

Table 56

**DISPOSITION OF DEFENDANT ORIGINAL SENTENCING APPEALS  
IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2017**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>TOTAL</b>	<b>3,419</b>	<b>2,410</b>	<b>70.5</b>	<b>394</b>	<b>329</b>	<b>11.5</b>	<b>81</b>	<b>76</b>	<b>2.4</b>	<b>466</b>	<b>13.6</b>	<b>68</b>	<b>2.0</b>
<b>D.C. CIRCUIT</b>	<b>16</b>	<b>8</b>	<b>50.0</b>	<b>7</b>	<b>7</b>	<b>43.8</b>	<b>1</b>	<b>1</b>	<b>6.3</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	16	8	50.0	7	7	43.8	1	1	6.3	0	0.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>198</b>	<b>162</b>	<b>81.8</b>	<b>14</b>	<b>14</b>	<b>7.1</b>	<b>4</b>	<b>4</b>	<b>2.0</b>	<b>12</b>	<b>6.1</b>	<b>6</b>	<b>3.0</b>
Maine	31	28	90.3	1	1	3.2	1	1	3.2	0	0.0	1	3.2
Massachusetts	55	45	81.8	6	6	10.9	2	2	3.6	1	1.8	1	1.8
New Hampshire	10	10	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	96	76	79.2	6	6	6.3	1	1	1.0	10	10.4	3	3.1
Rhode Island	6	3	50.0	1	1	16.7	0	0	0.0	1	16.7	1	16.7
<b>SECOND CIRCUIT</b>	<b>197</b>	<b>118</b>	<b>59.9</b>	<b>19</b>	<b>19</b>	<b>9.6</b>	<b>12</b>	<b>12</b>	<b>6.1</b>	<b>36</b>	<b>18.3</b>	<b>12</b>	<b>6.1</b>
Connecticut	25	22	88.0	1	1	4.0	0	0	0.0	2	8.0	0	0.0
New York													
Eastern	48	21	43.8	7	7	14.6	6	6	12.5	10	20.8	4	8.3
Northern	33	20	60.6	5	5	15.2	4	4	12.1	1	3.0	3	9.1
Southern	67	41	61.2	6	6	9.0	2	2	3.0	13	19.4	5	7.5
Western	21	11	52.4	0	0	0.0	0	0	0.0	10	47.6	0	0.0
Vermont	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>113</b>	<b>68</b>	<b>60.2</b>	<b>15</b>	<b>15</b>	<b>13.3</b>	<b>3</b>	<b>3</b>	<b>2.7</b>	<b>20</b>	<b>17.7</b>	<b>7</b>	<b>6.2</b>
Delaware	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	32	19	59.4	5	5	15.6	2	2	6.3	6	18.8	0	0.0
Pennsylvania													
Eastern	41	21	51.2	6	6	14.6	0	0	0.0	7	17.1	7	17.1
Middle	23	19	82.6	0	0	0.0	0	0	0.0	4	17.4	0	0.0
Western	11	5	45.5	3	3	27.3	1	1	9.1	2	18.2	0	0.0
Virgin Islands	5	3	60.0	1	1	20.0	0	0	0.0	1	20.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>364</b>	<b>227</b>	<b>62.4</b>	<b>21</b>	<b>21</b>	<b>5.8</b>	<b>5</b>	<b>5</b>	<b>1.4</b>	<b>104</b>	<b>28.6</b>	<b>7</b>	<b>1.9</b>
Maryland	53	39	73.6	2	2	3.8	1	1	1.9	11	20.8	0	0.0
North Carolina													
Eastern	109	58	53.2	9	9	8.3	2	2	1.8	37	33.9	3	2.8
Middle	43	33	76.7	5	5	11.6	1	1	2.3	3	7.0	1	2.3
Western	51	28	54.9	2	2	3.9	0	0	0.0	21	41.2	0	0.0
South Carolina	32	20	62.5	0	0	0.0	0	0	0.0	10	31.3	2	6.3
Virginia													
Eastern	43	24	55.8	3	3	7.0	1	1	2.3	14	32.6	1	2.3
Western	15	10	66.7	0	0	0.0	0	0	0.0	5	33.3	0	0.0
West Virginia													
Northern	13	12	92.3	0	0	0.0	0	0	0.0	1	7.7	0	0.0
Southern	5	3	60.0	0	0	0.0	0	0	0.0	2	40.0	0	0.0

**Table 56 (cont.)**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>738</b>	<b>587</b>	<b>79.5</b>	<b>65</b>	<b>65</b>	<b>8.8</b>	<b>14</b>	<b>11</b>	<b>1.9</b>	<b>59</b>	<b>8.0</b>	<b>13</b>	<b>1.8</b>
Louisiana													
Eastern	14	9	64.3	2	2	14.3	2	1	14.3	1	7.1	0	0.0
Middle	7	5	71.4	1	1	14.3	0	0	0.0	0	0.0	1	14.3
Western	33	32	97.0	0	0	0.0	0	0	0.0	1	3.0	0	0.0
Mississippi													
Northern	6	6	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	7	2	28.6	0	0	0.0	0	0	0.0	5	71.4	0	0.0
Texas													
Eastern	19	13	68.4	3	3	15.8	0	0	0.0	3	15.8	0	0.0
Northern	214	181	84.6	11	11	5.1	2	2	0.9	19	8.9	1	0.5
Southern	303	239	78.9	36	36	11.9	7	5	2.3	12	4.0	9	3.0
Western	135	100	74.1	12	12	8.9	3	3	2.2	18	13.3	2	1.5
<b>SIXTH CIRCUIT</b>	<b>339</b>	<b>242</b>	<b>71.4</b>	<b>43</b>	<b>43</b>	<b>12.7</b>	<b>2</b>	<b>2</b>	<b>0.6</b>	<b>47</b>	<b>13.9</b>	<b>5</b>	<b>1.5</b>
Kentucky													
Eastern	51	44	86.3	0	0	0.0	0	0	0.0	7	13.7	0	0.0
Western	6	6	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	43	28	65.1	8	8	18.6	0	0	0.0	6	14.0	1	2.3
Western	38	33	86.8	3	3	7.9	0	0	0.0	2	5.3	0	0.0
Ohio													
Northern	76	52	68.4	12	12	15.8	2	2	2.6	8	10.5	2	2.6
Southern	29	18	62.1	5	5	17.2	0	0	0.0	5	17.2	1	3.4
Tennessee													
Eastern	48	32	66.7	6	6	12.5	0	0	0.0	9	18.8	1	2.1
Middle	14	12	85.7	1	1	7.1	0	0	0.0	1	7.1	0	0.0
Western	34	17	50.0	8	8	23.5	0	0	0.0	9	26.5	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>145</b>	<b>102</b>	<b>70.3</b>	<b>19</b>	<b>19</b>	<b>13.1</b>	<b>8</b>	<b>8</b>	<b>5.5</b>	<b>7</b>	<b>4.8</b>	<b>9</b>	<b>6.2</b>
Illinois													
Central	15	14	93.3	1	1	6.7	0	0	0.0	0	0.0	0	0.0
Northern	62	44	71.0	8	8	12.9	6	6	9.7	2	3.2	2	3.2
Southern	17	15	88.2	0	0	0.0	0	0	0.0	2	11.8	0	0.0
Indiana													
Northern	12	5	41.7	2	2	16.7	0	0	0.0	0	0.0	5	41.7
Southern	15	7	46.7	4	4	26.7	1	1	6.7	3	20.0	0	0.0
Wisconsin													
Eastern	9	6	66.7	2	2	22.2	1	1	11.1	0	0.0	0	0.0
Western	15	11	73.3	2	2	13.3	0	0	0.0	0	0.0	2	13.3
<b>EIGHTH CIRCUIT</b>	<b>258</b>	<b>180</b>	<b>69.8</b>	<b>32</b>	<b>32</b>	<b>12.4</b>	<b>3</b>	<b>1</b>	<b>1.2</b>	<b>37</b>	<b>14.3</b>	<b>6</b>	<b>2.3</b>
Arkansas													
Eastern	13	8	61.5	1	1	7.7	0	0	0.0	3	23.1	1	7.7
Western	11	8	72.7	2	2	18.2	0	0	0.0	0	0.0	1	9.1
Iowa													
Northern	34	29	85.3	4	4	11.8	0	0	0.0	1	2.9	0	0.0
Southern	22	19	86.4	2	2	9.1	0	0	0.0	1	4.5	0	0.0
Minnesota	60	40	66.7	10	10	16.7	2	0	3.3	7	11.7	1	1.7
Missouri													
Eastern	30	23	76.7	4	4	13.3	1	1	3.3	0	0.0	2	6.7
Western	54	33	61.1	5	5	9.3	0	0	0.0	15	27.8	1	1.9
Nebraska	9	8	88.9	0	0	0.0	0	0	0.0	1	11.1	0	0.0
North Dakota	5	2	40.0	3	3	60.0	0	0	0.0	0	0.0	0	0.0
South Dakota	20	10	50.0	1	1	5.0	0	0	0.0	9	45.0	0	0.0

**Table 56 (cont.)**

CIRCUIT	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R <sup>2</sup>	%	N	R <sup>2</sup>	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>505</b>	<b>307</b>	<b>60.8</b>	<b>105</b>	<b>105</b>	<b>20.8</b>	<b>18</b>	<b>18</b>	<b>3.6</b>	<b>73</b>	<b>14.5</b>	<b>2</b>	<b>0.4</b>
Alaska	8	5	62.5	0	0	0.0	1	1	12.5	2	25.0	0	0.0
Arizona	72	45	62.5	7	7	9.7	2	2	2.8	18	25.0	0	0.0
California													
Central	94	59	62.8	17	17	18.1	5	5	5.3	12	12.8	1	1.1
Eastern	24	14	58.3	6	6	25.0	2	2	8.3	2	8.3	0	0.0
Northern	22	12	54.5	4	4	18.2	2	2	9.1	4	18.2	0	0.0
Southern	154	84	54.5	56	56	36.4	2	2	1.3	11	7.1	1	0.6
Guam	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Hawaii	12	8	66.7	1	1	8.3	0	0	0.0	3	25.0	0	0.0
Idaho	12	8	66.7	2	2	16.7	1	1	8.3	1	8.3	0	0.0
Montana	23	16	69.6	3	3	13.0	0	0	0.0	4	17.4	0	0.0
Nevada	37	23	62.2	5	5	13.5	3	3	8.1	6	16.2	0	0.0
Northern Mariana Islands	3	2	66.7	1	1	33.3	0	0	0.0	0	0.0	0	0.0
Oregon	6	3	50.0	1	1	16.7	0	0	0.0	2	33.3	0	0.0
Washington													
Eastern	12	8	66.7	0	0	0.0	0	0	0.0	4	33.3	0	0.0
Western	25	20	80.0	1	1	4.0	0	0	0.0	4	16.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>97</b>	<b>55</b>	<b>56.7</b>	<b>18</b>	<b>18</b>	<b>18.6</b>	<b>2</b>	<b>2</b>	<b>2.1</b>	<b>21</b>	<b>21.6</b>	<b>1</b>	<b>1.0</b>
Colorado	29	17	58.6	4	4	13.8	0	0	0.0	8	27.6	0	0.0
Kansas	22	11	50.0	9	9	40.9	1	1	4.5	0	0.0	1	4.5
New Mexico	15	9	60.0	1	1	6.7	1	1	6.7	4	26.7	0	0.0
Oklahoma													
Eastern	4	2	50.0	1	1	25.0	0	0	0.0	1	25.0	0	0.0
Northern	5	3	60.0	0	0	0.0	0	0	0.0	2	40.0	0	0.0
Western	9	5	55.6	1	1	11.1	0	0	0.0	3	33.3	0	0.0
Utah	7	3	42.9	1	1	14.3	0	0	0.0	3	42.9	0	0.0
Wyoming	6	5	83.3	1	1	16.7	0	0	0.0	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>449</b>	<b>354</b>	<b>78.8</b>	<b>36</b>	<b>36</b>	<b>8.0</b>	<b>9</b>	<b>9</b>	<b>2.0</b>	<b>50</b>	<b>11.1</b>	<b>0</b>	<b>0.0</b>
Alabama													
Middle	11	9	81.8	1	1	9.1	0	0	0.0	1	9.1	0	0.0
Northern	10	6	60.0	1	1	10.0	0	0	0.0	3	30.0	0	0.0
Southern	7	4	57.1	0	0	0.0	0	0	0.0	3	42.9	0	0.0
Florida													
Middle	127	89	70.1	19	19	15.0	1	1	0.8	18	14.2	0	0.0
Northern	32	29	90.6	2	2	6.3	1	1	3.1	0	0.0	0	0.0
Southern	184	157	85.3	6	6	3.3	5	5	2.7	16	8.7	0	0.0
Georgia													
Middle	17	10	58.8	3	3	17.6	0	0	0.0	4	23.5	0	0.0
Northern	48	40	83.3	4	4	8.3	0	0	0.0	4	8.3	0	0.0
Southern	13	10	76.9	0	0	0.0	2	2	15.4	1	7.7	0	0.0

<sup>1</sup> Of the 7,868 appeals cases, 2,961 were excluded due to one of the following reasons: type of appeal was "conviction only" (1,441), "Anders Brief" (1,460), or "unknown" (60). Of the 4,907 remaining cases, 1,488 were excluded due to one or more of the following reasons: the appeal was by the government only (17), the appeal was of an issue related to a post sentencing matter (1,047), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (433). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> "Remanded" includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 2017 Appeals Datafile, APPFY17.