

**Table 60**

**OFFENSE AND OFFENDER CHARACTERISTICS IN APPEALS CASES<sup>1</sup>**  
**Fiscal Year 2010**

OFFENSE AND DEFENDANT CHARACTERISTICS	APPELLATE COURT CASES <sup>2</sup>		DISTRICT COURT CASES <sup>3</sup>	
	N	%	N	%
<b>Race of Defendant</b>	<b>5,129</b>	<b>100.0</b>	<b>75,378</b>	<b>100.0</b>
White	1,267	24.7	20,796	27.6
Black	2,281	44.5	15,613	20.7
Hispanic	1,408	27.5	36,293	48.1
Other	173	3.4	2,676	3.6
<b>Gender of Defendant</b>	<b>5,149</b>	<b>100.0</b>	<b>81,605</b>	<b>100.0</b>
Male	4,848	94.2	70,860	86.8
Female	301	5.8	10,745	13.2
<b>Education of Defendant</b>	<b>5,050</b>	<b>100.0</b>	<b>72,812</b>	<b>100.0</b>
Less than High School	2,153	42.6	37,433	51.4
High School Graduate	1,722	34.1	20,906	28.7
Some College	859	17.0	10,557	14.5
College Graduate	316	6.3	3,916	5.4
<b>Citizenship of Defendant</b>	<b>5,123</b>	<b>100.0</b>	<b>81,304</b>	<b>100.0</b>
U.S. Citizen	3,811	74.4	42,685	52.5
Non U.S. Citizen	1,312	25.6	38,619	47.5
<b>Criminal History Category</b>	<b>5,138</b>	<b>100.0</b>	<b>81,558</b>	<b>100.0</b>
Category I	1,542	30.0	37,752	46.3
Category II	511	9.9	9,961	12.2
Category III	754	14.7	13,042	16.0
Category IV	563	11.0	8,197	10.1
Category V	442	8.6	4,713	5.8
Category VI	1,326	25.8	7,893	9.7
<b>Mandatory Minimum</b>	<b>5,160</b>	<b>100.0</b>	<b>83,946</b>	<b>100.0</b>
No Mandatory Minimum	2,759	53.5	66,132	78.8
Gun Mandatory Minimum	410	7.9	1,520	1.8
Drug Mandatory Minimum	1,737	33.7	15,454	18.4
Gun and Drug Mandatory Minimum	254	4.9	840	1.0

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

<sup>2</sup> Based on 5,269 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 1989-2010 (MONFY89, MONFY90, OPAFY91-OPAFY10).

<sup>3</sup> All guidelines cases sentenced in FY2010. Totals may vary slightly due to the different numbers of missing cases by specific variables.