

**Table 60**

**OFFENSE AND OFFENDER CHARACTERISTICS IN APPEALS CASES<sup>1</sup>**  
**Fiscal Year 2009**

OFFENSE AND DEFENDANT CHARACTERISTICS	APPELLATE COURT CASES <sup>2</sup>		DISTRICT COURT CASES <sup>3</sup>	
	N	%	N	%
<b>Race of Defendant</b>	<b>6,254</b>	<b>100.0</b>	<b>73,684</b>	<b>100.0</b>
White	1,539	24.6	21,018	28.5
Black	3,004	48.0	16,294	22.1
Hispanic	1,521	24.3	33,479	45.4
Other	190	3.0	2,893	3.9
<b>Gender of Defendant</b>	<b>6,277</b>	<b>100.0</b>	<b>79,320</b>	<b>100.0</b>
Male	5,924	94.4	69,071	87.1
Female	353	5.6	10,249	12.9
<b>Education of Defendant</b>	<b>6,174</b>	<b>100.0</b>	<b>70,830</b>	<b>100.0</b>
Less than High School	2,789	45.2	36,014	50.8
High School Graduate	2,073	33.6	20,406	28.8
Some College	972	15.7	10,583	14.9
College Graduate	340	5.5	3,827	5.4
<b>Citizenship of Defendant</b>	<b>6,235</b>	<b>100.0</b>	<b>78,550</b>	<b>100.0</b>
U.S. Citizen	4,831	77.5	43,416	55.3
Non U.S. Citizen	1,404	22.5	35,134	44.7
<b>Criminal History Category</b>	<b>6,251</b>	<b>100.0</b>	<b>78,341</b>	<b>100.0</b>
Category I	1,771	28.3	36,540	46.6
Category II	627	10.0	9,283	11.8
Category III	926	14.8	12,151	15.5
Category IV	717	11.5	7,764	9.9
Category V	563	9.0	4,624	5.9
Category VI	1,647	26.3	7,979	10.2
<b>Mandatory Minimum</b>	<b>6,293</b>	<b>100.0</b>	<b>81,372</b>	<b>100.0</b>
No Mandatory Minimum	3,125	49.7	63,208	77.7
Gun Mandatory Minimum	451	7.2	1,497	1.8
Drug Mandatory Minimum	2,347	37.3	15,665	19.3
Gun and Drug Mandatory Minimum	370	5.9	1,002	1.2

<sup>1</sup>Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup>Based on 6,507 appeals cases with sentencing as at least one of the reasons for appeal. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989-2009 (MONFY89, MONFY90, OPAFY91-OPAFY09).

<sup>3</sup>All guidelines cases sentenced in FY2009. Totals may vary slightly due to the different numbers of missing cases by specific variables.