

Table 56A

**DISPOSITION OF GOVERNMENT 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	150	45	30.0	78	(76)	52.0	23	(22)	15.3	1	0.7	3	2.0
D.C. CIRCUIT	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
District of Columbia	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
FIRST CIRCUIT	6	2	33.3	3	(1)	50.0	0	(0)	0.0	0	0.0	1	16.7
Maine	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Massachusetts	6	2	33.3	3	(1)	50.0	0	(0)	0.0	0	0.0	1	16.7
New Hampshire	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Puerto Rico	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Rhode Island	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
SECOND CIRCUIT	8	2	25.0	5	(5)	62.5	1	(1)	12.5	0	0.0	0	0.0
Connecticut	0	0	0.0	0	(0)	0.0	1	(1)	12.5	0	0.0	0	0.0
New York													
Eastern	2	1	50.0	0	(0)	0.0	1	(1)	50.0	0	0.0	0	0.0
Northern	3	0	0.0	3	(3)	100.0	0	(0)	0.0	0	0.0	0	0.0
Southern	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
Western	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Vermont	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
THIRD CIRCUIT	7	0	0.0	6	(6)	85.7	0	(0)	0.0	1	14.3	0	0.0
Delaware	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
New Jersey	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	3	0	0.0	2	(2)	66.7	0	(0)	0.0	1	33.3	0	0.0
Middle	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Virgin Islands	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	8	2	25.0	4	(4)	50.0	2	(2)	25.0	0	0.0	0	0.0
Maryland	0	0	0.0	0	(0)	0.0	2	(2)	25.0	0	0.0	0	0.0
North Carolina													
Eastern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Western	3	0	0.0	2	(2)	66.7	1	(1)	33.3	0	0.0	0	0.0
South Carolina	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Virginia													
Eastern	3	1	33.3	1	(1)	33.3	1	(1)	33.3	0	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
West Virginia													
Northern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Southern	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0

Table 56A (cont.)

CIRCUIT District	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED				
	n	%	n	%	n	%	n	%	n	%			
FIFTH CIRCUIT	12	5	41.7	4	(4)	33.3	2	(2)	16.7	0	0.0	1	8.3
Louisiana													
Eastern	2	0	0.0	1 (1)	50.0		0 (0)	0.0		0	0.0	1	50.0
Middle	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Western	4	2	50.0	0 (0)	0.0		2 (2)	50.0		0	0.0	0	0.0
Mississippi													
Northern	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Southern	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Texas													
Eastern	1	1	100.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Northern	1	0	0.0	1 (1)	100.0		0 (0)	0.0		0	0.0	0	0.0
Southern	2	1	50.0	1 (1)	50.0		0 (0)	0.0		0	0.0	0	0.0
Western	2	1	50.0	1 (1)	50.0		0 (0)	0.0		0	0.0	0	0.0
SIXTH CIRCUIT	15	4	26.7	4	(4)	26.7	7	(7)	46.7	0	0.0	0	0.0
Kentucky													
Eastern	4	1	25.0	0 (0)	0.0		3 (3)	75.0		0	0.0	0	0.0
Western	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Michigan													
Eastern	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Western	2	1	50.0	1 (1)	50.0		0 (0)	0.0		0	0.0	0	0.0
Ohio													
Northern	5	0	0.0	1 (1)	20.0		4 (4)	80.0		0	0.0	0	0.0
Southern	3	2	66.7	1 (1)	33.3		0 (0)	0.0		0	0.0	0	0.0
Tennessee													
Eastern	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Middle	1	0	0.0	1 (1)	100.0		0 (0)	0.0		0	0.0	0	0.0
Western	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
SEVENTH CIRCUIT	11	2	18.2	7	(7)	63.6	2	(2)	18.2	0	0.0	0	0.0
Illinois													
Central	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Northern	7	2	28.6	5 (5)	71.4		0 (0)	0.0		0	0.0	0	0.0
Southern	1	0	0.0	1 (1)	100.0		0 (0)	0.0		0	0.0	0	0.0
Indiana													
Northern	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Southern	1	0	0.0	1 (1)	100.0		0 (0)	0.0		0	0.0	0	0.0
Wisconsin													
Eastern	2	0	0.0	0 (0)	0.0		2 (2)	100.0		0	0.0	0	0.0
Western	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
EIGHTH CIRCUIT	32	11	34.4	19	(19)	59.4	2	(2)	6.3	0	0.0	0	0.0
Arkansas													
Eastern	1	1	100.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Western	2	0	0.0	2 (2)	100.0		0 (0)	0.0		0	0.0	0	0.0
Iowa													
Northern	11	2	18.2	7 (7)	63.6		2 (2)	18.2		0	0.0	0	0.0
Southern	4	4	100.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
Minnesota	2	1	50.0	1 (1)	50.0		0 (0)	0.0		0	0.0	0	0.0
Missouri													
Eastern	8	1	12.5	7 (7)	87.5		0 (0)	0.0		0	0.0	0	0.0
Western	2	1	50.0	1 (1)	50.0		0 (0)	0.0		0	0.0	0	0.0
Nebraska	2	1	50.0	1 (1)	50.0		0 (0)	0.0		0	0.0	0	0.0
North Dakota	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0
South Dakota	0	0	0.0	0 (0)	0.0		0 (0)	0.0		0	0.0	0	0.0

Table 56A (cont.)

CIRCUIT District	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED				
	n	%	n	%	n	%	n	%	n	%			
NINTH CIRCUIT	16	6	37.5	7	(7)	43.8	3	(3)	18.8	0	0.0	0	0.0
Alaska	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Arizona	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
California													
Central	3	1	33.3	2 (2)	66.7	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Eastern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Northern	2	0	0.0	1 (1)	50.0	1 (1)	50.0	0	0.0	0	0.0	0	0.0
Southern	5	1	20.0	3 (3)	60.0	1 (1)	20.0	0	0.0	0	0.0	0	0.0
Guam	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Hawaii	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Idaho	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Montana	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Nevada	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Oregon	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	2	2	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Western	1	0	0.0	0 (0)	0.0	1 (1)	100.0	0	0.0	0	0.0	0	0.0
TENTH CIRCUIT	12	4	33.3	5	(5)	41.7	3	(3)	25.0	0	0.0	0	0.0
Colorado	4	0	0.0	2 (2)	50.0	2 (2)	50.0	0	0.0	0	0.0	0	0.0
Kansas	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
New Mexico	2	1	50.0	1 (1)	50.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Oklahoma													
Eastern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Western	2	1	50.0	1 (1)	50.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Utah	2	1	50.0	0 (0)	0.0	1 (1)	50.0	0	0.0	0	0.0	0	0.0
Wyoming	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	23	7	30.4	14	(14)	60.9	1	(1)	4.3	0	0.0	1	4.3
Alabama													
Middle	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Northern	2	0	0.0	2 (2)	100.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Southern	3	1	33.3	1 (1)	33.3	0 (0)	0.0	0	0.0	1	33.3	0	0.0
Florida													
Middle	3	1	33.3	2 (2)	66.7	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Northern	3	0	0.0	3 (3)	100.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Southern	8	2	25.0	5 (5)	62.5	1 (1)	12.5	0	0.0	0	0.0	0	0.0
Georgia													
Middle	1	0	0.0	1 (1)	100.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Northern	2	2	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0	0	0.0

¹Of the 8,688 appeals cases, 2,356 were excluded because the type of appeal was "conviction only." Of the 6,332 remaining cases, 6,182 were excluded as the appeal was by the defendant 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.