

Table 56

DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2003

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED				
		n	%	n	%	n	%	n	%			
TOTAL	4,313	3,456	80.1	269	(247)	6.2	209	(191)	4.8	379	8.8	
D.C. CIRCUIT	30	17	56.7	6	(6)	20.0	2	(1)	6.7	5	16.7	
District of Columbia	30	17	56.7	6	(1)	20.0		2	(1)	6.7	5	16.7
FIRST CIRCUIT	101	68	67.3	7	(7)	6.9	20	(19)	19.8	6	5.9	
Maine	10	10	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	
Massachusetts	28	18	64.3	4	(4)	14.3	3	(3)	10.7	3	10.7	
New Hampshire	8	4	50.0	0	(0)	0.0	2	(2)	25.0	2	25.0	
Puerto Rico	43	24	55.8	3	(3)	7.0	15	(14)	34.9	1	2.3	
Rhode Island	12	12	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	
SECOND CIRCUIT	253	188	74.3	24	(22)	9.5	18	(16)	7.1	23	9.1	
Connecticut	17	14	82.4	1	(0)	5.9	1	(1)	5.9	1	5.9	
New York												
Eastern	77	49	63.6	7	(7)	9.1	10	(8)	13.0	11	14.3	
Northern	29	24	82.8	4	(3)	13.8	1	(1)	3.4	0	0.0	
Southern	100	81	81.0	6	(6)	6.0	4	(4)	4.0	9	9.0	
Western	22	13	59.1	6	(6)	27.3	1	(1)	4.5	2	9.1	
Vermont	8	7	87.5	0	(0)	0.0	1	(1)	12.5	0	0.0	
THIRD CIRCUIT	304	256	84.2	16	(16)	5.3	9	(9)	3.0	23	7.6	
Delaware	14	12	85.7	0	(0)	0.0	0	(0)	0.0	2	14.3	
New Jersey	80	69	86.3	3	(3)	3.8	0	(0)	0.0	8	10.0	
Pennsylvania												
Eastern	114	92	80.7	9	(9)	7.9	6	(6)	5.3	7	6.1	
Middle	50	42	84.0	3	(3)	6.0	2	(2)	4.0	3	6.0	
Western	29	27	93.1	1	(1)	3.4	0	(0)	0.0	1	3.4	
Virgin Islands	17	14	82.4	0	(0)	0.0	1	(1)	5.9	2	11.8	
FOURTH CIRCUIT	475	413	86.9	13	(12)	2.7	24	(23)	5.1	25	5.3	
Maryland	43	34	79.1	1	(1)	2.3	2	(2)	4.7	6	14.0	
North Carolina												
Eastern	46	35	76.1	2	(2)	4.3	5	(4)	10.9	4	8.7	
Middle	79	70	88.6	0	(0)	0.0	1	(1)	1.3	8	10.1	
Western	52	42	80.8	1	(1)	1.9	8	(8)	15.4	1	1.9	
South Carolina	95	86	90.5	5	(4)	5.3	2	(2)	2.1	2	2.1	
Virginia												
Eastern	66	56	84.8	3	(3)	4.5	4	(4)	6.1	3	4.5	
Western	28	25	89.3	0	(0)	0.0	2	(2)	7.1	1	3.6	
West Virginia												
Northern	16	16	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	
Southern	50	49	98.0	1	(1)	2.0	0	(0)	0.0	0	0.0	

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
FIFTH CIRCUIT	898	802	89.3	41	(32)	4.6	25	(22)	2.8	30	3.3
Louisiana											
Eastern	17	13	76.5	2	(2)	11.8	1	(1)	5.9	1	5.9
Middle	9	8	88.9	1	(1)	11.1	0	(0)	0.0	0	0.0
Western	22	19	86.4	1	(0)	4.5	0	(0)	0.0	2	9.1
Mississippi											
Northern	7	5	71.4	1	(1)	14.3	0	(0)	0.0	1	14.3
Southern	8	4	50.0	1	(0)	12.5	2	(2)	25.0	1	12.5
Texas											
Eastern	30	26	86.7	3	(2)	10.0	1	(1)	3.3	0	0.0
Northern	86	73	84.9	5	(4)	5.8	3	(3)	3.5	5	5.8
Southern	440	387	88.0	18	(16)	4.1	17	(14)	3.9	18	4.1
Western	279	267	95.7	9	(9)	3.2	1	(1)	0.4	2	0.7
SIXTH CIRCUIT	370	330	89.2	17	(14)	4.6	15	(14)	4.1	8	2.2
Kentucky											
Eastern	21	21	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Western	22	21	95.5	1	(1)	4.5	0	(0)	0.0	0	0.0
Michigan											
Eastern	80	63	78.8	6	(4)	7.5	9	(9)	11.3	2	2.5
Western	43	39	90.7	1	(1)	2.3	0	(0)	0.0	3	7.0
Ohio											
Northern	32	30	93.8	1	(1)	3.1	1	(1)	3.1	0	0.0
Southern	38	36	94.7	2	(2)	5.3	0	(0)	0.0	0	0.0
Tennessee											
Eastern	58	53	91.4	2	(2)	3.4	2	(1)	3.4	1	1.7
Middle	21	20	95.2	1	(1)	4.8	0	(0)	0.0	0	0.0
Western	55	47	85.5	3	(2)	5.5	3	(3)	5.5	2	3.6
SEVENTH CIRCUIT	271	185	68.3	13	(12)	4.8	5	(5)	1.8	68	25.1
Illinois											
Central	30	18	60.0	0	(0)	0.0	1	(1)	3.3	11	36.7
Northern	105	76	72.4	4	(3)	3.8	4	(4)	3.8	21	20.0
Southern	36	22	61.1	1	(1)	2.8	0	(0)	0.0	13	36.1
Indiana											
Northern	31	20	64.5	3	(3)	9.7	0	(0)	0.0	8	25.8
Southern	12	9	75.0	1	(1)	8.3	0	(0)	0.0	2	16.7
Wisconsin											
Eastern	30	20	66.7	2	(2)	6.7	0	(0)	0.0	8	26.7
Western	27	20	74.1	2	(2)	7.4	0	(0)	0.0	5	18.5
EIGHTH CIRCUIT	272	240	88.2	12	(12)	4.4	14	(14)	5.1	6	2.2
Arkansas											
Eastern	12	12	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Western	10	9	90.0	0	(0)	0.0	1	(1)	10.0	0	0.0
Iowa											
Northern	44	34	77.3	4	(4)	9.1	6	(6)	13.6	0	0.0
Southern	33	28	84.8	2	(2)	6.1	2	(2)	6.1	1	3.0
Minnesota	47	43	91.5	2	(2)	4.3	1	(1)	2.1	1	2.1
Missouri											
Eastern	30	26	86.7	0	(0)	0.0	2	(2)	6.7	2	6.7
Western	38	37	97.4	0	(0)	0.0	1	(1)	2.6	0	0.0
Nebraska	35	34	97.1	0	(0)	0.0	0	(0)	0.0	1	2.9
North Dakota	4	2	50.0	1	(1)	25.0	1	(1)	25.0	0	0.0
South Dakota	19	15	78.9	3	(3)	15.8	0	(0)	0.0	1	5.3

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
NINTH CIRCUIT	904	655	72.5	91	(88)	10.1	53	(47)	5.9	105	11.6
Alaska	21	20	95.2	0	(0)	0.0	1	(1)	4.8	0	0.0
Arizona	133	84	63.2	13	(12)	9.8	3	(3)	2.3	33	24.8
California											
Central	190	128	67.4	22	(21)	11.6	20	(17)	10.5	20	10.5
Eastern	47	34	72.3	5	(5)	10.6	2	(1)	4.3	6	12.8
Northern	35	23	65.7	3	(3)	8.6	2	(2)	5.7	7	20.0
Southern	123	97	78.9	13	(13)	10.6	5	(4)	4.1	8	6.5
Guam	9	5	55.6	4	(4)	44.4	0	(0)	0.0	0	0.0
Hawaii	43	31	72.1	3	(3)	7.0	1	(1)	2.3	8	18.6
Idaho	14	10	71.4	0	(0)	0.0	0	(0)	0.0	4	28.6
Montana	66	49	74.2	6	(6)	9.1	4	(3)	6.1	7	10.6
Nevada	88	71	80.7	9	(9)	10.2	3	(3)	3.4	5	5.7
Northern Mariana Islands	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Oregon	43	32	74.4	3	(3)	7.0	6	(6)	14.0	2	4.7
Washington											
Eastern	37	31	83.8	2	(2)	5.4	2	(2)	5.4	2	5.4
Western	55	40	72.7	8	(7)	14.5	4	(4)	7.3	3	5.5
TENTH CIRCUIT	275	166	60.4	19	(19)	6.9	11	(8)	4.0	79	28.7
Colorado	48	32	66.7	1	(1)	2.1	2	(1)	4.2	13	27.1
Kansas	60	38	63.3	3	(3)	5.0	2	(1)	3.3	17	28.3
New Mexico	44	23	52.3	7	(7)	15.9	2	(2)	4.5	12	27.3
Oklahoma											
Eastern	7	5	71.4	0	(0)	0.0	0	(0)	0.0	2	28.6
Northern	25	12	48.0	2	(2)	8.0	3	(2)	12.0	8	32.0
Western	34	12	35.3	3	(3)	8.8	1	(1)	2.9	18	52.9
Utah	34	25	73.5	3	(3)	8.8	1	(1)	2.9	5	14.7
Wyoming	23	19	82.6	0	(0)	0.0	0	(0)	0.0	4	17.4
ELEVENTH CIRCUIT	160	136	85.0	10	(8)	6.3	13	(13)	8.1	1	0.6
Alabama											
Middle	3	3	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Northern	6	6	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Southern	8	4	50.0	2	(1)	25.0	2	(2)	25.0	0	0.0
Florida											
Middle	31	29	93.5	1	(1)	3.2	1	(1)	3.2	0	0.0
Northern	17	16	94.1	0	(0)	0.0	1	(1)	5.9	0	0.0
Southern	73	60	82.2	4	(4)	5.5	8	(8)	11.0	1	1.4
Georgia											
Middle	3	2	66.7	1	(1)	33.3	0	(0)	0.0	0	0.0
Northern	14	11	78.6	2	(1)	14.3	1	(1)	7.1	0	0.0
Southern	5	5	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0

¹Of the 6,564 appeals cases, 1,663 were excluded because the type of appeal was “conviction only.” Of the 4,901 remaining cases, 112 were excluded as the appeal was by the Government only. Of the remaining 4,789 cases, 476 were excluded due to one or both of the following reasons: missing district information (10) or missing type of appeal information (476). Descriptions of variables used in this table are provided in Appendix A.

²This category (in parentheses) includes cases that were remanded for sentencing purposes.