

**Table 55**

**TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2001**

<b>CIRCUIT</b> <b>District</b>	<b>Total</b>		<b>Sentencing Only</b>		<b>Sentencing and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>5,807</b>	<b>100.0</b>	<b>2,965</b>	<b>51.1</b>	<b>1,261</b>	<b>21.7</b>	<b>1,581</b>	<b>27.2</b>
<b>D.C. CIRCUIT</b>	<b>63</b>	<b>1.1</b>	<b>26</b>	<b>41.3</b>	<b>13</b>	<b>20.6</b>	<b>24</b>	<b>38.1</b>
District of Columbia	63	1.1	26	41.3	13	20.6	24	38.1
<b>FIRST CIRCUIT</b>	<b>93</b>	<b>1.6</b>	<b>25</b>	<b>26.9</b>	<b>33</b>	<b>35.5</b>	<b>35</b>	<b>37.6</b>
Maine	12	0.2	5	41.7	5	41.7	2	16.7
Massachusetts	33	0.6	7	21.2	11	33.3	15	45.5
New Hampshire	5	0.1	2	40.0	2	40.0	1	20.0
Puerto Rico	31	0.5	7	22.6	13	41.9	11	35.5
Rhode Island	12	0.2	4	33.3	2	16.7	6	50.0
<b>SECOND CIRCUIT</b>	<b>142</b>	<b>2.4</b>	<b>63</b>	<b>44.4</b>	<b>25</b>	<b>17.6</b>	<b>54</b>	<b>38.0</b>
Connecticut	19	0.3	9	47.4	2	10.5	8	42.1
New York								
Eastern	41	0.7	21	51.2	6	14.6	14	34.1
Northern	7	0.1	4	57.1	1	14.3	2	28.6
Southern	69	1.2	27	39.1	16	23.2	26	37.7
Western	5	0.1	1	20.0	0	0.0	4	80.0
Vermont	1	0.0	1	100.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>241</b>	<b>4.2</b>	<b>124</b>	<b>51.5</b>	<b>46</b>	<b>19.1</b>	<b>71</b>	<b>29.5</b>
Delaware	4	0.1	3	75.0	1	25.0	0	0.0
New Jersey	74	1.3	42	56.8	16	21.6	16	21.6
Pennsylvania								
Eastern	90	1.6	52	57.8	20	22.2	18	20.0
Middle	40	0.7	18	45.0	6	15.0	16	40.0
Western	23	0.4	7	30.4	1	4.3	15	65.2
Virgin Islands	10	0.2	2	20.0	2	20.0	6	60.0
<b>FOURTH CIRCUIT</b>	<b>782</b>	<b>13.5</b>	<b>347</b>	<b>44.4</b>	<b>222</b>	<b>28.4</b>	<b>213</b>	<b>27.2</b>
Maryland	104	1.8	22	21.2	40	38.5	42	40.4
North Carolina								
Eastern	74	1.3	33	44.6	17	23.0	24	32.4
Middle	91	1.6	49	53.8	19	20.9	23	25.3
Western	83	1.4	47	56.6	21	25.3	15	18.1
South Carolina	124	2.1	70	56.5	30	24.2	24	19.4
Virginia								
Eastern	141	2.4	33	23.4	58	41.1	50	35.5
Western	64	1.1	33	51.6	12	18.8	19	29.7
West Virginia								
Northern	30	0.5	18	60.0	5	16.7	7	23.3
Southern	71	1.2	42	59.2	20	28.2	9	12.7

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentencing Only</b>		<b>Sentencing and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>1,242</b>	<b>21.4</b>	<b>720</b>	<b>58.0</b>	<b>206</b>	<b>16.6</b>	<b>316</b>	<b>25.4</b>
Louisiana								
Eastern	40	0.7	16	40.0	12	30.0	12	30.0
Middle	10	0.2	6	60.0	0	0.0	4	40.0
Western	54	0.9	32	59.3	12	22.2	10	18.5
Mississippi								
Northern	21	0.4	6	28.6	8	38.1	7	33.3
Southern	20	0.3	1	5.0	6	30.0	13	65.0
Texas								
Eastern	81	1.4	37	45.7	16	19.8	28	34.6
Northern	162	2.8	78	48.1	43	26.5	41	25.3
Southern	466	8.0	264	56.7	76	16.3	126	27.0
Western	388	6.7	280	72.2	33	8.5	75	19.3
<b>SIXTH CIRCUIT</b>	<b>394</b>	<b>6.8</b>	<b>160</b>	<b>40.6</b>	<b>105</b>	<b>26.7</b>	<b>129</b>	<b>32.7</b>
Kentucky								
Eastern	34	0.6	10	29.4	8	23.5	16	47.1
Western	26	0.4	7	26.9	6	23.1	13	50.0
Michigan								
Eastern	84	1.4	41	48.8	25	29.8	18	21.4
Western	23	0.4	11	47.8	6	26.1	6	26.1
Ohio								
Northern	36	0.6	13	36.1	13	36.1	10	27.8
Southern	34	0.6	16	47.1	6	17.6	12	35.3
Tennessee								
Eastern	63	1.1	26	41.3	17	27.0	20	31.7
Middle	31	0.5	11	35.5	10	32.3	10	32.3
Western	63	1.1	25	39.7	14	22.2	24	38.1
<b>SEVENTH CIRCUIT</b>	<b>294</b>	<b>5.1</b>	<b>150</b>	<b>51.0</b>	<b>64</b>	<b>21.8</b>	<b>80</b>	<b>27.2</b>
Illinois								
Central	29	0.5	11	37.9	3	10.3	15	51.7
Northern	92	1.6	40	43.5	28	30.4	24	26.1
Southern	50	0.9	32	64.0	10	20.0	8	16.0
Indiana								
Northern	41	0.7	14	34.1	13	31.7	14	34.1
Southern	23	0.4	15	65.2	2	8.7	6	26.1
Wisconsin								
Eastern	35	0.6	26	74.3	2	5.7	7	20.0
Western	24	0.4	12	50.0	6	25.0	6	25.0
<b>EIGHTH CIRCUIT</b>	<b>520</b>	<b>9.0</b>	<b>260</b>	<b>50.0</b>	<b>100</b>	<b>19.2</b>	<b>160</b>	<b>30.8</b>
Arkansas								
Eastern	46	0.8	16	34.8	10	21.7	20	43.5
Western	23	0.4	11	47.8	5	21.7	7	30.4
Iowa								
Northern	51	0.9	29	56.9	8	15.7	14	27.5
Southern	43	0.7	20	46.5	13	30.2	10	23.3
Minnesota	69	1.2	32	46.4	12	17.4	25	36.2
Missouri								
Eastern	44	0.8	17	38.6	14	31.8	13	29.5
Western	105	1.8	57	54.3	17	16.2	31	29.5
Nebraska	92	1.6	56	60.9	13	14.1	23	25.0
North Dakota	13	0.2	4	30.8	1	7.7	8	61.5
South Dakota	34	0.6	18	52.9	7	20.6	9	26.5

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentencing Only</b>		<b>Sentencing and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>1,151</b>	<b>19.8</b>	<b>606</b>	<b>52.7</b>	<b>229</b>	<b>19.9</b>	<b>316</b>	<b>27.5</b>
Alaska	26	0.4	7	26.9	7	26.9	12	46.2
Arizona	106	1.8	54	50.9	18	17.0	34	32.1
California								
Central	325	5.6	196	60.3	71	21.8	58	17.8
Eastern	64	1.1	26	40.6	17	26.6	21	32.8
Northern	82	1.4	32	39.0	15	18.3	35	42.7
Southern	181	3.1	89	49.2	36	19.9	56	30.9
Guam	11	0.2	3	27.3	1	9.1	7	63.6
Hawaii	33	0.6	12	36.4	9	27.3	12	36.4
Idaho	18	0.3	10	55.6	1	5.6	7	38.9
Montana	46	0.8	21	45.7	11	23.9	14	30.4
Nevada	108	1.9	73	67.6	21	19.4	14	13.0
Northern Mariana Islands	3	0.1	0	0.0	0	0.0	3	100.0
Oregon	47	0.8	23	48.9	6	12.8	18	38.3
Washington								
Eastern	41	0.7	26	63.4	3	7.3	12	29.3
Western	60	1.0	34	56.7	13	21.7	13	21.7
<b>TENTH CIRCUIT</b>	<b>327</b>	<b>5.6</b>	<b>153</b>	<b>46.8</b>	<b>63</b>	<b>19.3</b>	<b>111</b>	<b>33.9</b>
Colorado	56	1.0	32	57.1	6	10.7	18	32.1
Kansas	79	1.4	31	39.2	18	22.8	30	38.0
New Mexico	45	0.8	17	37.8	13	28.9	15	33.3
Oklahoma								
Eastern	11	0.2	5	45.5	3	27.3	3	27.3
Northern	43	0.7	27	62.8	3	7.0	13	30.2
Western	38	0.7	14	36.8	15	39.5	9	23.7
Utah	40	0.7	18	45.0	4	10.0	18	45.0
Wyoming	15	0.3	9	60.0	1	6.7	5	33.3
<b>ELEVENTH CIRCUIT</b>	<b>558</b>	<b>9.6</b>	<b>331</b>	<b>59.3</b>	<b>155</b>	<b>27.8</b>	<b>72</b>	<b>12.9</b>
Alabama								
Middle	15	0.3	8	53.3	5	33.3	2	13.3
Northern	21	0.4	12	57.1	7	33.3	2	9.5
Southern	41	0.7	20	48.8	15	36.6	6	14.6
Florida								
Middle	91	1.6	47	51.6	32	35.2	12	13.2
Northern	43	0.7	25	58.1	13	30.2	5	11.6
Southern	236	4.1	161	68.2	48	20.3	27	11.4
Georgia								
Middle	9	0.2	7	77.8	1	11.1	1	11.1
Northern	78	1.3	43	55.1	23	29.5	12	15.4
Southern	24	0.4	8	33.3	11	45.8	5	20.8

<sup>1</sup>Of the 6,230 appeals cases, 423 were excluded due to one or both of the following reasons: missing district information (94) or missing type of appeal information (346). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2001 Appeals Datafile, APPFY01.