

Table 55

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2003

| CIRCUIT District | Total | | Sentencing Only | | Sentencing and Conviction | | Conviction Only | |
|-----------------------------------|--------------|--------------|------------------------|-------------|----------------------------------|-------------|------------------------|-------------|
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| TOTAL | 6,034 | 100.0 | 3,121 | 51.7 | 1,262 | 20.9 | 1,651 | 27.4 |
| D.C. CIRCUIT | 46 | 0.8 | 22 | 47.8 | 8 | 17.4 | 16 | 34.8 |
| District of Columbia | 46 | 0.8 | 22 | 47.8 | 8 | 17.4 | 16 | 34.8 |
| FIRST CIRCUIT | 146 | 2.4 | 51 | 34.9 | 51 | 34.9 | 44 | 30.1 |
| Maine | 15 | 0.2 | 9 | 60.0 | 1 | 6.7 | 5 | 33.3 |
| Massachusetts | 42 | 0.7 | 17 | 40.5 | 12 | 28.6 | 13 | 31.0 |
| New Hampshire | 14 | 0.2 | 3 | 21.4 | 5 | 35.7 | 6 | 42.9 |
| Puerto Rico | 59 | 1.0 | 16 | 27.1 | 27 | 45.8 | 16 | 27.1 |
| Rhode Island | 16 | 0.3 | 6 | 37.5 | 6 | 37.5 | 4 | 25.0 |
| SECOND CIRCUIT | 399 | 6.6 | 180 | 45.1 | 90 | 22.6 | 129 | 32.3 |
| Connecticut | 28 | 0.5 | 9 | 32.1 | 9 | 32.1 | 10 | 35.7 |
| New York | | | | | | | | |
| Eastern | 114 | 1.9 | 50 | 43.9 | 27 | 23.7 | 37 | 32.5 |
| Northern | 54 | 0.9 | 28 | 51.9 | 7 | 13.0 | 19 | 35.2 |
| Southern | 156 | 2.6 | 65 | 41.7 | 42 | 26.9 | 49 | 31.4 |
| Western | 37 | 0.6 | 19 | 51.4 | 5 | 13.5 | 13 | 35.1 |
| Vermont | 10 | 0.2 | 9 | 90.0 | 0 | 0.0 | 1 | 10.0 |
| THIRD CIRCUIT | 407 | 6.7 | 231 | 56.8 | 74 | 18.2 | 102 | 25.1 |
| Delaware | 16 | 0.3 | 9 | 56.3 | 5 | 31.3 | 2 | 12.5 |
| New Jersey | 95 | 1.6 | 60 | 63.2 | 21 | 22.1 | 14 | 14.7 |
| Pennsylvania | | | | | | | | |
| Eastern | 159 | 2.6 | 90 | 56.6 | 24 | 15.1 | 45 | 28.3 |
| Middle | 66 | 1.1 | 40 | 60.6 | 10 | 15.2 | 16 | 24.2 |
| Western | 41 | 0.7 | 19 | 46.3 | 10 | 24.4 | 12 | 29.3 |
| Virgin Islands | 30 | 0.5 | 13 | 43.3 | 4 | 13.3 | 13 | 43.3 |
| FOURTH CIRCUIT | 699 | 11.6 | 311 | 44.5 | 166 | 23.7 | 222 | 31.8 |
| Maryland | 99 | 1.6 | 20 | 20.2 | 23 | 23.2 | 56 | 56.6 |
| North Carolina | | | | | | | | |
| Eastern | 70 | 1.2 | 28 | 40.0 | 18 | 25.7 | 24 | 34.3 |
| Middle | 90 | 1.5 | 59 | 65.6 | 20 | 22.2 | 11 | 12.2 |
| Western | 68 | 1.1 | 26 | 38.2 | 27 | 39.7 | 15 | 22.1 |
| South Carolina | 122 | 2.0 | 76 | 62.3 | 19 | 15.6 | 27 | 22.1 |
| Virginia | | | | | | | | |
| Eastern | 119 | 2.0 | 40 | 33.6 | 27 | 22.7 | 52 | 43.7 |
| Western | 46 | 0.8 | 20 | 43.5 | 8 | 17.4 | 18 | 39.1 |
| West Virginia | | | | | | | | |
| Northern | 25 | 0.4 | 6 | 24.0 | 10 | 40.0 | 9 | 36.0 |
| Southern | 60 | 1.0 | 36 | 60.0 | 14 | 23.3 | 10 | 16.7 |

Table 55 (cont.)

| CIRCUIT | Total | | Sentencing Only | | Sentencing and Conviction | | Conviction Only | |
|------------------------|--------------|-------------|------------------------|-------------|----------------------------------|-------------|------------------------|-------------|
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| FIFTH CIRCUIT | 1,123 | 18.6 | 766 | 68.2 | 135 | 12.0 | 222 | 19.8 |
| Louisiana | | | | | | | | |
| Eastern | 27 | 0.4 | 11 | 40.7 | 6 | 22.2 | 10 | 37.0 |
| Middle | 16 | 0.3 | 4 | 25.0 | 5 | 31.3 | 7 | 43.8 |
| Western | 32 | 0.5 | 18 | 56.3 | 4 | 12.5 | 10 | 31.3 |
| Mississippi | | | | | | | | |
| Northern | 10 | 0.2 | 4 | 40.0 | 3 | 30.0 | 3 | 30.0 |
| Southern | 20 | 0.3 | 2 | 10.0 | 6 | 30.0 | 12 | 60.0 |
| Texas | | | | | | | | |
| Eastern | 45 | 0.7 | 20 | 44.4 | 10 | 22.2 | 15 | 33.3 |
| Northern | 107 | 1.8 | 67 | 62.6 | 19 | 17.8 | 21 | 19.6 |
| Southern | 512 | 8.5 | 380 | 74.2 | 61 | 11.9 | 71 | 13.9 |
| Western | 345 | 6.7 | 260 | 75.4 | 21 | 6.1 | 73 | 21.2 |
| SIXTH CIRCUIT | 513 | 8.5 | 251 | 48.9 | 122 | 23.8 | 140 | 27.3 |
| Kentucky | | | | | | | | |
| Eastern | 38 | 0.6 | 14 | 36.8 | 7 | 18.4 | 17 | 44.7 |
| Western | 33 | 0.5 | 16 | 48.5 | 6 | 18.2 | 11 | 33.3 |
| Michigan | | | | | | | | |
| Eastern | 116 | 1.9 | 51 | 44.0 | 30 | 25.9 | 35 | 30.2 |
| Western | 49 | 0.8 | 27 | 55.1 | 17 | 34.7 | 5 | 10.2 |
| Ohio | | | | | | | | |
| Northern | 56 | 0.9 | 22 | 39.3 | 10 | 17.9 | 24 | 42.9 |
| Southern | 46 | 0.8 | 36 | 78.3 | 2 | 4.3 | 8 | 17.4 |
| Tennessee | | | | | | | | |
| Eastern | 80 | 1.3 | 35 | 43.8 | 24 | 30.0 | 21 | 26.3 |
| Middle | 26 | 0.4 | 10 | 38.5 | 11 | 42.3 | 5 | 19.2 |
| Western | 69 | 1.1 | 40 | 58.0 | 15 | 21.7 | 14 | 20.3 |
| SEVENTH CIRCUIT | 420 | 7.0 | 152 | 36.2 | 121 | 28.8 | 147 | 35.0 |
| Illinois | | | | | | | | |
| Central | 51 | 0.8 | 16 | 31.4 | 14 | 27.5 | 21 | 41.2 |
| Northern | 156 | 2.6 | 51 | 32.7 | 56 | 35.9 | 49 | 31.4 |
| Southern | 56 | 0.9 | 21 | 37.5 | 15 | 26.8 | 20 | 35.7 |
| Indiana | | | | | | | | |
| Northern | 52 | 0.9 | 19 | 36.5 | 12 | 23.1 | 21 | 40.4 |
| Southern | 24 | 0.4 | 8 | 33.3 | 4 | 16.7 | 12 | 50.0 |
| Wisconsin | | | | | | | | |
| Eastern | 43 | 0.7 | 19 | 44.2 | 11 | 25.6 | 13 | 30.2 |
| Western | 38 | 0.6 | 18 | 47.4 | 9 | 23.7 | 11 | 28.9 |
| EIGHTH CIRCUIT | 362 | 6.0 | 210 | 58.0 | 65 | 18.0 | 87 | 24.0 |
| Arkansas | | | | | | | | |
| Eastern | 17 | 0.3 | 10 | 58.8 | 2 | 11.8 | 5 | 29.4 |
| Western | 14 | 0.2 | 7 | 50.0 | 3 | 21.4 | 4 | 28.6 |
| Iowa | | | | | | | | |
| Northern | 60 | 1.0 | 31 | 51.7 | 14 | 23.3 | 15 | 25.0 |
| Southern | 43 | 0.7 | 25 | 58.1 | 9 | 20.9 | 9 | 20.9 |
| Minnesota | 63 | 1.0 | 38 | 60.3 | 9 | 14.3 | 16 | 25.4 |
| Missouri | | | | | | | | |
| Eastern | 38 | 0.6 | 21 | 55.3 | 9 | 23.7 | 8 | 21.1 |
| Western | 53 | 0.9 | 28 | 52.8 | 10 | 18.9 | 15 | 28.3 |
| Nebraska | 44 | 0.7 | 31 | 70.5 | 4 | 9.1 | 9 | 20.5 |
| North Dakota | 6 | 0.1 | 4 | 66.7 | 1 | 16.7 | 1 | 16.7 |
| South Dakota | 24 | 0.4 | 15 | 62.5 | 4 | 16.7 | 5 | 20.8 |

Table 55 (cont.)

| CIRCUIT | Total | | Sentencing Only | | Sentencing and Conviction | | Conviction Only | |
|--------------------------|--------------|-------------|------------------------|-------------|----------------------------------|-------------|------------------------|-------------|
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| NINTH CIRCUIT | 1,273 | 21.1 | 641 | 50.4 | 290 | 22.8 | 342 | 26.9 |
| Alaska | 33 | 0.5 | 11 | 33.3 | 10 | 30.3 | 12 | 36.4 |
| Arizona | 166 | 2.8 | 93 | 56.0 | 45 | 27.1 | 28 | 16.9 |
| California | | | | | | | | |
| Central | 275 | 4.6 | 129 | 46.9 | 69 | 25.1 | 77 | 28.0 |
| Eastern | 58 | 1.0 | 33 | 56.9 | 14 | 24.1 | 11 | 19.0 |
| Northern | 65 | 1.1 | 26 | 40.0 | 10 | 15.4 | 29 | 44.6 |
| Southern | 190 | 3.1 | 86 | 45.3 | 42 | 22.1 | 62 | 32.6 |
| Guam | 20 | 0.3 | 8 | 40.0 | 1 | 5.0 | 11 | 55.0 |
| Hawaii | 58 | 1.0 | 27 | 46.6 | 18 | 31.0 | 13 | 22.4 |
| Idaho | 22 | 0.4 | 12 | 54.5 | 2 | 9.1 | 8 | 36.4 |
| Montana | 98 | 1.6 | 53 | 54.1 | 16 | 16.3 | 29 | 29.6 |
| Nevada | 118 | 2.0 | 73 | 61.9 | 16 | 13.6 | 29 | 24.6 |
| Northern Mariana Islands | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| Oregon | 58 | 1.0 | 26 | 44.8 | 17 | 29.3 | 15 | 25.9 |
| Washington | | | | | | | | |
| Eastern | 45 | 0.7 | 24 | 53.3 | 15 | 33.3 | 6 | 13.3 |
| Western | 67 | 1.1 | 40 | 59.7 | 15 | 22.4 | 12 | 17.9 |
| TENTH CIRCUIT | 435 | 7.2 | 194 | 44.6 | 89 | 20.5 | 152 | 34.9 |
| Colorado | 76 | 1.3 | 33 | 43.4 | 15 | 19.7 | 28 | 36.8 |
| Kansas | 85 | 1.4 | 47 | 55.3 | 16 | 18.8 | 22 | 25.9 |
| New Mexico | 84 | 1.4 | 35 | 41.7 | 13 | 15.5 | 36 | 42.9 |
| Oklahoma | | | | | | | | |
| Eastern | 17 | 0.3 | 4 | 23.5 | 3 | 17.6 | 10 | 58.8 |
| Northern | 35 | 0.6 | 16 | 45.7 | 9 | 25.7 | 10 | 28.6 |
| Western | 47 | 0.8 | 23 | 48.9 | 11 | 23.4 | 13 | 27.7 |
| Utah | 60 | 1.0 | 26 | 43.3 | 9 | 15.0 | 25 | 41.7 |
| Wyoming | 31 | 0.5 | 10 | 32.3 | 13 | 41.9 | 8 | 25.8 |
| ELEVENTH CIRCUIT | 211 | 3.5 | 112 | 53.1 | 51 | 24.2 | 48 | 22.7 |
| Alabama | | | | | | | | |
| Middle | 6 | 0.1 | 2 | 33.3 | 1 | 16.7 | 3 | 50.0 |
| Northern | 12 | 0.2 | 6 | 50.0 | 1 | 8.3 | 5 | 41.7 |
| Southern | 10 | 0.2 | 7 | 70.0 | 1 | 10.0 | 2 | 20.0 |
| Florida | | | | | | | | |
| Middle | 42 | 0.7 | 22 | 52.4 | 9 | 21.4 | 11 | 26.2 |
| Northern | 21 | 0.3 | 9 | 42.9 | 8 | 38.1 | 4 | 19.0 |
| Southern | 236 | 3.9 | 46 | 19.5 | 29 | 12.3 | 13 | 5.5 |
| Georgia | | | | | | | | |
| Middle | 6 | 0.1 | 3 | 50.0 | 0 | 0.0 | 3 | 50.0 |
| Northern | 19 | 0.3 | 14 | 73.7 | 0 | 0.0 | 5 | 26.3 |
| Southern | 7 | 0.1 | 3 | 42.9 | 2 | 28.6 | 2 | 28.6 |

¹Of the 6,564 appeals cases, 530 were excluded due to one or both of the following reasons: missing district information (39), or missing type of appeal information (508). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2003 Appeals Datafile, APPFY03.