the following reasons: type of appeal was “conviction only” (1,879), “Anders Brief” (1,583), or “unknown” (17). Of the 5,269 remaining cases, 5,183 were excluded as the appeal was by the defendant only. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2010 Appeals Datafile, APPFY10.