

**Table 55**

**TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2005**

| <b>CIRCUIT</b><br><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>7,642</b> | <b>100.0</b> | <b>4,229</b>           | <b>55.3</b> | <b>1,979</b>                     | <b>25.9</b> | <b>1,434</b>           | <b>18.8</b> |
| <b>D.C. CIRCUIT</b>               | <b>76</b>    | <b>1.0</b>   | <b>37</b>              | <b>48.7</b> | <b>14</b>                        | <b>18.4</b> | <b>25</b>              | <b>32.9</b> |
| District of Columbia              | 76           | 1.0          | 37                     | 48.7        | 14                               | 18.4        | 25                     | 32.9        |
| <b>FIRST CIRCUIT</b>              | <b>185</b>   | <b>2.4</b>   | <b>74</b>              | <b>40.0</b> | <b>64</b>                        | <b>34.6</b> | <b>47</b>              | <b>25.4</b> |
| Maine                             | 28           | 0.4          | 13                     | 46.4        | 9                                | 32.1        | 6                      | 21.4        |
| Massachusetts                     | 53           | 0.7          | 17                     | 32.1        | 15                               | 28.3        | 21                     | 39.6        |
| New Hampshire                     | 18           | 0.2          | 7                      | 38.9        | 5                                | 27.8        | 6                      | 33.3        |
| Puerto Rico                       | 74           | 1.0          | 29                     | 39.2        | 31                               | 41.9        | 14                     | 18.9        |
| Rhode Island                      | 12           | 0.2          | 8                      | 66.7        | 4                                | 33.3        | 0                      | 0.0         |
| <b>SECOND CIRCUIT</b>             | <b>425</b>   | <b>5.6</b>   | <b>179</b>             | <b>42.1</b> | <b>144</b>                       | <b>33.9</b> | <b>102</b>             | <b>24.0</b> |
| Connecticut                       | 29           | 0.4          | 11                     | 37.9        | 7                                | 24.1        | 11                     | 37.9        |
| New York                          |              |              |                        |             |                                  |             |                        |             |
| Eastern                           | 114          | 1.5          | 49                     | 43.0        | 37                               | 32.5        | 28                     | 24.6        |
| Northern                          | 33           | 0.4          | 10                     | 30.3        | 10                               | 30.3        | 13                     | 39.4        |
| Southern                          | 197          | 2.6          | 79                     | 40.1        | 76                               | 38.6        | 42                     | 21.3        |
| Western                           | 38           | 0.5          | 18                     | 47.4        | 12                               | 31.6        | 8                      | 21.1        |
| Vermont                           | 14           | 0.2          | 12                     | 85.7        | 2                                | 14.3        | 0                      | 0.0         |
| <b>THIRD CIRCUIT</b>              | <b>334</b>   | <b>4.4</b>   | <b>133</b>             | <b>39.8</b> | <b>148</b>                       | <b>44.3</b> | <b>53</b>              | <b>15.9</b> |
| Delaware                          | 12           | 0.2          | 4                      | 33.3        | 3                                | 25.0        | 5                      | 41.7        |
| New Jersey                        | 66           | 0.9          | 35                     | 53.0        | 27                               | 40.9        | 4                      | 6.1         |
| Pennsylvania                      |              |              |                        |             |                                  |             |                        |             |
| Eastern                           | 135          | 1.8          | 46                     | 34.1        | 70                               | 51.9        | 19                     | 14.1        |
| Middle                            | 61           | 0.8          | 27                     | 44.3        | 25                               | 41.0        | 9                      | 14.8        |
| Western                           | 48           | 0.6          | 19                     | 39.6        | 19                               | 39.6        | 10                     | 20.8        |
| Virgin Islands                    | 12           | 0.2          | 2                      | 16.7        | 4                                | 33.3        | 6                      | 50.0        |
| <b>FOURTH CIRCUIT</b>             | <b>702</b>   | <b>9.2</b>   | <b>380</b>             | <b>54.1</b> | <b>197</b>                       | <b>28.1</b> | <b>125</b>             | <b>17.8</b> |
| Maryland                          | 67           | 0.9          | 31                     | 46.3        | 24                               | 35.8        | 12                     | 17.9        |
| North Carolina                    |              |              |                        |             |                                  |             |                        |             |
| Eastern                           | 84           | 1.1          | 50                     | 59.5        | 24                               | 28.6        | 10                     | 11.9        |
| Middle                            | 106          | 1.4          | 72                     | 67.9        | 17                               | 16.0        | 17                     | 16.0        |
| Western                           | 71           | 0.9          | 31                     | 43.7        | 29                               | 40.8        | 11                     | 15.5        |
| South Carolina                    | 102          | 1.3          | 64                     | 62.7        | 22                               | 21.6        | 16                     | 15.7        |
| Virginia                          |              |              |                        |             |                                  |             |                        |             |
| Eastern                           | 123          | 1.6          | 60                     | 48.8        | 33                               | 26.8        | 30                     | 24.4        |
| Western                           | 55           | 0.7          | 13                     | 23.6        | 28                               | 50.9        | 14                     | 25.5        |
| West Virginia                     |              |              |                        |             |                                  |             |                        |             |
| Northern                          | 28           | 0.4          | 10                     | 35.7        | 10                               | 35.7        | 8                      | 28.6        |
| Southern                          | 66           | 0.9          | 49                     | 74.2        | 10                               | 15.2        | 7                      | 10.6        |

**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>1,494</b> | <b>19.6</b> | <b>1,058</b>           | <b>70.8</b> | <b>239</b>                       | <b>16.0</b> | <b>197</b>             | <b>13.2</b> |
| Louisiana              |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 33           | 0.4         | 13                     | 39.4        | 4                                | 12.1        | 16                     | 48.5        |
| Middle                 | 19           | 0.2         | 11                     | 57.9        | 5                                | 26.3        | 3                      | 15.8        |
| Western                | 95           | 1.2         | 45                     | 47.4        | 19                               | 20.0        | 31                     | 32.6        |
| Mississippi            |              |             |                        |             |                                  |             |                        |             |
| Northern               | 17           | 0.2         | 8                      | 47.1        | 7                                | 41.2        | 2                      | 11.8        |
| Southern               | 14           | 0.2         | 4                      | 28.6        | 5                                | 35.7        | 5                      | 35.7        |
| Texas                  |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 97           | 1.3         | 62                     | 63.9        | 18                               | 18.6        | 17                     | 17.5        |
| Northern               | 209          | 2.7         | 144                    | 68.9        | 46                               | 22.0        | 19                     | 9.1         |
| Southern               | 516          | 6.8         | 379                    | 73.5        | 90                               | 17.4        | 47                     | 9.1         |
| Western                | 494          | 6.3         | 392                    | 79.4        | 45                               | 9.1         | 57                     | 11.5        |
| <b>SIXTH CIRCUIT</b>   | <b>718</b>   | <b>9.4</b>  | <b>356</b>             | <b>49.6</b> | <b>225</b>                       | <b>31.3</b> | <b>137</b>             | <b>19.1</b> |
| Kentucky               |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 63           | 0.8         | 26                     | 41.3        | 22                               | 34.9        | 15                     | 23.8        |
| Western                | 44           | 0.6         | 15                     | 34.1        | 16                               | 36.4        | 13                     | 29.5        |
| Michigan               |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 123          | 1.6         | 53                     | 43.1        | 46                               | 37.4        | 24                     | 19.5        |
| Western                | 85           | 1.1         | 61                     | 71.8        | 14                               | 16.5        | 10                     | 11.8        |
| Ohio                   |              |             |                        |             |                                  |             |                        |             |
| Northern               | 79           | 1.0         | 34                     | 43.0        | 27                               | 34.2        | 18                     | 22.8        |
| Southern               | 52           | 0.7         | 28                     | 53.8        | 17                               | 32.7        | 7                      | 13.5        |
| Tennessee              |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 97           | 1.3         | 52                     | 53.6        | 33                               | 34.0        | 12                     | 12.4        |
| Middle                 | 38           | 0.5         | 13                     | 34.2        | 17                               | 44.7        | 8                      | 21.1        |
| Western                | 137          | 1.8         | 74                     | 54.0        | 33                               | 24.1        | 30                     | 21.9        |
| <b>SEVENTH CIRCUIT</b> | <b>490</b>   | <b>6.4</b>  | <b>287</b>             | <b>58.6</b> | <b>137</b>                       | <b>28.0</b> | <b>66</b>              | <b>13.5</b> |
| Illinois               |              |             |                        |             |                                  |             |                        |             |
| Central                | 47           | 0.6         | 23                     | 48.9        | 17                               | 36.2        | 7                      | 14.9        |
| Northern               | 161          | 2.1         | 85                     | 52.8        | 52                               | 32.3        | 24                     | 14.9        |
| Southern               | 52           | 0.7         | 32                     | 61.5        | 17                               | 32.7        | 3                      | 5.8         |
| Indiana                |              |             |                        |             |                                  |             |                        |             |
| Northern               | 53           | 0.7         | 32                     | 60.4        | 12                               | 22.6        | 9                      | 17.0        |
| Southern               | 57           | 0.7         | 23                     | 40.4        | 18                               | 31.6        | 16                     | 28.1        |
| Wisconsin              |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 45           | 0.6         | 33                     | 73.3        | 7                                | 15.6        | 5                      | 11.1        |
| Western                | 75           | 1.0         | 59                     | 78.7        | 14                               | 18.7        | 2                      | 2.7         |
| <b>EIGHTH CIRCUIT</b>  | <b>700</b>   | <b>9.2</b>  | <b>390</b>             | <b>55.7</b> | <b>177</b>                       | <b>25.3</b> | <b>133</b>             | <b>19.0</b> |
| Arkansas               |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 45           | 0.6         | 22                     | 48.9        | 13                               | 28.9        | 10                     | 22.2        |
| Western                | 19           | 0.2         | 14                     | 73.7        | 2                                | 10.5        | 3                      | 15.8        |
| Iowa                   |              |             |                        |             |                                  |             |                        |             |
| Northern               | 109          | 1.4         | 71                     | 65.1        | 22                               | 20.2        | 16                     | 14.7        |
| Southern               | 77           | 1.0         | 40                     | 51.9        | 22                               | 28.6        | 15                     | 19.5        |
| Minnesota              | 97           | 1.3         | 42                     | 43.3        | 34                               | 35.1        | 21                     | 21.6        |
| Missouri               |              |             |                        |             |                                  |             |                        |             |
| Eastern                | 72           | 0.9         | 41                     | 56.9        | 23                               | 31.9        | 8                      | 11.1        |
| Western                | 111          | 1.5         | 74                     | 66.7        | 16                               | 14.4        | 21                     | 18.9        |
| Nebraska               | 110          | 1.4         | 72                     | 65.5        | 26                               | 23.6        | 12                     | 10.9        |
| North Dakota           | 15           | 0.2         | 2                      | 13.3        | 7                                | 46.7        | 6                      | 40.0        |
| South Dakota           | 45           | 0.6         | 12                     | 26.7        | 12                               | 26.7        | 21                     | 46.7        |

**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>NINTH CIRCUIT</b>     | <b>1,058</b> | <b>13.8</b> | <b>469</b>             | <b>44.3</b> | <b>337</b>                       | <b>31.9</b> | <b>252</b>             | <b>23.8</b> |
| Alaska                   | 34           | 0.4         | 15                     | 44.1        | 13                               | 38.2        | 6                      | 17.6        |
| Arizona                  | 124          | 1.6         | 44                     | 35.5        | 45                               | 36.3        | 35                     | 28.2        |
| California               |              |             |                        |             |                                  |             |                        |             |
| Central                  | 228          | 3.0         | 108                    | 47.4        | 80                               | 35.1        | 40                     | 17.5        |
| Eastern                  | 60           | 0.8         | 21                     | 35.0        | 27                               | 45.0        | 12                     | 20.0        |
| Northern                 | 56           | 0.7         | 22                     | 39.3        | 16                               | 28.6        | 18                     | 32.1        |
| Southern                 | 120          | 1.6         | 49                     | 40.8        | 35                               | 29.2        | 36                     | 30.0        |
| Guam                     | 9            | 0.1         | 5                      | 55.6        | 4                                | 44.4        | 0                      | 0.0         |
| Hawaii                   | 27           | 0.4         | 13                     | 48.1        | 9                                | 33.3        | 5                      | 18.5        |
| Idaho                    | 24           | 0.3         | 8                      | 33.3        | 12                               | 50.0        | 4                      | 16.7        |
| Montana                  | 119          | 1.6         | 45                     | 37.8        | 31                               | 26.1        | 43                     | 36.1        |
| Nevada                   | 95           | 1.2         | 57                     | 60.0        | 18                               | 18.9        | 20                     | 21.1        |
| Northern Mariana Islands | 5            | 0.1         | 1                      | 16.7        | 3                                | 33.3        | 1                      | 50.0        |
| Oregon                   | 52           | 0.7         | 24                     | 46.2        | 13                               | 25.0        | 15                     | 28.8        |
| Washington               |              |             |                        |             |                                  |             |                        |             |
| Eastern                  | 67           | 0.9         | 41                     | 61.2        | 19                               | 28.4        | 7                      | 10.4        |
| Western                  | 38           | 0.5         | 16                     | 42.1        | 12                               | 31.6        | 10                     | 26.3        |
| <b>TENTH CIRCUIT</b>     | <b>537</b>   | <b>7.0</b>  | <b>306</b>             | <b>57.0</b> | <b>104</b>                       | <b>19.4</b> | <b>127</b>             | <b>23.7</b> |
| Colorado                 | 80           | 1.0         | 50                     | 62.5        | 12                               | 15.0        | 18                     | 22.5        |
| Kansas                   | 89           | 1.2         | 48                     | 53.9        | 18                               | 20.2        | 23                     | 25.8        |
| New Mexico               | 123          | 1.6         | 74                     | 60.2        | 20                               | 16.3        | 29                     | 23.6        |
| Oklahoma                 |              |             |                        |             |                                  |             |                        |             |
| Eastern                  | 22           | 0.3         | 11                     | 50.0        | 7                                | 31.8        | 4                      | 18.2        |
| Northern                 | 51           | 0.7         | 25                     | 49.0        | 12                               | 23.5        | 14                     | 27.5        |
| Western                  | 51           | 0.7         | 33                     | 64.7        | 13                               | 25.5        | 5                      | 9.8         |
| Utah                     | 65           | 0.9         | 32                     | 49.2        | 12                               | 18.5        | 21                     | 32.3        |
| Wyoming                  | 56           | 0.7         | 33                     | 58.9        | 10                               | 17.9        | 13                     | 23.2        |
| <b>ELEVENTH CIRCUIT</b>  | <b>923</b>   | <b>12.1</b> | <b>560</b>             | <b>60.7</b> | <b>193</b>                       | <b>20.9</b> | <b>170</b>             | <b>18.4</b> |
| Alabama                  |              |             |                        |             |                                  |             |                        |             |
| Middle                   | 18           | 0.2         | 3                      | 16.7        | 5                                | 27.8        | 10                     | 55.6        |
| Northern                 | 40           | 0.5         | 21                     | 52.5        | 8                                | 20.0        | 11                     | 27.5        |
| Southern                 | 65           | 0.9         | 46                     | 70.8        | 12                               | 18.5        | 7                      | 10.8        |
| Florida                  |              |             |                        |             |                                  |             |                        |             |
| Middle                   | 206          | 2.7         | 126                    | 61.2        | 42                               | 20.4        | 38                     | 18.4        |
| Northern                 | 94           | 1.2         | 58                     | 61.7        | 19                               | 20.2        | 17                     | 18.1        |
| Southern                 | 308          | 4.0         | 200                    | 64.9        | 53                               | 17.2        | 55                     | 17.9        |
| Georgia                  |              |             |                        |             |                                  |             |                        |             |
| Middle                   | 28           | 0.4         | 11                     | 39.3        | 9                                | 32.1        | 8                      | 28.6        |
| Northern                 | 118          | 1.5         | 62                     | 52.5        | 39                               | 33.1        | 17                     | 14.4        |
| Southern                 | 46           | 0.6         | 33                     | 71.7        | 6                                | 13.0        | 7                      | 15.2        |

<sup>1</sup>Of the 7,813 appeals cases, 171 were excluded due to one or both of the following reasons: missing district information (0), or missing type of appeal information (171). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2005 Appeals Datafile, APPFY05.