

**Table A-5**

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN  
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE<sup>1</sup>  
Fiscal Year 2019**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF GOVERNMENT APPEALS</b>	<b>54</b>	<b>--</b>
§4B1.4 (Armed Career Criminal)	27	50.0
§2K2.1 (Firearms)	5	9.3
§2B1.1 (Larceny, Embezzlement, and Theft)	3	5.6
§5E1.4 (Forfeiture)	2	3.7
§5D1.2 (Terms of Supervised Release)	1	1.9
§5E1.1 (Restitution)	1	1.9
§2G1.3 (Transportation of a Minor to Engage in Prohibited Sexual Conduct)	1	1.9
§5D1.3 (Conditions of Supervised Release)	1	1.9
§4B1.2 (Definitions for Career Offender)	1	1.9
§2H1.1 (Offenses Involving Individual Rights)	1	1.9
§2B1.6 (Aggravated Identity Theft)	1	1.9
§3C1.1 (Obstruction of Justice)	1	1.9
§3A1.4 (Terrorism)	1	1.9
Reasonableness Issues	48	88.9
Other Non-guideline Issues	29	53.7

<sup>1</sup> Based on 62 appeals by the government of the original sentence. Of these 62 appeals, eight were excluded because the lower court sentence was affirmed by the circuit court. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by the offender and the percent column (%) does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Appeals Datafile, APPFY19.