

**Table A-5**

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN  
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE<sup>1</sup>  
Fiscal Year 2022**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF GOVERNMENT APPEALS</b>	<b>17</b>	<b>--</b>
§4B1.4 (Armed Career Criminal)	4	23.5
§2K1.3 (Unlawful Receipt/Possession/Transportation of Explosive Materials)	3	17.6
§4B1.2 (Definitions for Career Offender)	3	17.6
§5G1.1 (Sentencing on a Single Count of Conviction)	2	11.8
§5E1.4 (Forfeiture)	1	5.9
§5E1.1 (Restitution)	1	5.9
§2B1.6 (Aggravated Identity Theft)	1	5.9
Reasonableness Issues	15	88.2
Other Non-guideline Issues	8	47.1

<sup>1</sup> Based on 27 appeals by the government of the original sentence. Of these 27 appeals, ten 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 government 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, 2022 Appeals Datafile, APPFY22.