

Table 55

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2010

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
TOTAL	8,731	100.0	3,948	45.2	1,321	15.1	1,879	21.5	1,583	18.1
D.C. CIRCUIT	73	0.8	24	32.9	15	20.5	33	45.2	1	1.4
District of Columbia	73	0.8	24	32.9	15	20.5	33	45.2	1	1.4
FIRST CIRCUIT	133	1.5	35	26.3	52	39.1	46	34.6	0	0.0
Maine	18	0.2	7	38.9	4	22.2	7	38.9	0	0.0
Massachusetts	36	0.4	10	27.8	15	41.7	11	30.6	0	0.0
New Hampshire	10	0.1	2	20.0	6	60.0	2	20.0	0	0.0
Puerto Rico	62	0.7	16	25.8	24	38.7	22	35.5	0	0.0
Rhode Island	7	0.1	0	0.0	3	42.9	4	57.1	0	0.0
SECOND CIRCUIT	475	5.4	227	47.8	109	22.9	136	28.6	3	0.6
Connecticut	44	0.5	21	47.7	12	27.3	11	25.0	0	0.0
New York										
Eastern	129	1.5	60	46.5	31	24.0	38	29.5	0	0.0
Northern	43	0.5	24	55.8	6	14.0	13	30.2	0	0.0
Southern	216	2.5	94	43.5	54	25.0	66	30.6	2	0.9
Western	32	0.4	21	65.6	6	18.8	4	12.5	1	3.1
Vermont	11	0.1	7	63.6	0	0.0	4	36.4	0	0.0
THIRD CIRCUIT	542	6.2	246	45.4	113	20.8	131	24.2	52	9.6
Delaware	31	0.4	14	45.2	4	12.9	9	29.0	4	12.9
New Jersey	130	1.5	58	44.6	38	29.2	24	18.5	10	7.7
Pennsylvania										
Eastern	163	1.9	59	36.2	46	28.2	43	26.4	15	9.2
Middle	117	1.3	77	65.8	8	6.8	14	12.0	18	15.4
Western	75	0.9	35	46.7	12	16.0	25	33.3	3	4.0
Virgin Islands	26	0.3	3	11.5	5	19.2	16	61.5	2	7.7
FOURTH CIRCUIT	1,268	14.5	645	50.9	139	11.0	213	16.8	271	21.4
Maryland	112	1.3	36	32.1	22	19.6	43	38.4	11	9.8
North Carolina										
Eastern	212	2.4	156	73.6	16	7.5	20	9.4	20	9.4
Middle	132	1.5	48	36.4	6	4.5	11	8.3	67	50.8
Western	207	2.4	112	54.1	21	10.1	32	15.5	42	20.3
South Carolina	226	2.6	89	39.4	25	11.1	23	10.2	89	39.4
Virginia										
Eastern	216	2.5	116	53.7	30	13.9	55	25.5	15	6.9
Western	66	0.8	35	53.0	10	15.2	14	21.2	7	10.6
West Virginia										
Northern	58	0.7	24	41.4	7	12.1	10	17.2	17	29.3
Southern	39	0.4	29	74.4	2	5.1	5	12.8	3	7.7

Table 55 (cont.)

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,634	18.7	738	45.2	131	8.0	262	16.0	503	30.8
Louisiana										
Eastern	78	0.9	46	59.0	7	9.0	10	12.8	15	19.2
Middle	36	0.4	18	50.0	2	5.6	6	16.7	10	27.8
Western	135	1.5	67	49.6	10	7.4	20	14.8	38	28.1
Mississippi										
Northern	19	0.2	13	68.4	0	0.0	5	26.3	1	5.3
Southern	34	0.4	14	41.2	10	29.4	9	26.5	1	2.9
Texas										
Eastern	111	1.3	38	34.2	17	15.3	15	13.5	41	36.9
Northern	279	3.2	119	42.7	23	8.2	41	14.7	96	34.4
Southern	533	6.1	196	36.8	32	6.0	77	14.4	228	42.8
Western	409	4.7	227	55.5	30	7.3	79	19.3	73	17.8
SIXTH CIRCUIT	589	6.7	282	47.9	111	18.8	134	22.8	62	10.5
Kentucky										
Eastern	52	0.6	23	44.2	13	25.0	15	28.8	1	1.9
Western	35	0.4	16	45.7	8	22.9	9	25.7	2	5.7
Michigan										
Eastern	75	0.9	34	45.3	19	25.3	17	22.7	5	6.7
Western	69	0.8	35	50.7	12	17.4	3	4.3	19	27.5
Ohio										
Northern	99	1.1	55	55.6	18	18.2	18	18.2	8	8.1
Southern	72	0.8	23	31.9	19	26.4	20	27.8	10	13.9
Tennessee										
Eastern	78	0.9	37	47.4	12	15.4	22	28.2	7	9.0
Middle	39	0.4	22	56.4	7	17.9	7	17.9	3	7.7
Western	70	0.8	37	52.9	3	4.3	23	32.9	7	10.0
SEVENTH CIRCUIT	546	6.3	237	43.4	67	12.3	103	18.9	139	25.5
Illinois										
Central	58	0.7	13	22.4	7	12.1	18	31.0	20	34.5
Northern	201	2.3	96	47.8	25	12.4	33	16.4	47	23.4
Southern	46	0.5	24	52.2	2	4.3	5	10.9	15	32.6
Indiana										
Northern	61	0.7	28	45.9	10	16.4	16	26.2	7	11.5
Southern	38	0.4	10	26.3	5	13.2	15	39.5	8	21.1
Wisconsin										
Eastern	71	0.8	30	42.3	9	12.7	8	11.3	24	33.8
Western	71	0.8	36	50.7	9	12.7	8	11.3	18	25.4
EIGHTH CIRCUIT	726	8.3	281	38.7	120	16.5	141	19.4	184	25.3
Arkansas										
Eastern	54	0.6	25	46.3	9	16.7	10	18.5	10	18.5
Western	24	0.3	7	29.2	3	12.5	2	8.3	12	50.0
Iowa										
Northern	106	1.2	50	47.2	13	12.3	13	12.3	30	28.3
Southern	90	1.0	25	27.8	25	27.8	14	15.6	26	28.9
Minnesota	91	1.0	43	47.3	18	19.8	11	12.1	19	20.9
Missouri										
Eastern	104	1.2	42	40.4	20	19.2	16	15.4	26	25.0
Western	130	1.5	46	35.4	14	10.8	36	27.7	34	26.2
Nebraska	77	0.9	28	36.4	9	11.7	18	23.4	22	28.6
North Dakota	14	0.2	3	21.4	1	7.1	6	42.9	4	28.6
South Dakota	36	0.4	12	33.3	8	22.2	15	41.7	1	2.8

Table 55 (cont.)

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,124	12.9	514	45.7	169	15.0	292	26.0	149	13.3
Alaska	34	0.4	17	50.0	7	20.6	10	29.4	0	0.0
Arizona	156	1.8	48	30.8	22	14.1	32	20.5	54	34.6
California										
Central	236	2.7	102	43.2	27	11.4	54	22.9	53	22.5
Eastern	55	0.6	13	23.6	12	21.8	23	41.8	7	12.7
Northern	47	0.5	24	51.1	7	14.9	13	27.7	3	6.4
Southern	189	2.2	117	61.9	24	12.7	45	23.8	3	1.6
Guam	8	0.1	4	50.0	1	12.5	3	37.5	0	0.0
Hawaii	34	0.4	14	41.2	5	14.7	12	35.3	3	8.8
Idaho	36	0.4	13	36.1	9	25.0	11	30.6	3	8.3
Montana	111	1.3	70	63.1	14	12.6	24	21.6	3	2.7
Nevada	54	0.6	21	38.9	13	24.1	15	27.8	5	9.3
Northern Mariana Islands	3	0.0	0	0.0	0	0.0	0	0.0	3	100.0
Oregon	43	0.5	22	51.2	4	9.3	15	34.9	2	4.7
Washington										
Eastern	66	0.8	29	43.9	15	22.7	18	27.3	4	6.1
Western	52	0.6	20	38.5	9	17.3	17	32.7	6	11.5
TENTH CIRCUIT	425	4.9	203	47.8	42	9.9	124	29.2	56	13.2
Colorado	65	0.7	39	60.0	7	10.8	12	18.5	7	10.8
Kansas	90	1.0	42	46.7	10	11.1	28	31.1	10	11.1
New Mexico	67	0.8	30	44.8	4	6.0	18	26.9	15	22.4
Oklahoma										
Eastern	18	0.2	11	61.1	2	11.1	2	11.1	3	16.7
Northern	33	0.4	10	30.3	4	12.1	15	45.5	4	12.1
Western	69	0.8	44	63.8	4	5.8	15	21.7	6	8.7
Utah	43	0.5	15	34.9	3	7.0	20	46.5	5	11.6
Wyoming	40	0.5	12	30.0	8	20.0	14	35.0	6	15.0
ELEVENTH CIRCUIT	1,196	13.7	516	43.1	253	21.2	264	22.1	163	13.6
Alabama										
Middle	31	0.4	9	29.0	7	22.6	15	48.4	0	0.0
Northern	54	0.6	17	31.5	13	24.1	18	33.3	6	11.1
Southern	49	0.6	15	30.6	7	14.3	14	28.6	13	26.5
Florida										
Middle	302	3.5	126	41.7	63	20.9	58	19.2	55	18.2
Northern	104	1.2	53	51.0	14	13.5	14	13.5	23	22.1
Southern	377	4.3	154	40.8	91	24.1	98	26.0	34	9.0
Georgia										
Middle	41	0.5	21	51.2	3	7.3	5	12.2	12	29.3
Northern	167	1.9	79	47.3	38	22.8	37	22.2	13	7.8
Southern	71	0.8	42	59.2	17	23.9	5	7.0	7	9.9

¹ Of the 8,748 appeals cases, 17 were excluded because the type of appeal was “unknown.” Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2010 Appeals Datafile, APPFY10.