

**Table 55**

**TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2008**

<b>CIRCUIT</b> <b>District</b>	<b>Total</b>		<b>Sentence Only</b>		<b>Sentence and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>8,688</b>	<b>100.0</b>	<b>4,700</b>	<b>54.1</b>	<b>1,632</b>	<b>18.8</b>	<b>2,356</b>	<b>27.1</b>
<b>D.C. CIRCUIT</b>	<b>68</b>	<b>0.8</b>	<b>20</b>	<b>29.4</b>	<b>15</b>	<b>22.1</b>	<b>33</b>	<b>48.5</b>
District of Columbia	68	0.8	20	29.4	15	22.1	33	48.5
<b>FIRST CIRCUIT</b>	<b>181</b>	<b>2.1</b>	<b>57</b>	<b>31.5</b>	<b>58</b>	<b>32.0</b>	<b>66</b>	<b>36.5</b>
Maine	24	0.3	9	37.5	5	20.8	10	41.7
Massachusetts	63	0.7	24	38.1	16	25.4	23	36.5
New Hampshire	6	0.1	4	66.7	0	0.0	2	33.3
Puerto Rico	69	0.8	16	23.2	29	42.0	24	34.8
Rhode Island	19	0.2	4	21.1	8	42.1	7	36.8
<b>SECOND CIRCUIT</b>	<b>673</b>	<b>7.7</b>	<b>308</b>	<b>45.8</b>	<b>135</b>	<b>20.1</b>	<b>230</b>	<b>34.2</b>
Connecticut	63	0.7	38	60.3	14	22.2	11	17.5
New York								
Eastern	155	1.8	65	41.9	35	22.6	55	35.5
Northern	50	0.6	27	54.0	9	18.0	14	28.0
Southern	331	3.8	148	44.7	54	16.3	129	39.0
Western	58	0.7	23	39.7	20	34.5	15	25.9
Vermont	16	0.2	7	43.8	3	18.8	6	37.5
<b>THIRD CIRCUIT</b>	<b>558</b>	<b>6.4</b>	<b>274</b>	<b>49.1</b>	<b>103</b>	<b>18.5</b>	<b>181</b>	<b>32.4</b>
Delaware	21	0.2	13	61.9	2	9.5	6	28.6
New Jersey	117	1.3	60	51.3	27	23.1	30	25.6
Pennsylvania								
Eastern	186	2.1	82	44.1	39	21.0	65	34.9
Middle	106	1.2	71	67.0	21	19.8	14	13.2
Western	95	1.1	44	46.3	13	13.7	38	40.0
Virgin Islands	33	0.4	4	12.1	1	3.0	28	84.8
<b>FOURTH CIRCUIT</b>	<b>1,009</b>	<b>11.6</b>	<b>574</b>	<b>56.9</b>	<b>207</b>	<b>20.5</b>	<b>228</b>	<b>22.6</b>
Maryland	88	1.0	36	40.9	18	20.5	34	38.6
North Carolina								
Eastern	107	1.2	64	59.8	23	21.5	20	18.7
Middle	110	1.3	78	70.9	17	15.5	15	13.6
Western	121	1.4	73	60.3	23	19.0	25	20.7
South Carolina	207	2.4	118	57.0	57	27.5	32	15.5
Virginia								
Eastern	161	1.9	79	49.1	27	16.8	55	34.2
Western	88	1.0	48	54.5	19	21.6	21	23.9
West Virginia								
Northern	58	0.7	26	44.8	15	25.9	17	29.3
Southern	69	0.8	52	75.4	8	11.6	9	13.0

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentence Only</b>		<b>Sentence and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>1,583</b>	<b>18.2</b>	<b>1,075</b>	<b>67.9</b>	<b>182</b>	<b>11.5</b>	<b>326</b>	<b>20.6</b>
Louisiana								
Eastern	49	0.6	27	55.1	3	6.1	19	38.8
Middle	16	0.2	8	50.0	1	6.3	7	43.8
Western	68	0.8	41	60.3	10	14.7	17	25.0
Mississippi								
Northern	17	0.2	11	64.7	1	5.9	5	29.4
Southern	34	0.4	10	29.4	5	14.7	19	55.9
Texas								
Eastern	71	0.8	24	33.8	18	25.4	29	40.8
Northern	251	2.9	177	70.5	33	13.1	41	16.3
Southern	504	5.8	338	67.1	70	13.9	96	19.0
Western	573	6.6	439	76.6	41	7.2	93	16.2
<b>SIXTH CIRCUIT</b>	<b>629</b>	<b>7.2</b>	<b>285</b>	<b>45.3</b>	<b>166</b>	<b>26.4</b>	<b>178</b>	<b>28.3</b>
Kentucky								
Eastern	81	0.9	33	40.7	25	30.9	23	28.4
Western	35	0.4	14	40.0	9	25.7	12	34.3
Michigan								
Eastern	63	0.7	21	33.3	13	20.6	29	46.0
Western	76	0.9	47	61.8	12	15.8	17	22.4
Ohio								
Northern	94	1.1	34	36.2	33	35.1	27	28.7
Southern	66	0.8	27	40.9	17	25.8	22	33.3
Tennessee								
Eastern	94	1.1	58	61.7	22	23.4	14	14.9
Middle	42	0.5	20	47.6	14	33.3	8	19.0
Western	78	0.9	31	39.7	21	26.9	26	33.3
<b>SEVENTH CIRCUIT</b>	<b>536</b>	<b>6.2</b>	<b>251</b>	<b>46.8</b>	<b>119</b>	<b>22.2</b>	<b>166</b>	<b>31.0</b>
Illinois								
Central	54	0.6	24	44.4	12	22.2	18	33.3
Northern	202	2.3	91	45.1	44	21.8	67	33.2
Southern	48	0.6	23	47.9	13	27.1	12	25.0
Indiana								
Northern	60	0.7	16	26.7	16	26.7	28	46.7
Southern	39	0.4	14	35.9	9	23.1	16	41.0
Wisconsin								
Eastern	54	0.6	27	50.0	13	24.1	14	25.9
Western	79	0.9	56	70.9	12	15.2	11	13.9
<b>EIGHTH CIRCUIT</b>	<b>643</b>	<b>7.4</b>	<b>380</b>	<b>59.1</b>	<b>102</b>	<b>15.9</b>	<b>161</b>	<b>25.0</b>
Arkansas								
Eastern	47	0.5	35	74.5	7	14.9	5	10.6
Western	34	0.4	24	70.6	4	11.8	6	17.6
Iowa								
Northern	111	1.3	71	64.0	19	17.1	21	18.9
Southern	59	0.7	29	49.2	10	16.9	20	33.9
Minnesota	67	0.8	32	47.8	14	20.9	21	31.3
Missouri								
Eastern	79	0.9	53	67.1	11	13.9	15	19.0
Western	121	1.4	65	53.7	17	14.1	39	32.2
Nebraska	78	0.9	48	61.5	11	14.1	19	24.4
North Dakota	11	0.1	5	45.5	1	9.1	5	45.5
South Dakota	36	0.4	18	50.0	8	22.2	10	27.8

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentence Only</b>		<b>Sentence and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>1,179</b>	<b>13.6</b>	<b>667</b>	<b>56.6</b>	<b>202</b>	<b>17.1</b>	<b>310</b>	<b>26.3</b>
Alaska	14	0.2	7	50.0	1	7.1	6	42.9
Arizona	159	1.8	87	54.7	34	21.4	38	23.9
California								
Central	236	2.7	143	60.6	42	17.8	51	21.6
Eastern	50	0.6	26	52.0	5	10.0	19	38.0
Northern	43	0.5	24	55.8	6	14.0	13	30.2
Southern	197	2.3	112	56.9	39	19.8	46	23.4
Guam	12	0.1	3	25.0	2	16.7	7	58.3
Hawaii	35	0.4	20	57.1	4	11.4	11	31.4
Idaho	26	0.3	16	61.5	2	7.7	8	30.8
Montana	119	1.4	85	71.4	14	11.8	20	16.8
Nevada	108	1.2	50	46.3	21	19.4	37	34.3
Northern Mariana Islands	5	0.1	1	20.0	1	20.0	3	60.0
Oregon	39	0.4	17	43.6	5	12.8	17	43.6
Washington								
Eastern	77	0.9	39	50.6	13	16.9	25	32.5
Western	59	0.7	37	62.7	13	22.0	9	15.3
<b>TENTH CIRCUIT</b>	<b>595</b>	<b>6.8</b>	<b>300</b>	<b>50.4</b>	<b>109</b>	<b>18.3</b>	<b>186</b>	<b>31.3</b>
Colorado	77	0.9	35	45.5	22	28.6	20	26.0
Kansas	105	1.2	53	50.5	16	15.2	36	34.3
New Mexico	155	1.8	99	63.9	22	14.2	34	21.9
Oklahoma								
Eastern	28	0.3	14	50.0	4	14.3	10	35.7
Northern	59	0.7	29	49.2	12	20.3	18	30.5
Western	52	0.6	24	46.2	12	23.1	16	30.8
Utah	77	0.9	29	37.7	15	19.5	33	42.9
Wyoming	42	0.5	17	40.5	6	14.3	19	45.2
<b>ELEVENTH CIRCUIT</b>	<b>1,034</b>	<b>11.9</b>	<b>509</b>	<b>49.2</b>	<b>234</b>	<b>22.6</b>	<b>291</b>	<b>28.1</b>
Alabama								
Middle	23	0.3	9	39.1	3	13.0	11	47.8
Northern	47	0.5	20	42.6	8	17.0	19	40.4
Southern	43	0.5	15	34.9	17	39.5	11	25.6
Florida								
Middle	239	2.8	110	46.0	59	24.7	70	29.3
Northern	70	0.8	41	58.6	8	11.4	21	30.0
Southern	408	4.7	209	51.2	96	23.5	103	25.2
Georgia								
Middle	32	0.4	13	40.6	4	12.5	15	46.9
Northern	123	1.4	65	52.8	31	25.2	27	22.0
Southern	49	0.6	27	55.1	8	16.3	14	28.6

<sup>1</sup>Of the 8,688 appeals cases, none were excluded due to missing values. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2008 Appeals Datafile, APPFY08.