

Table 56

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2004**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
TOTAL	4,500	3,579	79.5	307	(285)	6.8	214	(194)	4.8	400	8.9
D.C. CIRCUIT	34	19	55.9	9	(9)	26.5	3	(3)	8.8	3	8.8
District of Columbia	34	19	55.9	9	(9)	26.5	3	(3)	8.8	3	8.8
FIRST CIRCUIT	109	84	77.1	13	(10)	11.9	10	(9)	9.2	2	1.8
Maine	13	11	84.6	0	(0)	0.0	1	(1)	7.7	1	7.7
Massachusetts	30	22	73.3	4	(4)	13.3	4	(4)	13.3	0	0.0
New Hampshire	5	3	60.0	1	(0)	20.0	0	(0)	0.0	1	20.0
Puerto Rico	41	29	70.7	7	(5)	17.1	5	(4)	12.2	0	0.0
Rhode Island	20	19	95.0	1	(1)	5.0	0	(0)	0.0	0	0.0
SECOND CIRCUIT	227	171	75.3	20	(18)	8.8	14	(13)	6.2	22	9.7
Connecticut	16	14	87.5	0	(0)	0.0	1	(1)	6.3	1	6.3
New York											
Eastern	56	45	80.4	5	(5)	8.9	3	(2)	5.4	3	5.4
Northern	10	8	80.0	1	(1)	10.0	1	(1)	10.0	0	0.0
Southern	118	89	75.4	8	(8)	6.8	5	(5)	4.2	16	13.6
Western	22	11	50.0	6	(4)	27.3	4	(4)	18.2	1	4.5
Vermont	5	4	80.0	0	(0)	0.0	0	(0)	0.0	1	20.0
THIRD CIRCUIT	209	181	86.6	12	(10)	5.7	7	(6)	3.3	9	4.3
Delaware	8	8	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
New Jersey	45	42	93.3	1	(1)	2.2	0	(0)	0.0	2	4.4
Pennsylvania											
Eastern	97	79	81.4	7	(6)	7.2	5	(4)	5.2	6	6.2
Middle	22	20	90.9	2	(1)	9.1	0	(0)	0.0	0	0.0
Western	27	22	81.5	2	(2)	7.4	2	(2)	7.4	1	3.7
Virgin Islands	10	10	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
FOURTH CIRCUIT	602	427	70.9	24	(24)	4.0	29	(26)	4.8	122	20.3
Maryland	47	24	51.1	4	(4)	8.5	7	(6)	14.9	12	25.5
North Carolina											
Eastern	62	40	64.5	3	(3)	4.8	5	(5)	8.1	14	22.6
Middle	65	53	81.5	1	(1)	1.5	1	(0)	1.5	10	15.4
Western	65	46	70.8	3	(3)	4.6	2	(1)	3.1	14	21.5
South Carolina	119	87	73.1	3	(3)	2.5	5	(5)	4.2	24	20.2
Virginia											
Eastern	97	58	59.8	2	(2)	2.1	3	(3)	3.1	34	35.1
Western	46	38	82.6	2	(2)	4.3	2	(2)	4.3	4	8.7
West Virginia											
Northern	30	22	73.3	1	(1)	3.3	1	(1)	3.3	6	20.0
Southern	71	59	83.1	5	(5)	7.0	3	(3)	4.2	4	5.6

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
FIFTH CIRCUIT	1,157	1,032	89.2	53	(53)	4.6	26	(22)	2.2	46	4.0
Louisiana											
Eastern	20	14	70.0	4	(4)	20.0	0	(0)	0.0	2	10.0
Middle	4	2	50.0	1	(1)	25.0	1	(1)	25.0	0	0.0
Western	38	30	78.9	4	(4)	10.5	1	(1)	2.6	3	7.9
Mississippi											
Northern	13	10	76.9	1	(1)	7.7	1	(1)	7.7	1	7.7
Southern	10	7	70.0	3	(3)	30.0	0	(0)	0.0	0	0.0
Texas											
Eastern	42	36	85.7	5	(5)	11.9	0	(0)	0.0	1	2.4
Northern	129	116	89.9	2	(2)	1.6	2	(2)	1.6	9	7.0
Southern	523	466	89.1	27	(27)	5.2	16	(13)	3.1	14	2.7
Western	378	351	92.9	6	(6)	1.6	5	(4)	1.3	16	4.2
SIXTH CIRCUIT	449	399	88.9	28	(22)	6.2	16	(15)	3.6	6	1.3
Kentucky											
Eastern	34	33	97.1	1	(0)	2.9	0	(0)	0.0	0	0.0
Western	23	22	95.7	0	(0)	0.0	1	(1)	4.3	0	0.0
Michigan											
Eastern	74	69	93.2	3	(3)	4.1	0	(0)	0.0	2	2.7
Western	58	50	86.2	5	(4)	8.6	1	(1)	1.7	2	3.4
Ohio											
Northern	59	45	76.3	7	(6)	11.9	6	(5)	10.2	1	1.7
Southern	43	38	88.4	2	(2)	4.7	3	(3)	7.0	0	0.0
Tennessee											
Eastern	52	48	92.3	3	(2)	5.8	1	(1)	1.9	0	0.0
Middle	30	30	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Western	76	64	84.2	7	(5)	9.2	4	(4)	5.3	1	1.3
SEVENTH CIRCUIT	265	140	52.8	32	(28)	12.1	10	(10)	3.8	83	31.3
Illinois											
Central	29	16	55.2	0	(0)	0.0	2	(2)	6.9	11	37.9
Northern	97	51	52.6	14	(12)	14.4	6	(6)	6.2	26	26.8
Southern	30	16	53.3	6	(6)	20.0	1	(1)	3.3	7	23.3
Indiana											
Northern	23	12	52.2	4	(4)	17.4	0	(0)	0.0	7	30.4
Southern	28	17	60.7	2	(1)	7.1	0	(0)	0.0	9	32.1
Wisconsin											
Eastern	27	15	55.6	2	(1)	7.4	1	(1)	3.7	9	33.3
Western	31	13	41.9	4	(4)	12.9	0	(0)	0.0	14	45.2
EIGHTH CIRCUIT	341	299	87.7	20	(19)	5.9	13	(13)	3.8	9	2.6
Arkansas											
Eastern	17	15	88.2	2	(2)	11.8	0	(0)	0.0	0	0.0
Western	13	12	92.3	1	(1)	7.7	0	(0)	0.0	0	0.0
Iowa											
Northern	69	66	95.7	2	(2)	2.9	1	(1)	1.4	0	0.0
Southern	29	24	82.8	1	(1)	3.4	4	(4)	13.8	0	0.0
Minnesota	50	45	90.0	1	(1)	2.0	3	(3)	6.0	1	2.0
Missouri											
Eastern	28	25	89.3	1	(1)	3.6	0	(0)	0.0	2	7.1
Western	50	39	78.0	6	(5)	12.0	1	(1)	2.0	4	8.0
Nebraska	53	49	92.5	1	(1)	1.9	2	(2)	3.8	1	1.9
North Dakota	9	7	77.8	0	(0)	0.0	1	(1)	11.1	1	11.1
South Dakota	23	17	73.9	5	(5)	21.7	1	(1)	4.3	0	0.0

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
NINTH CIRCUIT	617	438	71.0	51	(50)	8.3	65	(58)	10.5	63	10.2
Alaska	10	7	70.0	0	(0)	0.0	2	(1)	20.0	1	10.0
Arizona	94	59	62.8	6	(6)	6.4	9	(9)	9.6	20	21.3
California											
Central	120	96	80.0	7	(7)	5.8	11	(10)	9.2	6	5.0
Eastern	34	27	79.4	1	(1)	2.9	4	(3)	11.8	2	5.9
Northern	19	14	73.7	1	(1)	5.3	3	(3)	15.8	1	5.3
Southern	59	41	69.5	4	(3)	6.8	9	(9)	15.3	5	8.5
Guam	4	2	50.0	0	(0)	0.0	2	(1)	50.0	0	0.0
Hawaii	23	17	73.9	0	(0)	0.0	3	(2)	13.0	3	13.0
Idaho	19	14	73.7	0	(0)	0.0	0	(0)	0.0	5	26.3
Montana	56	39	69.6	6	(6)	10.7	8	(7)	14.3	3	5.4
Nevada	68	45	66.2	12	(12)	17.6	8	(8)	11.8	3	4.4
Northern Mariana Islands	3	2	66.7	1	(1)	33.3	0	(0)	0.0	0	0.0
Oregon	29	21	72.4	3	(3)	10.3	2	(2)	6.9	3	10.3
Washington											
Eastern	35	27	77.1	3	(3)	8.6	3	(2)	8.6	2	5.7
Western	44	27	61.4	7	(7)	15.9	1	(1)	2.3	9	20.5
TENTH CIRCUIT	228	163	71.5	26	(26)	11.4	9	(7)	3.9	30	13.2
Colorado	35	27	77.1	2	(2)	5.7	1	(1)	2.9	5	14.3
Kansas	39	30	76.9	5	(5)	12.8	0	(0)	0.0	4	10.3
New Mexico	32	20	62.5	3	(3)	9.4	2	(1)	6.3	7	21.9
Oklahoma											
Eastern	15	13	86.7	1	(1)	6.7	0	(0)	0.0	1	6.7
Northern	26	17	65.4	3	(3)	11.5	2	(2)	7.7	4	15.4
Western	31	19	61.3	5	(5)	16.1	1	(1)	3.2	6	19.4
Utah	32	21	65.6	6	(6)	18.8	2	(1)	6.3	3	9.4
Wyoming	18	16	88.9	1	(1)	5.6	1	(1)	5.6	0	0.0
ELEVENTH CIRCUIT	262	226	86.3	19	(17)	7.3	12	(12)	4.6	5	1.9
Alabama											
Middle	3	3	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Northern	16	15	93.8	1	(1)	6.3	0	(0)	0.0	0	0.0
Southern	10	8	80.0	2	(1)	20.0	0	(0)	0.0	0	0.0
Florida											
Middle	48	40	83.3	3	(2)	6.3	3	(3)	6.3	2	4.2
Northern	19	15	78.9	0	(0)	0.0	3	(3)	15.8	1	5.3
Southern	102	86	84.3	9	(8)	8.8	6	(6)	5.9	1	1.0
Georgia											
Middle	13	13	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Northern	43	39	90.7	3	(3)	7.0	0	(0)	0.0	1	2.3
Southern	8	7	87.5	1	(1)	12.5	0	(0)	0.0	0	0.0

¹Of the 7,213 appeals cases, 2,102 were excluded because the type of appeal was “conviction only.” Of the 5,111 remaining cases, 501 were excluded due to missing type of appeal. Of the 4,610 cases, 103 were excluded as the appeal was by the Government only. Of the remaining 4,507 cases, seven were excluded due to missing district information. Descriptions of variables used in this table are provided in Appendix A.

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