

Table 56

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2009**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		N	%	N	%	N	%	N	%	N	%		
TOTAL	6,470	5,385	83.2	400	(382)	6.2	181	(158)	2.8	377	5.8	127	2.0
D.C. CIRCUIT	31	15	48.4	9	(8)	29.0	2	(2)	6.5	1	3.2	4	12.9
District of Columbia	31	15	48.4		9 (8)	29.0		2 (2)	6.5	1	3.2	4	12.9
FIRST CIRCUIT	109	83	76.1	14	(14)	12.8	3	(3)	2.8	6	5.5	3	2.8
Maine	20	17	85.0		2 (2)	10.0		1 (1)	5.0	0	0.0	0	0.0
Massachusetts	35	30	85.7		3 (3)	8.6		1 (1)	2.9	0	0.0	1	2.9
New Hampshire	10	10	100.0		0 (0)	0.0		0 (0)	0.0	0	0.0	0	0.0
Puerto Rico	36	20	55.6		9 (9)	25.0		1 (1)	2.8	5	13.9	1	2.8
Rhode Island	8	6	75.0		0 (0)	0.0		0 (0)	0.0	1	12.5	1	12.5
SECOND CIRCUIT	348	265	76.1	31	(30)	8.9	16	(12)	4.6	12	3.4	24	6.9
Connecticut	30	21	70.0		3 (3)	10.0		0 (0)	0.0	3	10.0	3	10.0
New York													
Eastern	102	82	80.4		9 (8)	8.8		5 (4)	4.9	1	1.0	5	4.9
Northern	33	26	78.8		1 (1)	3.0		1 (1)	3.0	0	0.0	5	15.2
Southern	150	110	73.3		16 (16)	10.7		8 (5)	5.3	6	4.0	10	6.7
Western	24	18	75.0		2 (2)	8.3		2 (2)	8.3	2	8.3	0	0.0
Vermont	9	8	88.9		0 (0)	0.0		0 (0)	0.0	0	0.0	1	11.1
THIRD CIRCUIT	430	376	87.4	31	(26)	7.2	6	(5)	1.4	6	1.4	11	2.6
Delaware	32	26	81.3		4 (4)	12.5		0 (0)	0.0	0	0.0	2	6.3
New Jersey	101	88	87.1		5 (4)	5.0		2 (1)	2.0	4	4.0	2	2.0
Pennsylvania													
Eastern	122	105	86.1		11 (7)	9.0		2 (2)	1.6	0	0.0	4	3.3
Middle	108	102	94.4		3 (3)	2.8		0 (0)	0.0	1	0.9	2	1.9
Western	59	50	84.7		5 (5)	8.5		2 (2)	3.4	1	1.7	1	1.7
Virgin Islands	8	5	62.5		3 (3)	37.5		0 (0)	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	1,141	1,040	91.1	34	(29)	3.0	20	(20)	1.8	37	3.2	10	0.9
Maryland	71	63	88.7		4 (2)	5.6		2 (2)	2.8	2	2.8	0	0.0
North Carolina													
Eastern	120	102	85.0		7 (7)	5.8		5 (5)	4.2	6	5.0	0	0.0
Middle	73	71	97.3		0 (0)	0.0		1 (1)	1.4	1	1.4	0	0.0
Western	177	161	91.0		6 (5)	3.4		2 (2)	1.1	5	2.8	3	1.7
South Carolina	221	211	95.5		3 (3)	1.4		2 (2)	0.9	4	1.8	1	0.5
Virginia													
Eastern	254	233	91.7		4 (4)	1.6		4 (4)	1.6	11	4.3	2	0.8
Western	98	86	87.8		6 (6)	6.1		2 (2)	2.0	3	3.1	1	1.0
West Virginia													
Northern	60	51	85.0		2 (1)	3.3		1 (1)	1.7	4	6.7	2	3.3
Southern	67	62	92.5		2 (1)	3.0		1 (1)	1.5	1	1.5	1	1.5

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		N	%	N	%	N	%	N	%	N	%		
FIFTH CIRCUIT	878	744	84.7	37	(36)	4.2	18	(10)	2.1	71	8.1	8	0.9
Louisiana													
Eastern	32	24	75.0	1 (1)	3.1	0 (0)	0.0	7	21.9	0	0.0		
Middle	6	4	66.7	0 (0)	0.0	0 (0)	0.0	2	33.3	0	0.0		
Western	44	35	79.5	3 (3)	6.8	1 (0)	2.3	5	11.4	0	0.0		
Mississippi													
Northern	5	4	80.0	0 (0)	0.0	0 (0)	0.0	1	20.0	0	0.0		
Southern	29	21	72.4	2 (2)	6.9	1 (1)	3.4	4	13.8	1	3.4		
Texas													
Eastern	49	36	73.5	3 (3)	6.1	2 (2)	4.1	8	16.3	0	0.0		
Northern	182	154	84.6	6 (5)	3.3	2 (0)	1.1	19	10.4	1	0.5		
Southern	261	223	85.4	15 (15)	5.7	6 (6)	2.3	11	4.2	6	2.3		
Western	270	243	90.0	7 (7)	2.6	6 (1)	2.2	14	5.2	0	0.0		
SIXTH CIRCUIT	446	349	78.3	40	(40)	9.0	23	(22)	5.2	26	5.8	8	1.8
Kentucky													
Eastern	45	37	82.2	4 (4)	8.9	1 (1)	2.2	1	2.2	2	4.4		
Western	15	13	86.7	0 (0)	0.0	1 (1)	6.7	0	0.0	1	6.7		
Michigan													
Eastern	64	49	76.6	7 (7)	10.9	2 (2)	3.1	5	7.8	1	1.6		
Western	61	42	68.9	10 (10)	16.4	4 (4)	6.6	4	6.6	1	1.6		
Ohio													
Northern	75	56	74.7	7 (7)	9.3	3 (3)	4.0	9	12.0	0	0.0		
Southern	56	46	82.1	4 (4)	7.1	4 (4)	7.1	2	3.6	0	0.0		
Tennessee													
Eastern	60	49	81.7	3 (3)	5.0	3 (3)	5.0	4	6.7	1	1.7		
Middle	25	23	92.0	2 (2)	8.0	0 (0)	0.0	0	0.0	0	0.0		
Western	45	34	75.6	3 (3)	6.7	5 (4)	11.1	1	2.2	2	4.4		
SEVENTH CIRCUIT	426	271	63.6	38	(37)	8.9	13	(13)	3.1	84	19.7	20	4.7
Illinois													
Central	42	36	85.7	0 (0)	0.0	0 (0)	0.0	4	9.5	2	4.8		
Northern	159	96	60.4	17 (17)	10.7	6 (6)	3.8	33	20.8	7	4.4		
Southern	39	26	66.7	2 (2)	5.1	1 (1)	2.6	6	15.4	4	10.3		
Indiana													
Northern	51	36	70.6	3 (3)	5.9	3 (3)	5.9	6	11.8	3	5.9		
Southern	30	20	66.7	1 (1)	3.3	1 (1)	3.3	7	23.3	1	3.3		
Wisconsin													
Eastern	46	27	58.7	3 (3)	6.5	1 (1)	2.2	14	30.4	1	2.2		
Western	59	30	50.8	12 (11)	20.3	1 (1)	1.7	14	23.7	2	3.4		
EIGHTH CIRCUIT	503	414	82.3	47	(44)	9.3	13	(11)	2.6	20	4.0	9	1.8
Arkansas													
Eastern	40	37	92.5	2 (2)	5.0	0 (0)	0.0	0	0.0	1	2.5		
Western	16	14	87.5	0 (0)	0.0	1 (0)	6.3	1	6.3	0	0.0		
Iowa													
Northern	68	60	88.2	3 (3)	4.4	1 (0)	1.5	2	2.9	2	2.9		
Southern	41	35	85.4	5 (5)	12.2	0 (0)	0.0	1	2.4	0	0.0		
Minnesota	85	74	87.1	8 (8)	9.4	0 (0)	0.0	1	1.2	2	2.4		
Missouri													
Eastern	74	54	73.0	10 (9)	13.5	4 (4)	5.4	4	5.4	2	2.7		
Western	97	71	73.2	14 (13)	14.4	5 (5)	5.2	5	5.2	2	2.1		
Nebraska	49	42	85.7	3 (2)	6.1	0 (0)	0.0	4	8.2	0	0.0		
North Dakota	13	11	84.6	1 (1)	7.7	0 (0)	0.0	1	7.7	0	0.0		
South Dakota	20	16	80.0	1 (1)	5.0	2 (2)	10.0	1	5.0	0	0.0		

Table 56 (cont.)

CIRCUIT District	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED				
	TOTAL	N	%	N	%	N	%	N	%	N	%		
NINTH CIRCUIT	723	620	85.8	45	(44)	6.2	34	(29)	4.7	17	2.4	7	1.0
Alaska	12	11	91.7	1 (1)	8.3	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0
Arizona	115	101	87.8	4 (3)	3.5	2 (2)	1.7	7	6.1	1	0.9		
California													
Central	160	127	79.4	15 (15)	9.4	12 (12)	7.5	3	1.9	3	1.9		
Eastern	27	27	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0		
Northern	23	17	73.9	2 (2)	8.7	3 (3)	13.0	1	4.3	0	0.0		
Southern	116	101	87.1	4 (4)	3.4	8 (5)	6.9	1	0.9	2	1.7		
Guam	2	2	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0		
Hawaii	17	13	76.5	1 (1)	5.9	2 (1)	11.8	0	0.0	1	5.9		
Idaho	11	9	81.8	1 (1)	9.1	0 (0)	0.0	1	9.1	0	0.0		
Montana	88	72	81.8	9 (9)	10.2	6 (5)	6.8	1	1.1	0	0.0		
Nevada	37	32	86.5	2 (2)	5.4	0 (0)	0.0	3	8.1	0	0.0		
Northern Mariana Islands	3	3	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0		
Oregon	28	27	96.4	1 (1)	3.6	0 (0)	0.0	0	0.0	0	0.0		
Washington													
Eastern	42	39	92.9	2 (2)	4.8	1 (1)	2.4	0	0.0	0	0.0		
Western	42	39	92.9	3 (3)	7.1	0 (0)	0.0	0	0.0	0	0.0		
TENTH CIRCUIT	413	278	67.3	24	(24)	5.8	5	(5)	1.2	91	22.0	15	3.6
Colorado	39	29	74.4	3 (3)	7.7	2 (2)	5.1	4	10.3	1	2.6		
Kansas	101	69	68.3	7 (7)	6.9	1 (1)	1.0	21	20.8	3	3.0		
New Mexico	86	56	65.1	5 (5)	5.8	0 (0)	0.0	20	23.3	5	5.8		
Oklahoma													
Eastern	20	13	65.0	1 (1)	5.0	0 (0)	0.0	5	25.0	1	5.0		
Northern	48	35	72.9	2 (2)	4.2	1 (1)	2.1	9	18.8	1	2.1		
Western	51	38	74.5	0 (0)	0.0	1 (1)	2.0	10	19.6	2	3.9		
Utah	43	22	51.2	5 (5)	11.6	0 (0)	0.0	15	34.9	1	2.3		
Wyoming	25	16	64.0	1 (1)	4.0	0 (0)	0.0	7	28.0	1	4.0		
ELEVENTH CIRCUIT	1,022	930	91.0	50	(50)	4.9	28	(26)	2.7	6	0.6	8	0.8
Alabama													
Middle	26	23	88.5	1 (1)	3.8	2 (2)	7.7	0	0.0	0	0.0		
Northern	55	48	87.3	3 (3)	5.5	4 (4)	7.3	0	0.0	0	0.0		
Southern	36	32	88.9	3 (3)	8.3	0 (0)	0.0	1	2.8	0	0.0		
Florida													
Middle	275	257	93.5	11 (11)	4.0	7 (5)	2.5	0	0.0	0	0.0		
Northern	99	90	90.9	3 (3)	3.0	4 (4)	4.0	0	0.0	2	2.0		
Southern	318	289	90.9	18 (18)	5.7	5 (5)	1.6	2	0.6	4	1.3		
Georgia													
Middle	42	42	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0	0	0.0		
Northern	98	84	85.7	5 (5)	5.1	5 (5)	5.1	2	2.0	2	2.0		
Southern	73	65	89.0	6 (6)	8.2	1 (1)	1.4	1	1.4	0	0.0		

¹Of the 8,774 appeals cases, 2,267 were excluded because the type of appeal was “conviction only.” Of the 6,507 remaining cases, 37 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, 2009 Appeals Datafile, APPFY09.