

Table 56

**DISPOSITION OF DEFENDANT ORIGINAL SENTENCING APPEALS
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2016**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	3,439	2,252	65.5	409	357	11.9	91	84	2.6	619	18.0	68	2.0
D.C. CIRCUIT	21	7	33.3	5	5	23.8	4	4	19.0	1	4.8	4	19.0
District of Columbia	21	7	33.3	5	5	23.8	4	4	19.0	1	4.8	4	19.0
FIRST CIRCUIT	145	95	65.5	13	13	9.0	11	10	7.6	20	13.8	6	4.1
Maine	21	19	90.5	0	0	0.0	1	1	4.8	1	4.8	0	0.0
Massachusetts	35	20	57.1	3	3	8.6	4	3	11.4	7	20.0	1	2.9
New Hampshire	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	80	47	58.8	10	10	12.5	6	6	7.5	12	15.0	5	6.3
Rhode Island	7	7	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	247	135	54.7	23	23	9.3	12	10	4.9	67	27.1	10	4.0
Connecticut	29	17	58.6	3	3	10.3	1	1	3.4	7	24.1	1	3.4
New York													
Eastern	43	18	41.9	5	5	11.6	4	4	9.3	13	30.2	3	7.0
Northern	34	22	64.7	3	3	8.8	1	1	2.9	7	20.6	1	2.9
Southern	110	61	55.5	8	8	7.3	5	3	4.5	31	28.2	5	4.5
Western	27	13	48.1	4	4	14.8	1	1	3.7	9	33.3	0	0.0
Vermont	4	4	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	134	102	76.1	11	11	8.2	5	5	3.7	14	10.4	2	1.5
Delaware	3	1	33.3	1	1	33.3	0	0	0.0	1	33.3	0	0.0
New Jersey	27	23	85.2	1	1	3.7	0	0	0.0	3	11.1	0	0.0
Pennsylvania													
Eastern	57	43	75.4	4	4	7.0	2	2	3.5	6	10.5	2	3.5
Middle	18	15	83.3	2	2	11.1	0	0	0.0	1	5.6	0	0.0
Western	27	18	66.7	3	3	11.1	3	3	11.1	3	11.1	0	0.0
Virgin Islands	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	303	164	54.1	45	45	14.9	6	6	2.0	85	28.1	3	1.0
Maryland	45	30	66.7	1	1	2.2	0	0	0.0	14	31.1	0	0.0
North Carolina													
Eastern	66	28	42.4	12	12	18.2	2	2	3.0	23	34.8	1	1.5
Middle	51	30	58.8	16	16	31.4	1	1	2.0	3	5.9	1	2.0
Western	54	29	53.7	7	7	13.0	0	0	0.0	17	31.5	1	1.9
South Carolina	21	12	57.1	3	3	14.3	0	0	0.0	6	28.6	0	0.0
Virginia													
Eastern	37	18	48.6	4	4	10.8	2	2	5.4	13	35.1	0	0.0
Western	10	7	70.0	0	0	0.0	0	0	0.0	3	30.0	0	0.0
West Virginia													
Northern	8	5	62.5	1	1	12.5	0	0	0.0	2	25.0	0	0.0
Southern	11	5	45.5	1	1	9.1	1	1	9.1	4	36.4	0	0.0

Table 56 (cont.)

CIRCUIT	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	690	498	72.2	53	53	7.7	13	11	1.9	111	16.1	15	2.2
Louisiana													
Eastern	21	11	52.4	2	2	9.5	2	2	9.5	5	23.8	1	4.8
Middle	7	6	85.7	1	1	14.3	0	0	0.0	0	0.0	0	0.0
Western	21	18	85.7	1	1	4.8	2	2	9.5	0	0.0	0	0.0
Mississippi													
Northern	5	4	80.0	0	0	0.0	0	0	0.0	1	20.0	0	0.0
Southern	23	8	34.8	0	0	0.0	0	0	0.0	14	60.9	1	4.3
Texas													
Eastern	30	18	60.0	4	4	13.3	1	1	3.3	6	20.0	1	3.3
Northern	142	104	73.2	9	9	6.3	1	1	0.7	25	17.6	3	2.1
Southern	295	228	77.3	27	27	9.2	3	2	1.0	30	10.2	7	2.4
Western	146	101	69.2	9	9	6.2	4	3	2.7	30	20.5	2	1.4
SIXTH CIRCUIT	401	286	71.3	47	47	11.7	3	3	0.7	55	13.7	10	2.5
Kentucky													
Eastern	58	43	74.1	4	4	6.9	0	0	0.0	7	12.1	4	6.9
Western	15	13	86.7	1	1	6.7	0	0	0.0	1	6.7	0	0.0
Michigan													
Eastern	48	29	60.4	11	11	22.9	1	1	2.1	7	14.6	0	0.0
Western	57	49	86.0	2	2	3.5	0	0	0.0	5	8.8	1	1.8
Ohio													
Northern	94	62	66.0	14	14	14.9	1	1	1.1	15	16.0	2	2.1
Southern	33	27	81.8	2	2	6.1	0	0	0.0	4	12.1	0	0.0
Tennessee													
Eastern	61	42	68.9	8	8	13.1	1	1	1.6	9	14.8	1	1.6
Middle	9	6	66.7	1	1	11.1	0	0	0.0	1	11.1	1	11.1
Western	26	15	57.7	4	4	15.4	0	0	0.0	6	23.1	1	3.8
SEVENTH CIRCUIT	164	88	53.7	45	45	27.4	6	6	3.7	23	14.0	2	1.2
Illinois													
Central	21	14	66.7	3	3	14.3	1	1	4.8	3	14.3	0	0.0
Northern	65	42	64.6	14	14	21.5	4	4	6.2	4	6.2	1	1.5
Southern	19	8	42.1	6	6	31.6	1	1	5.3	3	15.8	1	5.3
Indiana													
Northern	21	9	42.9	4	4	19.0	0	0	0.0	8	38.1	0	0.0
Southern	11	7	63.6	2	2	18.2	0	0	0.0	2	18.2	0	0.0
Wisconsin													
Eastern	11	2	18.2	7	7	63.6	0	0	0.0	2	18.2	0	0.0
Western	16	6	37.5	9	9	56.3	0	0	0.0	1	6.3	0	0.0
EIGHTH CIRCUIT	298	220	73.8	25	25	8.4	3	2	1.0	48	16.1	2	0.7
Arkansas													
Eastern	20	13	65.0	4	4	20.0	0	0	0.0	3	15.0	0	0.0
Western	7	7	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	47	42	89.4	3	3	6.4	0	0	0.0	2	4.3	0	0.0
Southern	36	32	88.9	2	2	5.6	1	1	2.8	1	2.8	0	0.0
Minnesota	53	41	77.4	6	6	11.3	0	0	0.0	6	11.3	0	0.0
Missouri													
Eastern	31	22	71.0	2	2	6.5	0	0	0.0	6	19.4	1	3.2
Western	68	36	52.9	5	5	7.4	2	1	2.9	24	35.3	1	1.5
Nebraska	18	13	72.2	2	2	11.1	0	0	0.0	3	16.7	0	0.0
North Dakota	4	3	75.0	0	0	0.0	0	0	0.0	1	25.0	0	0.0
South Dakota	14	11	78.6	1	1	7.1	0	0	0.0	2	14.3	0	0.0

Table 56 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	514	295	57.4	85	85	16.5	18	17	3.5	106	20.6	10	1.9
Alaska	4	1	25.0	1	1	25.0	0	0	0.0	2	50.0	0	0.0
Arizona	105	50	47.6	14	14	13.3	0	0	0.0	38	36.2	3	2.9
California													
Central	103	65	63.1	12	12	11.7	2	1	1.9	22	21.4	2	1.9
Eastern	38	17	44.7	7	7	18.4	3	3	7.9	10	26.3	1	2.6
Northern	20	15	75.0	2	2	10.0	1	1	5.0	2	10.0	0	0.0
Southern	90	56	62.2	21	21	23.3	1	1	1.1	9	10.0	3	3.3
Guam	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	9	6	66.7	0	0	0.0	0	0	0.0	3	33.3	0	0.0
Idaho	12	4	33.3	2	2	16.7	1	1	8.3	5	41.7	0	0.0
Montana	39	30	76.9	3	3	7.7	1	1	2.6	5	12.8	0	0.0
Nevada	34	20	58.8	10	10	29.4	2	2	5.9	1	2.9	1	2.9
Northern Mariana Islands	4	2	50.0	0	0	0.0	1	1	25.0	1	25.0	0	0.0
Oregon	17	10	58.8	5	5	29.4	2	2	11.8	0	0.0	0	0.0
Washington													
Eastern	18	10	55.6	5	5	27.8	1	1	5.6	2	11.1	0	0.0
Western	20	8	40.0	3	3	15.0	3	3	15.0	6	30.0	0	0.0
TENTH CIRCUIT	112	62	55.4	16	16	14.3	2	2	1.8	31	27.7	1	0.9
Colorado	20	12	60.0	2	2	10.0	1	1	5.0	5	25.0	0	0.0
Kansas	18	7	38.9	2	2	11.1	0	0	0.0	9	50.0	0	0.0
New Mexico	26	18	69.2	4	4	15.4	1	1	3.8	3	11.5	0	0.0
Oklahoma													
Eastern	8	3	37.5	4	4	50.0	0	0	0.0	1	12.5	0	0.0
Northern	5	3	60.0	0	0	0.0	0	0	0.0	2	40.0	0	0.0
Western	16	5	31.3	2	2	12.5	0	0	0.0	9	56.3	0	0.0
Utah	8	6	75.0	0	0	0.0	0	0	0.0	2	25.0	0	0.0
Wyoming	11	8	72.7	2	2	18.2	0	0	0.0	0	0.0	1	9.1
ELEVENTH CIRCUIT	410	300	73.2	41	41	10.0	8	8	2.0	58	14.1	3	0.7
Alabama													
Middle	15	10	66.7	0	0	0.0	0	0	0.0	5	33.3	0	0.0
Northern	12	8	66.7	0	0	0.0	0	0	0.0	4	33.3	0	0.0
Southern	12	9	75.0	2	2	16.7	0	0	0.0	1	8.3	0	0.0
Florida													
Middle	86	59	68.6	10	10	11.6	1	1	1.2	15	17.4	1	1.2
Northern	23	18	78.3	2	2	8.7	1	1	4.3	0	0.0	2	8.7
Southern	173	131	75.7	22	22	12.7	4	4	2.3	16	9.2	0	0.0
Georgia													
Middle	17	12	70.6	2	2	11.8	1	1	5.9	2	11.8	0	0.0
Northern	55	42	76.4	3	3	5.5	1	1	1.8	9	16.4	0	0.0
Southern	17	11	64.7	0	0	0.0	0	0	0.0	6	35.3	0	0.0

¹ Of the 7,957 appeals cases, 2,735 were excluded due to one of the following reasons: type of appeal was "conviction only" (1,525), "Anders Brief" (1,155), or "unknown" (55). Of the 5,222 remaining cases, 1,783 were excluded due to one or more of the following reasons: the appeal was by the government only (11), the appeal was of an issue related to a post sentencing matter (1,382), or the appeal was of a sentence imposed upon the revocation of probation or supervised release (393). Descriptions of variables used in this table are provided in Appendix A.

² "Remanded" includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 2016 Appeals Datafile, APPFY16.