

**Table 56**

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2013**

CIRCUIT District	AFFIRMED			REVERSED <sup>2</sup>			AFFIRMED AND REVERSED <sup>2</sup>			DISMISSED		REMANDED	
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>5,668</b>	<b>4,377</b>	<b>77.2</b>	<b>478</b>	<b>(478)</b>	<b>8.4</b>	<b>137</b>	<b>(127)</b>	<b>2.4</b>	<b>608</b>	<b>10.7</b>	<b>68</b>	<b>1.2</b>
<b>D.C. CIRCUIT</b>	<b>34</b>	<b>27</b>	<b>79.4</b>	<b>4</b>	<b>(4)</b>	<b>11.8</b>	<b>0</b>	<b>(0)</b>	<b>0.0</b>	<b>1</b>	<b>2.9</b>	<b>2</b>	<b>5.9</b>
District of Columbia	34	27	79.4	4	(4)	11.8	0	(0)	0.0	1	2.9	2	5.9
<b>FIRST CIRCUIT</b>	<b>209</b>	<b>173</b>	<b>82.8</b>	<b>16</b>	<b>(16)</b>	<b>7.7</b>	<b>6</b>	<b>(6)</b>	<b>2.9</b>	<b>14</b>	<b>6.7</b>	<b>0</b>	<b>0.0</b>
Maine	31	28	90.3	2	(2)	6.5	1	(1)	3.2	0	0.0	0	0.0
Massachusetts	60	50	83.3	6	(6)	10.0	1	(1)	1.7	3	5.0	0	0.0
New Hampshire	9	8	88.9	1	(1)	11.1	0	(0)	0.0	0	0.0	0	0.0
Puerto Rico	90	73	81.1	7	(7)	7.8	1	(0)	1.1	9	10.0	0	0.0
Rhode Island	19	14	73.7	0	(0)	0.0	3	(3)	15.8	2	10.5	0	0.0
<b>SECOND CIRCUIT</b>	<b>361</b>	<b>241</b>	<b>66.8</b>	<b>45</b>	<b>(45)</b>	<b>12.5</b>	<b>12</b>	<b>(10)</b>	<b>3.3</b>	<b>48</b>	<b>13.3</b>	<b>15</b>	<b>4.2</b>
Connecticut	46	30	65.2	6	(6)	13.0	0	(0)	0.0	8	17.4	2	4.3
New York													
Eastern	80	53	66.3	12	(12)	15.0	3	(2)	3.8	10	12.5	2	2.5
Northern	53	37	69.8	7	(7)	13.2	3	(3)	5.7	4	7.5	2	3.8
Southern	142	95	66.9	16	(16)	11.3	3	(3)	2.1	19	13.4	9	6.3
Western	26	14	53.8	4	(4)	15.4	3	(2)	11.5	5	19.2	0	0.0
Vermont	14	12	85.7	0	(0)	0.0	0	(0)	0.0	2	14.3	0	0.0
<b>THIRD CIRCUIT</b>	<b>311</b>	<b>261</b>	<b>83.9</b>	<b>22</b>	<b>(22)</b>	<b>7.1</b>	<b>2</b>	<b>(1)</b>	<b>0.6</b>	<b>20</b>	<b>6.4</b>	<b>6</b>	<b>1.9</b>
Delaware	11	11	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
New Jersey	63	50	79.4	5	(5)	7.9	0	(0)	0.0	7	11.1	1	1.6
Pennsylvania													
Eastern	106	88	83.0	8	(8)	7.5	2	(1)	1.9	4	3.8	4	3.8
Middle	53	44	83.0	4	(4)	7.5	0	(0)	0.0	4	7.5	1	1.9
Western	74	66	89.2	3	(3)	4.1	0	(0)	0.0	5	6.8	0	0.0
Virgin Islands	4	2	50.0	2	(2)	50.0	0	(0)	0.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>763</b>	<b>614</b>	<b>80.5</b>	<b>57</b>	<b>(57)</b>	<b>7.5</b>	<b>12</b>	<b>(10)</b>	<b>1.6</b>	<b>71</b>	<b>9.3</b>	<b>9</b>	<b>1.2</b>
Maryland	72	51	70.8	4	(4)	5.6	0	(0)	0.0	15	20.8	2	2.8
North Carolina													
Eastern	147	108	73.5	11	(11)	7.5	4	(4)	2.7	22	15.0	2	1.4
Middle	75	67	89.3	4	(4)	5.3	0	(0)	0.0	2	2.7	2	2.7
Western	124	101	81.5	15	(15)	12.1	3	(2)	2.4	5	4.0	0	0.0
South Carolina	85	67	78.8	9	(9)	10.6	4	(4)	4.7	5	5.9	0	0.0
Virginia													
Eastern	157	135	86.0	8	(8)	5.1	1	(1)	0.6	11	7.0	2	1.3
Western	47	40	85.1	2	(2)	4.3	0	(0)	0.0	4	8.5	1	2.1
West Virginia													
Northern	35	30	85.7	2	(2)	5.7	0	(0)	0.0	3	8.6	0	0.0
Southern	21	15	71.4	2	(2)	9.5	0	(0)	0.0	4	19.0	0	0.0

**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>978</b>	<b>755</b>	<b>77.2</b>	<b>62</b>	<b>(62)</b>	<b>6.3</b>	<b>20</b>	<b>(18)</b>	<b>2.0</b>	<b>132</b>	<b>13.5</b>	<b>9</b>	<b>0.9</b>
Louisiana													
Eastern	44	25	56.8	4	(4)	9.1	2	(2)	4.5	11	25.0	2	4.5
Middle	13	13	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Western	69	55	79.7	11	(11)	15.9	2	(2)	2.9	1	1.4	0	0.0
Mississippi													
Northern	26	17	65.4	4	(4)	15.4	0	(0)	0.0	5	19.2	0	0.0
Southern	16	7	43.8	1	(1)	6.3	1	(1)	6.3	7	43.8	0	0.0
Texas													
Eastern	32	18	56.3	2	(2)	6.3	1	(1)	3.1	10	31.3	1	3.1
Northern	149	114	76.5	7	(7)	4.7	4	(3)	2.7	22	14.8	2	1.3
Southern	351	286	81.5	27	(27)	7.7	9	(8)	2.6	26	7.4	3	0.9
Western	278	220	79.1	6	(6)	2.2	1	(1)	0.4	50	18.0	1	0.4
<b>SIXTH CIRCUIT</b>	<b>660</b>	<b>514</b>	<b>77.9</b>	<b>56</b>	<b>(56)</b>	<b>8.5</b>	<b>25</b>	<b>(24)</b>	<b>3.8</b>	<b>54</b>	<b>8.2</b>	<b>11</b>	<b>1.7</b>
Kentucky													
Eastern	53	38	71.7	3	(3)	5.7	3	(3)	5.7	7	13.2	2	3.8
Western	54	48	88.9	1	(1)	1.9	1	(1)	1.9	4	7.4	0	0.0
Michigan													
Eastern	73	50	68.5	9	(9)	12.3	4	(4)	5.5	9	12.3	1	1.4
Western	90	73	81.1	11	(11)	12.2	1	(1)	1.1	3	3.3	2	2.2
Ohio													
Northern	126	105	83.3	10	(10)	7.9	3	(3)	2.4	6	4.8	2	1.6
Southern	55	40	72.7	4	(4)	7.3	5	(5)	9.1	6	10.9	0	0.0
Tennessee													
Eastern	99	72	72.7	9	(9)	9.1	2	(2)	2.0	14	14.1	2	2.0
Middle	47	39	83.0	4	(4)	8.5	2	(1)	4.3	1	2.1	1	2.1
Western	63	49	77.8	5	(5)	7.9	4	(4)	6.3	4	6.3	1	1.6
<b>SEVENTH CIRCUIT</b>	<b>286</b>	<b>201</b>	<b>70.3</b>	<b>51</b>	<b>(51)</b>	<b>17.8</b>	<b>9</b>	<b>(9)</b>	<b>3.1</b>	<b>22</b>	<b>7.7</b>	<b>3</b>	<b>1.0</b>
Illinois													
Central	36	23	63.9	8	(8)	22.2	1	(1)	2.8	3	8.3	1	2.8
Northern	113	86	76.1	19	(19)	16.8	3	(3)	2.7	4	3.5	1	0.9
Southern	32	21	65.6	3	(3)	9.4	1	(1)	3.1	6	18.8	1	3.1
Indiana													
Northern	26	18	69.2	6	(6)	23.1	2	(2)	7.7	0	0.0	0	0.0
Southern	29	19	65.5	2	(2)	6.9	1	(1)	3.4	7	24.1	0	0.0
Wisconsin													
Eastern	26	19	73.1	5	(5)	19.2	1	(1)	3.8	1	3.8	0	0.0
Western	24	15	62.5	8	(8)	33.3	0	(0)	0.0	1	4.2	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>365</b>	<b>309</b>	<b>84.7</b>	<b>8</b>	<b>(8)</b>	<b>2.2</b>	<b>10</b>	<b>(9)</b>	<b>2.7</b>	<b>34</b>	<b>9.3</b>	<b>4</b>	<b>1.1</b>
Arkansas													
Eastern	27	21	77.8	2	(2)	7.4	1	(1)	3.7	3	11.1	0	0.0
Western	19	16	84.2	1	(1)	5.3	1	(1)	5.3	1	5.3	0	0.0
Iowa													
Northern	38	36	94.7	0	(0)	0.0	1	(1)	2.6	1	2.6	0	0.0
Southern	43	41	95.3	1	(1)	2.3	0	(0)	0.0	1	2.3	0	0.0
Minnesota	58	48	82.8	0	(0)	0.0	4	(4)	6.9	5	8.6	1	1.7
Missouri													
Eastern	47	36	76.6	1	(1)	2.1	0	(0)	0.0	9	19.1	1	2.1
Western	67	59	88.1	2	(2)	3.0	1	(1)	1.5	3	4.5	2	3.0
Nebraska	37	35	94.6	1	(1)	2.7	0	(0)	0.0	1	2.7	0	0.0
North Dakota	6	3	50.0	0	(0)	0.0	1	(1)	16.7	2	33.3	0	0.0
South Dakota	23	14	60.9	0	(0)	0.0	1	(0)	4.3	8	34.8	0	0.0

**Table 56 (cont.)**

CIRCUIT District	AFFIRMED		REVERSED <sup>2</sup>			AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED		REMANDED			
	TOTAL	N	%	N	%	N	%	N	%	N	%		
<b>NINTH CIRCUIT</b>	<b>660</b>	<b>456</b>	<b>69.1</b>	<b>94</b>	<b>(94)</b>	<b>14.2</b>	<b>31</b>	<b>(31)</b>	<b>4.7</b>	<b>76</b>	<b>11.5</b>	<b>3</b>	<b>0.5</b>
Alaska	17	14	82.4	0	(0)	0.0	1	(1)	5.9	2	11.8	0	0.0
Arizona	104	66	63.5	23	(23)	22.1	2	(2)	1.9	11	10.6	2	1.9
California													
Central	150	106	70.7	20	(20)	13.3	8	(8)	5.3	15	10.0	1	0.7
Eastern	39	26	66.7	6	(6)	15.4	3	(3)	7.7	4	10.3	0	0.0
Northern	22	15	68.2	2	(2)	9.1	1	(1)	4.5	4	18.2	0	0.0
Southern	106	69	65.1	18	(18)	17.0	3	(3)	2.8	16	15.1	0	0.0
Guam	3	2	66.7	1	(1)	33.3	0	(0)	0.0	0	0.0	0	0.0
Hawaii	8	6	75.0	1	(1)	12.5	0	(0)	0.0	1	12.5	0	0.0
Idaho	20	11	55.0	2	(2)	10.0	0	(0)	0.0	7	35.0	0	0.0
Montana	45	35	77.8	6	(6)	13.3	2	(2)	4.4	2	4.4	0	0.0
Nevada	52	31	59.6	4	(4)	7.7	8	(8)	15.4	9	17.3	0	0.0
Northern Mariana Islands	2	1	50.0	1	(0)	50.0	0	(0)	0.0	0	0.0	0	0.0
Oregon	21	17	81.0	2	(2)	9.5	0	(0)	0.0	2	9.5	0	0.0
Washington													
Eastern	23	20	87.0	2	(2)	8.7	0	(0)	0.0	1	4.3	0	0.0
Western	48	37	77.1	6	(6)	12.5	3	(3)	6.3	2	4.2	0	0.0
<b>TENTH CIRCUIT</b>	<b>210</b>	<b>158</b>	<b>75.2</b>	<b>18</b>	<b>(18)</b>	<b>8.6</b>	<b>2</b>	<b>(2)</b>	<b>1.0</b>	<b>31</b>	<b>14.8</b>	<b>1</b>	<b>0.5</b>
Colorado	42	34	81.0	3	(3)	7.1	0	(0)	0.0	5	11.9	0	0.0
Kansas	47	37	78.7	2	(2)	4.3	1	(1)	2.1	7	14.9	0	0.0
New Mexico	32	22	68.8	4	(4)	12.5	0	(0)	0.0	6	18.8	0	0.0
Oklahoma													
Eastern	4	2	50.0	1	(1)	25.0	0	(0)	0.0	1	25.0	0	0.0
Northern	20	15	75.0	0	(0)	0.0	1	(1)	5.0	3	15.0	1	5.0
Western	33	29	87.9	3	(3)	9.1	0	(0)	0.0	1	3.0	0	0.0
Utah	27	15	55.6	5	(5)	18.5	0	(0)	0.0	7	25.9	0	0.0
Wyoming	5	4	80.0	0	(0)	0.0	0	(0)	0.0	1	20.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>831</b>	<b>668</b>	<b>80.4</b>	<b>45</b>	<b>(45)</b>	<b>5.4</b>	<b>8</b>	<b>(7)</b>	<b>1.0</b>	<b>105</b>	<b>12.6</b>	<b>5</b>	<b>0.6</b>
Alabama													
Middle	20	16	80.0	1	(1)	5.0	1	(0)	5.0	1	5.0	1	5.0
Northern	34	21	61.8	1	(1)	2.9	2	(2)	5.9	10	29.4	0	0.0
Southern	21	16	76.2	1	(1)	4.8	1	(1)	4.8	1	4.8	2	9.5
Florida													
Middle	254	210	82.7	12	(12)	4.7	2	(2)	0.8	29	11.4	1	0.4
Northern	75	70	93.3	3	(3)	4.0	1	(1)	1.3	0	0.0	1	1.3
Southern	232	191	82.3	16	(16)	6.9	1	(1)	0.4	24	10.3	0	0.0
Georgia													
Middle	50	37	74.0	2	(2)	4.0	0	(0)	0.0	11	22.0	0	0.0
Northern	91	65	71.4	8	(8)	8.8	0	(0)	0.0	18	19.8	0	0.0
Southern	54	42	77.8	1	(1)	1.9	0	(0)	0.0	11	20.4	0	0.0

<sup>1</sup> Of the 9,258 appeals cases, 3,590 were excluded due to one of the following reasons: type of appeal was “conviction only” (1,849), “Anders Brief” (1,634), or “unknown” (89). Of the 5,686 remaining cases, 18 were excluded as the appeal was by the government only. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2013 Appeals Datafile, APPFY13.