

Table 56

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2007**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
		n	%	n	%	n	%	n	%	n	%		
TOTAL	6,525	5,217	80.0	552	(530)	8.5	207	(194)	3.2	459	7.0	90	1.4
D.C. CIRCUIT	39	25	64.1	7	(7)	17.9	2	(2)	5.1	3	7.7	2	5.1
District of Columbia	39	25	64.1		7 (7)	17.9		2 (2)	5.1	3	7.7	2	5.1
FIRST CIRCUIT	119	93	78.2	9	(9)	7.6	11	(11)	9.2	3	2.5	3	2.5
Maine	20	19	95.0		1 (1)	5.0		0 (0)	0.0	0	0.0	0	0.0
Massachusetts	39	32	82.1		2 (2)	5.1		4 (4)	10.3	1	2.6	0	0.0
New Hampshire	5	5	100.0		0 (0)	0.0		0 (0)	0.0	0	0.0	0	0.0
Puerto Rico	44	27	61.4		6 (6)	13.6		6 (6)	13.6	2	4.5	3	6.8
Rhode Island	11	10	90.9		0 (0)	0.0		1 (1)	9.1	0	0.0	0	0.0
SECOND CIRCUIT	222	182	82.0	22	(21)	9.9	7	(7)	3.2	2	0.9	9	4.1
Connecticut	14	11	78.6		1 (1)	7.1		0 (0)	0.0	0	0.0	2	14.3
New York													
Eastern	48	37	77.1		7 (7)	14.6		2 (2)	4.2	0	0.0	2	4.2
Northern	13	11	84.6		1 (1)	7.7		1 (1)	7.7	0	0.0	0	0.0
Southern	117	103	88.0		6 (5)	5.1		3 (3)	2.6	1	0.9	4	3.4
Western	27	18	66.7		6 (6)	22.2		1 (1)	3.7	1	3.7	1	3.7
Vermont	3	2	66.7		1 (1)	33.3		0 (0)	0.0	0	0.0	0	0.0
THIRD CIRCUIT	375	315	84.0	34	(33)	9.1	13	(12)	3.5	12	3.2	1	0.3
Delaware	13	11	84.6		1 (1)	7.7		0 (0)	0.0	1	7.7	0	0.0
New Jersey	74	66	89.2		5 (5)	6.8		1 (1)	1.4	2	2.7	0	0.0
Pennsylvania													
Eastern	134	103	76.9		16 (16)	11.9		7 (7)	5.2	7	5.2	1	0.7
Middle	79	68	86.1		7 (7)	8.9		3 (2)	3.8	1	1.3	0	0.0
Western	63	56	88.9		4 (3)	6.3		2 (2)	3.2	1	1.6	0	0.0
Virgin Islands	12	11	91.7		1 (1)	8.3		0 (0)	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	903	797	88.3	53	(52)	5.9	20	(18)	2.2	29	3.2	4	0.4
Maryland	73	56	76.7		6 (6)	8.2		3 (3)	4.1	6	8.2	2	2.7
North Carolina													
Eastern	108	100	92.6		5 (5)	4.6		1 (0)	0.9	2	1.9	0	0.0
Middle	111	102	91.9		3 (3)	2.7		4 (4)	3.6	2	1.8	0	0.0
Western	151	134	88.7		11 (11)	7.3		3 (3)	2.0	2	1.3	1	0.7
South Carolina	158	144	91.1		6 (5)	3.8		5 (4)	3.2	3	1.9	0	0.0
Virginia													
Eastern	128	111	86.7		10 (10)	7.8		3 (3)	2.3	4	3.1	0	0.0
Western	63	53	84.1		3 (3)	4.8		1 (1)	1.6	5	7.9	1	1.6
West Virginia													
Northern	36	29	80.6		2 (2)	5.6		0 (0)	0.0	5	13.9	0	0.0
Southern	75	68	90.7		7 (7)	9.3		0 (0)	0.0	0	0.0	0	0.0

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
FIFTH CIRCUIT	1,209	961	79.5	126	(124)	10.4	22	(20)	1.8	72	6.0	28	2.3
Louisiana													
Eastern	28	21	75.0	3	(3)	10.7	1	(0)	3.6	2	7.1	1	3.6
Middle	10	9	90.0	1	(1)	10.0	0	(0)	0.0	0	0.0	0	0.0
Western	74	58	78.4	10	(10)	13.5	2	(1)	2.7	4	5.4	0	0.0
Mississippi													
Northern	13	12	92.3	0	(0)	0.0	0	(0)	0.0	1	7.7	0	0.0
Southern	16	12	75.0	2	(2)	12.5	0	(0)	0.0	1	6.3	1	6.3
Texas													
Eastern	55	38	69.1	9	(9)	16.4	1	(1)	1.8	6	10.9	1	1.8
Northern	185	161	87.0	17	(17)	9.2	3	(3)	1.6	2	1.1	2	1.1
Southern	548	418	76.3	64	(64)	11.7	13	(13)	2.4	46	8.4	7	1.3
Western	280	232	82.9	20	(18)	7.1	2	(2)	0.7	10	3.6	16	5.7
SIXTH CIRCUIT	575	493	85.7	46	(44)	8.0	18	(17)	3.1	12	2.1	6	1.0
Kentucky													
Eastern	39	29	74.4	5	(5)	12.8	1	(1)	2.6	3	7.7	1	2.6
Western	30	25	83.3	2	(2)	6.7	2	(2)	6.7	1	3.3	0	0.0
Michigan													
Eastern	57	48	84.2	6	(6)	10.5	2	(1)	3.5	1	1.8	0	0.0
Western	60	53	88.3	6	(5)	10.0	1	(1)	1.7	0	0.0	0	0.0
Ohio													
Northern	60	43	71.7	7	(7)	11.7	6	(6)	10.0	3	5.0	1	1.7
Southern	68	59	86.8	2	(2)	2.9	3	(3)	4.4	2	2.9	2	2.9
Tennessee													
Eastern	109	103	94.5	3	(3)	2.8	1	(1)	0.9	0	0.0	2	1.8
Middle	41	32	78.0	7	(7)	17.1	1	(1)	2.4	1	2.4	0	0.0
Western	111	101	91.0	8	(7)	7.2	1	(1)	0.9	1	0.9	0	0.0
SEVENTH CIRCUIT	441	284	64.4	36	(36)	8.2	10	(10)	2.3	102	23.1	9	2.0
Illinois													
Central	35	22	62.9	0	(0)	0.0	0	(0)	0.0	12	34.3	1	2.9
Northern	164	104	63.4	22	(22)	13.4	4	(4)	2.4	27	16.5	7	4.3
Southern	46	31	67.4	1	(1)	2.2	0	(0)	0.0	14	30.4	0	0.0
Indiana													
Northern	40	28	70.0	3	(3)	7.5	2	(2)	5.0	7	17.5	0	0.0
Southern	36	24	66.7	2	(2)	5.6	0	(0)	0.0	10	27.8	0	0.0
Wisconsin													
Eastern	54	31	57.4	4	(4)	7.4	3	(3)	5.6	15	27.8	1	1.9
Western	66	44	66.7	4	(4)	6.1	1	(1)	1.5	17	25.8	0	0.0
EIGHTH CIRCUIT	449	396	88.2	23	(21)	5.1	13	(12)	2.9	15	3.3	2	0.4
Arkansas													
Eastern	30	27	90.0	1	(1)	3.3	2	(2)	6.7	0	0.0	0	0.0
Western	7	7	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Iowa													
Northern	75	65	86.7	6	(5)	8.0	3	(2)	4.0	1	1.3	0	0.0
Southern	48	40	83.3	4	(4)	8.3	3	(3)	6.3	1	2.1	0	0.0
Minnesota	70	64	91.4	4	(4)	5.7	1	(1)	1.4	1	1.4	0	0.0
Missouri													
Eastern	40	36	90.0	4	(3)	10.0	0	(0)	0.0	0	0.0	0	0.0
Western	79	70	88.6	0	(0)	0.0	2	(2)	2.5	6	7.6	1	1.3
Nebraska	64	57	89.1	3	(3)	4.7	0	(0)	0.0	3	4.7	1	1.6
North Dakota	8	6	75.0	0	(0)	0.0	0	(0)	0.0	2	25.0	0	0.0
South Dakota	28	24	85.7	1	(1)	3.6	2	(2)	7.1	1	3.6	0	0.0

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
NINTH CIRCUIT	952	718	75.4	112	(105)	11.8	56	(51)	5.9	46	4.8	20	2.1
Alaska	18	14	77.8	3	(2)	16.7	0	(0)	0.0	1	5.6	0	0.0
Arizona	79	60	75.9	4	(4)	5.1	4	(3)	5.1	10	12.7	1	1.3
California													
Central	207	150	72.5	15	(15)	7.2	29	(27)	14.0	12	5.8	1	0.5
Eastern	49	40	81.6	2	(2)	4.1	1	(1)	2.0	5	10.2	1	2.0
Northern	36	25	69.4	9	(8)	25.0	1	(1)	2.8	1	2.8	0	0.0
Southern	172	137	79.7	20	(17)	11.6	9	(8)	5.2	3	1.7	3	1.7
Guam	9	8	88.9	0	(0)	0.0	0	(0)	0.0	0	0.0	1	11.1
Hawaii	33	22	66.7	5	(5)	15.2	2	(2)	6.1	3	9.1	1	3.0
Idaho	28	22	78.6	1	(1)	3.6	0	(0)	0.0	5	17.9	0	0.0
Montana	101	66	65.3	21	(21)	20.8	3	(3)	3.0	1	1.0	10	9.9
Nevada	60	42	70.0	13	(12)	21.7	2	(2)	3.3	3	5.0	0	0.0
Northern Mariana Islands	5	4	80.0	1	(1)	20.0	0	(0)	0.0	0	0.0	0	0.0
Oregon	46	37	80.4	5	(5)	10.9	0	(0)	0.0	2	4.3	2	4.3
Washington													
Eastern	55	49	89.1	5	(5)	9.1	1	(0)	1.8	0	0.0	0	0.0
Western	54	42	77.8	8	(7)	14.8	4	(4)	7.4	0	0.0	0	0.0
TENTH CIRCUIT	488	280	57.4	40	(39)	8.2	6	(6)	1.2	158	32.4	4	0.8
Colorado	54	34	63.0	7	(7)	13.0	1	(1)	1.9	12	22.2	0	0.0
Kansas	79	37	46.8	7	(7)	8.9	0	(0)	0.0	34	43.0	1	1.3
New Mexico	125	78	62.4	5	(5)	4.0	4	(4)	3.2	37	29.6	1	0.8
Oklahoma													
Eastern	17	10	58.8	3	(3)	17.6	0	(0)	0.0	4	23.5	0	0.0
Northern	49	34	69.4	3	(3)	6.1	0	(0)	0.0	10	20.4	2	4.1
Western	54	24	44.4	10	(10)	18.5	1	(1)	1.9	19	35.2	0	0.0
Utah	79	41	51.9	3	(3)	3.8	0	(0)	0.0	35	44.3	0	0.0
Wyoming	31	22	71.0	2	(1)	6.5	0	(0)	0.0	7	22.6	0	0.0
ELEVENTH CIRCUIT	753	673	89.4	44	(39)	5.8	29	(28)	3.9	5	0.7	2	0.3
Alabama													
Middle	19	18	94.7	1	(1)	5.3	0	(0)	0.0	0	0.0	0	0.0
Northern	25	19	76.0	4	(3)	16.0	1	(1)	4.0	0	0.0	1	4.0
Southern	42	37	88.1	1	(1)	2.4	3	(3)	7.1	1	2.4	0	0.0
Florida													
Middle	229	213	93.0	8	(7)	3.5	5	(5)	2.2	3	1.3	0	0.0
Northern	59	52	88.1	4	(4)	6.8	3	(3)	5.1	0	0.0	0	0.0
Southern	208	177	85.1	18	(15)	8.7	11	(11)	5.3	1	0.5	1	0.5
Georgia													
Middle	27	21	77.8	5	(5)	18.5	1	(1)	3.7	0	0.0	0	0.0
Northern	105	99	94.3	2	(2)	1.9	4	(3)	3.8	0	0.0	0	0.0
Southern	39	37	94.9	1	(1)	2.6	1	(1)	2.6	0	0.0	0	0.0

¹Of the 8,530 appeals cases, 1,884 were excluded because the type of appeal was “conviction only.” Of the 6,646 remaining cases, seven were excluded due to missing information on type of appeal. Of the 6,639 cases, 114 were excluded as the appeal was by the Government only. Descriptions of variables used in this table are provided in Appendix A.

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