

Table 56

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2010**

CIRCUIT District	AFFIRMED			REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	5,215	4,374	83.9	340	(340)	6.5	226	(205)	4.3	193	3.7	82	1.6
D.C. CIRCUIT	39	30	76.9	1	(1)	2.6	6	(6)	15.4	1	2.6	1	2.6
District of Columbia	39	30	76.9	1	(1)	2.6	6	(6)	15.4	1	2.6	1	2.6
FIRST CIRCUIT	86	57	66.3	14	(14)	16.3	3	(3)	3.5	3	3.5	9	10.5
Maine	10	7	70.0	2	(2)	20.0	0	(0)	0.0	1	10.0	0	0.0
Massachusetts	25	21	84.0	3	(3)	12.0	1	(1)	4.0	0	0.0	0	0.0
New Hampshire	8	6	75.0	0	(0)	0.0	1	(1)	12.5	1	12.5	0	0.0
Puerto Rico	40	20	50.0	9	(9)	22.5	1	(1)	2.5	1	2.5	9	22.5
Rhode Island	3	3	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
SECOND CIRCUIT	331	253	76.4	29	(29)	8.8	30	(29)	9.1	10	3.0	9	2.7
Connecticut	32	24	75.0	1	(1)	3.1	6	(6)	18.8	0	0.0	1	3.1
New York													
Eastern	90	67	74.4	10	(10)	11.1	8	(7)	8.9	3	3.3	2	2.2
Northern	30	21	70.0	4	(4)	13.3	4	(4)	13.3	1	3.3	0	0.0
Southern	147	118	80.3	10	(10)	6.8	11	(11)	7.5	3	2.0	5	3.4
Western	26	17	65.4	4	(4)	15.4	1	(1)	3.8	3	11.5	1	3.8
Vermont	6	6	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
THIRD CIRCUIT	356	308	86.5	25	(25)	7.0	15	(14)	4.2	8	2.2	0	0.0
Delaware	18	16	88.9	2	(2)	11.1	0	(0)	0.0	0	0.0	0	0.0
New Jersey	95	86	90.5	1	(1)	1.1	6	(6)	6.3	2	2.1	0	0.0
Pennsylvania													
Eastern	104	89	85.6	6	(6)	5.8	5	(4)	4.8	4	3.8	0	0.0
Middle	85	74	87.1	8	(8)	9.4	3	(3)	3.5	0	0.0	0	0.0
Western	46	38	82.6	5	(5)	10.9	1	(1)	2.2	2	4.3	0	0.0
Virgin Islands	8	5	62.5	3	(3)	37.5	0	(0)	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	772	661	85.6	45	(45)	5.8	23	(19)	3.0	37	4.8	6	0.8
Maryland	55	46	83.6	4	(4)	7.3	2	(2)	3.6	3	5.5	0	0.0
North Carolina													
Eastern	169	142	84.0	12	(12)	7.1	2	(0)	1.2	12	7.1	1	0.6
Middle	54	48	88.9	2	(2)	3.7	0	(0)	0.0	2	3.7	2	3.7
Western	129	110	85.3	10	(10)	7.8	3	(3)	2.3	4	3.1	2	1.6
South Carolina	114	94	82.5	5	(5)	4.4	9	(7)	7.9	6	5.3	0	0.0
Virginia													
Eastern	144	123	85.4	8	(8)	5.6	7	(7)	4.9	5	3.5	1	0.7
Western	45	42	93.3	2	(2)	4.4	0	(0)	0.0	1	2.2	0	0.0
West Virginia													
Northern	31	29	93.5	0	(0)	0.0	0	(0)	0.0	2	6.5	0	0.0
Southern	31	27	87.1	2	(2)	6.5	0	(0)	0.0	2	6.5	0	0.0

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		N	%	N	%	N	%	N	%	N	%		
FIFTH CIRCUIT	868	784	90.3	40	(40)	4.6	14	(11)	1.6	20	2.3	10	1.2
Louisiana													
Eastern	53	51	96.2	1	(1)	1.9	0	(0)	0.0	1	1.9	0	0.0
Middle	20	16	80.0	1	(1)	5.0	1	(0)	5.0	2	10.0	0	0.0
Western	77	74	96.1	2	(2)	2.6	0	(0)	0.0	1	1.3	0	0.0
Mississippi													
Northern	13	11	84.6	0	(0)	0.0	1	(1)	7.7	1	7.7	0	0.0
Southern	24	21	87.5	1	(1)	4.2	0	(0)	0.0	0	0.0	2	8.3
Texas													
Eastern	55	50	90.9	2	(2)	3.6	1	(1)	1.8	1	1.8	1	1.8
Northern	142	132	93.0	2	(2)	1.4	5	(5)	3.5	2	1.4	1	0.7
Southern	227	182	80.2	27	(27)	11.9	4	(3)	1.8	8	3.5	6	2.6
Western	257	247	96.1	4	(4)	1.6	2	(1)	0.8	4	1.6	0	0.0
SIXTH CIRCUIT	387	280	72.4	46	(46)	11.9	13	(13)	3.4	34	8.8	14	3.6
Kentucky													
Eastern	36	32	88.9	1	(1)	2.8	0	(0)	0.0	2	5.6	1	2.8
Western	23	19	82.6	0	(0)	0.0	3	(3)	13.0	1	4.3	0	0.0
Michigan													
Eastern	53	37	69.8	8	(8)	15.1	0	(0)	0.0	7	13.2	1	1.9
Western	47	31	66.0	8	(8)	17.0	3	(3)	6.4	4	8.5	1	2.1
Ohio													
Northern	72	51	70.8	8	(8)	11.1	0	(0)	0.0	11	15.3	2	2.8
Southern	41	27	65.9	5	(5)	12.2	5	(5)	12.2	1	2.4	3	7.3
Tennessee													
Eastern	47	35	74.5	4	(4)	8.5	1	(1)	2.1	6	12.8	1	2.1
Middle	28	19	67.9	4	(4)	14.3	0	(0)	0.0	2	7.1	3	10.7
Western	40	29	72.5	8	(8)	20.0	1	(1)	2.5	0	0.0	2	5.0
SEVENTH CIRCUIT	300	218	72.7	49	(49)	16.3	13	(11)	4.3	4	1.3	16	5.3
Illinois													
Central	18	14	77.8	2	(2)	11.1	2	(2)	11.1	0	0.0	0	0.0
Northern	119	85	71.4	19	(19)	16.0	7	(7)	5.9	1	0.8	7	5.9
Southern	26	16	61.5	6	(6)	23.1	2	(2)	7.7	0	0.0	2	7.7
Indiana													
Northern	38	29	76.3	5	(5)	13.2	0	(0)	0.0	2	5.3	2	5.3
Southern	15	13	86.7	0	(0)	0.0	1	(0)	6.7	0	0.0	1	6.7
Wisconsin													
Eastern	39	25	64.1	9	(9)	23.1	1	(0)	2.6	0	0.0	4	10.3
Western	45	36	80.0	8	(8)	17.8	0	(0)	0.0	1	2.2	0	0.0
EIGHTH CIRCUIT	390	358	91.8	16	(16)	4.1	6	(6)	1.5	9	2.3	1	0.3
Arkansas													
Eastern	33	30	90.9	2	(2)	6.1	0	(0)	0.0	1	3.0	0	0.0
Western	10	7	70.0	2	(2)	20.0	1	(1)	10.0	0	0.0	0	0.0
Iowa													
Northern	60	56	93.3	3	(3)	5.0	0	(0)	0.0	1	1.7	0	0.0
Southern	49	47	95.9	1	(1)	2.0	1	(1)	2.0	0	0.0	0	0.0
Minnesota	61	56	91.8	4	(4)	6.6	1	(1)	1.6	0	0.0	0	0.0
Missouri													
Eastern	59	52	88.1	2	(2)	3.4	1	(1)	1.7	3	5.1	1	1.7
Western	59	56	94.9	1	(1)	1.7	1	(1)	1.7	1	1.7	0	0.0
Nebraska	35	31	88.6	0	(0)	0.0	1	(1)	2.9	3	8.6	0	0.0
North Dakota	4	4	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
South Dakota	20	19	95.0	1	(1)	5.0	0	(0)	0.0	0	0.0	0	0.0

Table 56 (cont.)

CIRCUIT District	AFFIRMED			REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	677	561	82.9	42	(42)	6.2	56	(48)	8.3	12	1.8	6	0.9
Alaska	24	21	87.5	0	(0)	0.0	1	(0)	4.2	2	8.3	0	0.0
Arizona	70	61	87.1	3	(3)	4.3	3	(3)	4.3	2	2.9	1	1.4
California													
Central	126	97	77.0	8	(8)	6.3	19	(16)	15.1	2	1.6	0	0.0
Eastern	25	19	76.0	1	(1)	4.0	3	(3)	12.0	1	4.0	1	4.0
Northern	31	27	87.1	0	(0)	0.0	3	(3)	9.7	0	0.0	1	3.2
Southern	141	122	86.5	9	(9)	6.4	7	(7)	5.0	2	1.4	1	0.7
Guam	5	4	80.0	1	(1)	20.0	0	(0)	0.0	0	0.0	0	0.0
Hawaii	19	9	47.4	5	(5)	26.3	5	(4)	26.3	0	0.0	0	0.0
Idaho	22	20	90.9	1	(1)	4.5	0	(0)	0.0	1	4.5	0	0.0
Montana	84	72	85.7	7	(7)	8.3	4	(4)	4.8	1	1.2	0	0.0
Nevada	34	31	91.2	0	(0)	0.0	3	(3)	8.8	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
Oregon	25	22	88.0	3	(3)	12.0	0	(0)	0.0	0	0.0	0	0.0
Washington													
Eastern	43	34	79.1	3	(3)	7.0	4	(4)	9.3	0	0.0	2	4.7
Western	28	22	78.6	1	(1)	3.6	4	(1)	14.3	1	3.6	0	0.0
TENTH CIRCUIT	244	182	74.6	8	(8)	3.3	6	(6)	2.5	44	18.0	4	1.6
Colorado	45	37	82.2	3	(3)	6.7	3	(3)	6.7	0	0.0	2	4.4
Kansas	52	31	59.6	1	(1)	1.9	1	(1)	1.9	18	34.6	1	1.9
New Mexico	34	28	82.4	0	(0)	0.0	0	(0)	0.0	5	14.7	1	2.9
Oklahoma													
Eastern	13	10	76.9	0	(0)	0.0	0	(0)	0.0	3	23.1	0	0.0
Northern	14	9	64.3	0	(0)	0.0	1	(1)	7.1	4	28.6	0	0.0
Western	48	40	83.3	1	(1)	2.1	0	(0)	0.0	7	14.6	0	0.0
Utah	18	10	55.6	1	(1)	5.6	1	(1)	5.6	6	33.3	0	0.0
Wyoming	20	17	85.0	2	(2)	10.0	0	(0)	0.0	1	5.0	0	0.0
ELEVENTH CIRCUIT	765	682	89.2	25	(25)	3.3	41	(39)	5.4	11	1.4	6	0.8
Alabama													
Middle	16	15	93.8	1	(1)	6.3	0	(0)	0.0	0	0.0	0	0.0
Northern	29	25	86.2	1	(1)	3.4	3	(3)	10.3	0	0.0	0	0.0
Southern	22	19	86.4	0	(0)	0.0	2	(2)	9.1	1	4.5	0	0.0
Florida													
Middle	187	164	87.7	9	(9)	4.8	8	(8)	4.3	5	2.7	1	0.5
Northern	66	62	93.9	1	(1)	1.5	3	(3)	4.5	0	0.0	0	0.0
Southern	245	221	90.2	6	(6)	2.4	12	(10)	4.9	4	1.6	2	0.8
Georgia													
Middle	24	22	91.7	0	(0)	0.0	1	(1)	4.2	0	0.0	1	4.2
Northern	117	102	87.2	5	(5)	4.3	8	(8)	6.8	1	0.9	1	0.9
Southern	59	52	88.1	2	(2)	3.4	4	(4)	6.8	0	0.0	1	1.7

¹ Of the 8,748 appeals cases, 3,479 were excluded due to one of the following reasons: type of appeal was “conviction only” (1,879), “Anders Brief” (1,583), or “unknown” (17). Of the 5,269 remaining cases, 54 were excluded as the appeal was by the government only. Descriptions of variables used in this table are provided in Appendix A.

² This category includes (in parentheses) cases that were remanded for sentencing purposes.

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