

Table 56

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2008**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
TOTAL	6,246	5,089	81.5	486	(474)	7.8	260	(249)	4.2	338	5.4	73	1.2
D.C. CIRCUIT	35	23	65.7	5	(5)	14.3	3	(3)	8.6	2	5.7	2	5.7
District of Columbia	35	23	65.7		5 (5)	14.3		3 (3)	8.6	2	5.7	2	5.7
FIRST CIRCUIT	110	85	77.3	10	(10)	9.1	11	(11)	10.0	2	1.8	2	1.8
Maine	14	12	85.7		1 (1)	7.1		1 (1)	7.1	0	0.0	0	0.0
Massachusetts	35	30	85.7		3 (3)	8.6		0 (0)	0.0	0	0.0	2	5.7
New Hampshire	4	3	75.0		1 (1)	25.0		0 (0)	0.0	0	0.0	0	0.0
Puerto Rico	45	31	68.9		5 (5)	11.1		8 (8)	17.8	1	2.2	0	0.0
Rhode Island	12	9	75.0		0 (0)	0.0		2 (2)	16.7	1	8.3	0	0.0
SECOND CIRCUIT	439	305	69.5	43	(42)	9.8	52	(51)	11.8	17	3.9	22	5.0
Connecticut	52	39	75.0		4 (4)	7.7		6 (6)	11.5	0	0.0	3	5.8
New York													
Eastern	99	67	67.7		13 (12)	13.1		16 (15)	16.2	3	3.0	0	0.0
Northern	34	22	64.7		4 (4)	11.8		1 (1)	2.9	1	2.9	6	17.6
Southern	201	147	73.1		15 (15)	7.5		18 (18)	9.0	11	5.5	10	5.0
Western	43	24	55.8		7 (7)	16.3		9 (9)	20.9	2	4.7	1	2.3
Vermont	10	6	60.0		0 (0)	0.0		2 (2)	20.0	0	0.0	2	20.0
THIRD CIRCUIT	371	326	87.9	26	(26)	7.0	6	(6)	1.6	7	1.9	6	1.6
Delaware	14	9	64.3		4 (4)	28.6		0 (0)	0.0	1	7.1	0	0.0
New Jersey	86	77	89.5		7 (7)	8.1		0 (0)	0.0	1	1.2	1	1.2
Pennsylvania													
Eastern	118	102	86.4		6 (6)	5.1		5 (5)	4.2	3	2.5	2	1.7
Middle	92	81	88.0		7 (7)	7.6		0 (0)	0.0	1	1.1	3	3.3
Western	57	53	93.0		2 (2)	3.5		1 (1)	1.8	1	1.8	0	0.0
Virgin Islands	4	4	100.0		0 (0)	0.0		0 (0)	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	776	659	84.9	44	(44)	5.7	31	(30)	4.0	40	5.2	2	0.3
Maryland	54	46	85.2		4 (4)	7.4		1 (1)	1.9	3	5.6	0	0.0
North Carolina													
Eastern	86	69	80.2		7 (7)	8.1		2 (2)	2.3	8	9.3	0	0.0
Middle	95	86	90.5		7 (7)	7.4		1 (1)	1.1	1	1.1	0	0.0
Western	94	81	86.2		5 (5)	5.3		1 (1)	1.1	6	6.4	1	1.1
South Carolina	175	150	85.7		4 (4)	2.3		18 (17)	10.3	3	1.7	0	0.0
Virginia													
Eastern	105	90	85.7		7 (7)	6.7		2 (2)	1.9	6	5.7	0	0.0
Western	67	56	83.6		2 (2)	3.0		5 (5)	7.5	4	6.0	0	0.0
West Virginia													
Northern	41	31	75.6		3 (3)	7.3		0 (0)	0.0	7	17.1	0	0.0
Southern	59	50	84.7		5 (5)	8.5		1 (1)	1.7	2	3.4	1	1.7

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
FIFTH CIRCUIT	1,249	1,109	88.8	64	(62)	5.1	30	(28)	2.4	39	3.1	7	0.6
Louisiana													
Eastern	29	23	79.3	4 (4)	13.8		0 (0)	0.0	2	6.9	0	0.0	
Middle	9	5	55.6	4 (4)	44.4		0 (0)	0.0	0	0.0	0	0.0	
Western	49	41	83.7	5 (5)	10.2		2 (2)	4.1	0	0.0	1	2.0	
Mississippi													
Northern	12	11	91.7	0 (0)	0.0		0 (0)	0.0	1	8.3	0	0.0	
Southern	15	13	86.7	0 (0)	0.0		1 (1)	6.7	1	6.7	0	0.0	
Texas													
Eastern	41	30	73.2	3 (3)	7.3		4 (4)	9.8	4	9.8	0	0.0	
Northern	209	190	90.9	8 (8)	3.8		4 (4)	1.9	6	2.9	1	0.5	
Southern	406	354	87.2	29 (27)	7.1		13 (12)	3.2	8	2.0	2	0.5	
Western	479	442	92.3	11 (11)	2.3		6 (5)	1.3	17	3.5	3	0.6	
SIXTH CIRCUIT	446	363	81.4	43	(43)	9.6	25	(25)	5.6	10	2.2	5	1.1
Kentucky													
Eastern	58	52	89.7	3 (3)	5.2		3 (3)	5.2	0	0.0	0	0.0	
Western	23	23	100.0	0 (0)	0.0		0 (0)	0.0	0	0.0	0	0.0	
Michigan													
Eastern	34	26	76.5	3 (3)	8.8		2 (2)	5.9	2	5.9	1	2.9	
Western	57	44	77.2	12 (12)	21.1		1 (1)	1.8	0	0.0	0	0.0	
Ohio													
Northern	66	47	71.2	5 (5)	7.6		11 (11)	16.7	2	3.0	1	1.5	
Southern	43	35	81.4	5 (5)	11.6		0 (0)	0.0	1	2.3	2	4.7	
Tennessee													
Eastern	80	72	90.0	5 (5)	6.3		2 (2)	2.5	1	1.3	0	0.0	
Middle	33	20	60.6	5 (5)	15.2		4 (4)	12.1	3	9.1	1	3.0	
Western	52	44	84.6	5 (5)	9.6		2 (2)	3.8	1	1.9	0	0.0	
SEVENTH CIRCUIT	366	232	63.4	57	(52)	15.6	19	(19)	5.2	54	14.8	4	1.1
Illinois													
Central	36	22	61.1	2 (2)	5.6		2 (2)	5.6	10	27.8	0	0.0	
Northern	132	93	70.5	20 (20)	15.2		4 (4)	3.0	14	10.6	1	0.8	
Southern	36	23	63.9	5 (5)	13.9		2 (2)	5.6	5	13.9	1	2.8	
Indiana													
Northern	32	15	46.9	10 (6)	31.3		3 (3)	9.4	4	12.5	0	0.0	
Southern	22	14	63.6	3 (3)	13.6		2 (2)	9.1	3	13.6	0	0.0	
Wisconsin													
Eastern	40	22	55.0	4 (4)	10.0		3 (3)	7.5	11	27.5	0	0.0	
Western	68	43	63.2	13 (12)	19.1		3 (3)	4.4	7	10.3	2	2.9	
EIGHTH CIRCUIT	461	387	83.9	39	(37)	8.5	8	(7)	1.7	22	4.8	5	1.1
Arkansas													
Eastern	42	36	85.7	6 (5)	14.3		0 (0)	0.0	0	0.0	0	0.0	
Western	26	23	88.5	1 (1)	3.8		0 (0)	0.0	2	7.7	0	0.0	
Iowa													
Northern	85	73	85.9	7 (6)	8.2		4 (4)	4.7	0	0.0	1	1.2	
Southern	38	34	89.5	3 (3)	7.9		0 (0)	0.0	1	2.6	0	0.0	
Minnesota	45	37	82.2	4 (4)	8.9		1 (0)	2.2	3	6.7	0	0.0	
Missouri													
Eastern	56	49	87.5	4 (4)	7.1		0 (0)	0.0	2	3.6	1	1.8	
Western	80	67	83.8	6 (6)	7.5		1 (1)	1.3	6	7.5	0	0.0	
Nebraska	57	44	77.2	4 (4)	7.0		1 (1)	1.8	5	8.8	3	5.3	
North Dakota	6	5	83.3	1 (1)	16.7		0 (0)	0.0	0	0.0	0	0.0	
South Dakota	26	19	73.1	3 (3)	11.5		1 (1)	3.8	3	11.5	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	860	700	81.4	83	(82)	9.7	32	(31)	3.7	40	4.7	5	0.6
Alaska	8	7	87.5	0	(0)	0.0	1	(1)	12.5	0	0.0	0	0.0
Arizona	121	104	86.0	5	(5)	4.1	0	(0)	0.0	12	9.9	0	0.0
California													
Central	184	139	75.5	22	(21)	12.0	16	(16)	8.7	7	3.8	0	0.0
Eastern	31	25	80.6	4	(4)	12.9	0	(0)	0.0	2	6.5	0	0.0
Northern	29	26	89.7	2	(2)	6.9	1	(1)	3.4	0	0.0	0	0.0
Southern	149	123	82.6	18	(18)	12.1	1	(1)	0.7	3	2.0	4	2.7
Guam	5	5	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Hawaii	24	18	75.0	3	(3)	12.5	1	(1)	4.2	2	8.3	0	0.0
Idaho	18	16	88.9	1	(1)	5.6	0	(0)	0.0	1	5.6	0	0.0
Montana	98	84	85.7	9	(9)	9.2	4	(4)	4.1	1	1.0	0	0.0
Nevada	70	55	78.6	7	(7)	10.0	2	(1)	2.9	6	8.6	0	0.0
Northern Mariana Islands	2	2	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Oregon	21	18	85.7	1	(1)	4.8	0	(0)	0.0	1	4.8	1	4.8
Washington													
Eastern	50	42	84.0	5	(5)	10.0	2	(2)	4.0	1	2.0	0	0.0
Western	50	36	72.0	6	(6)	12.0	4	(4)	8.0	4	8.0	0	0.0
TENTH CIRCUIT	404	256	63.4	27	(27)	6.7	11	(9)	2.7	102	25.2	8	2.0
Colorado	57	38	66.7	5	(5)	8.8	3	(3)	5.3	10	17.5	1	1.8
Kansas	68	38	55.9	2	(2)	2.9	2	(2)	2.9	23	33.8	3	4.4
New Mexico	120	81	67.5	12	(12)	10.0	1	(1)	0.8	24	20.0	2	1.7
Oklahoma													
Eastern	18	11	61.1	2	(2)	11.1	1	(1)	5.6	4	22.2	0	0.0
Northern	41	25	61.0	2	(2)	4.9	2	(0)	4.9	11	26.8	1	2.4
Western	34	23	67.6	3	(3)	8.8	0	(0)	0.0	8	23.5	0	0.0
Utah	44	28	63.6	0	(0)	0.0	1	(1)	2.3	14	31.8	1	2.3
Wyoming	22	12	54.5	1	(1)	4.5	1	(1)	4.5	8	36.4	0	0.0
ELEVENTH CIRCUIT	729	644	88.3	45	(44)	6.2	32	(29)	4.4	3	0.4	5	0.7
Alabama													
Middle	12	10	83.3	0	(0)	0.0	1	(1)	8.3	0	0.0	1	8.3
Northern	26	21	80.8	3	(3)	11.5	2	(2)	7.7	0	0.0	0	0.0
Southern	31	23	74.2	3	(3)	9.7	4	(4)	12.9	0	0.0	1	3.2
Florida													
Middle	166	152	91.6	5	(5)	3.0	7	(6)	4.2	1	0.6	1	0.6
Northern	46	43	93.5	2	(1)	4.3	1	(1)	2.2	0	0.0	0	0.0
Southern	302	271	89.7	20	(20)	6.6	8	(7)	2.6	2	0.7	1	0.3
Georgia													
Middle	17	10	58.8	3	(3)	17.6	4	(3)	23.5	0	0.0	0	0.0
Northern	94	83	88.3	6	(6)	6.4	5	(5)	5.3	0	0.0	0	0.0
Southern	35	31	88.6	3	(3)	8.6	0	(0)	0.0	0	0.0	1	2.9

¹Of the 8,688 appeals cases, 2,356 were excluded because the type of appeal was “conviction only.” Of the 6,332 remaining cases, 86 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.

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