

Table 55

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2011

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
TOTAL	9,553	100.0	4,573	47.9	1,302	13.6	1,970	20.6	1,708	17.9
D.C. CIRCUIT	60	0.6	25	41.7	11	18.3	23	38.3	1	1.7
District of Columbia	60	0.6	25	41.7	11	18.3	23	38.3	1	1.7
FIRST CIRCUIT	258	2.7	125	48.5	47	18.2	59	22.9	27	10.5
Maine	37	0.4	14	37.8	7	18.9	15	40.5	1	2.7
Massachusetts	80	0.8	42	52.5	12	15.0	21	26.3	5	6.3
New Hampshire	19	0.2	12	63.2	1	5.3	5	26.3	1	5.3
Puerto Rico	111	1.2	52	46.8	24	21.6	16	14.4	19	17.1
Rhode Island	11	0.1	5	45.5	3	27.3	2	18.2	1	9.1
SECOND CIRCUIT	503	5.3	205	40.8	70	13.9	145	28.8	83	16.5
Connecticut	53	0.6	24	45.3	6	11.3	16	30.2	7	13.2
New York										
Eastern	137	1.4	49	35.8	17	12.4	44	32.1	27	19.7
Northern	73	0.8	35	47.9	12	16.4	21	28.8	5	6.8
Southern	192	2.0	81	42.2	27	14.1	43	22.4	41	21.4
Western	35	0.4	11	31.4	7	20.0	14	40.0	3	8.6
Vermont	13	0.1	5	38.5	1	7.7	7	53.8	0	0.0
THIRD CIRCUIT	555	5.8	256	46.1	96	17.3	155	27.9	48	8.6
Delaware	19	0.2	6	31.6	2	10.5	7	36.8	4	21.1
New Jersey	113	1.2	55	48.7	20	17.7	26	23.0	12	10.6
Pennsylvania										
Eastern	206	2.2	99	48.1	35	17.0	67	32.5	5	2.4
Middle	119	1.2	58	48.7	20	16.8	22	18.5	19	16.0
Western	75	0.8	34	45.3	14	18.7	21	28.0	6	8.0
Virgin Islands	23	0.2	4	17.4	5	21.7	12	52.2	2	8.7
FOURTH CIRCUIT	1,511	15.8	676	44.7	195	12.9	259	17.1	381	25.2
Maryland	159	1.7	48	30.2	30	18.9	49	30.8	32	20.1
North Carolina										
Eastern	236	2.5	147	62.3	27	11.4	28	11.9	34	14.4
Middle	246	2.6	105	42.7	19	7.7	39	15.9	83	33.7
Western	166	1.7	62	37.3	25	15.1	24	14.5	55	33.1
South Carolina	288	3.0	98	34.0	31	10.8	25	8.7	134	46.5
Virginia										
Eastern	232	2.4	125	53.9	31	13.4	57	24.6	19	8.2
Western	69	0.7	29	42.0	18	26.1	19	27.5	3	4.3
West Virginia										
Northern	59	0.6	29	49.2	8	13.6	9	15.3	13	22.0
Southern	56	0.6	33	58.9	6	10.7	9	16.1	8	14.3

Table 55 (cont.)

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,814	19.0	926	51.0	138	7.6	268	14.8	482	26.6
Louisiana										
Eastern	72	0.8	33	45.8	9	12.5	13	18.1	17	23.6
Middle	41	0.4	22	53.7	0	0.0	10	24.4	9	22.0
Western	129	1.4	81	62.8	8	6.2	11	8.5	29	22.5
Mississippi										
Northern	20	0.2	10	50.0	1	5.0	9	45.0	0	0.0
Southern	43	0.5	21	48.8	9	20.9	13	30.2	0	0.0
Texas										
Eastern	78	0.8	32	41.0	13	16.7	7	9.0	26	33.3
Northern	340	3.6	196	57.6	33	9.7	33	9.7	78	22.9
Southern	621	6.5	233	37.5	38	6.1	85	13.7	265	42.7
Western	470	4.9	298	63.4	27	5.7	87	18.5	58	12.3
SIXTH CIRCUIT	986	10.3	494	50.1	158	16.0	168	17.0	166	16.8
Kentucky										
Eastern	83	0.9	36	43.4	14	16.9	24	28.9	9	10.8
Western	61	0.6	26	42.6	3	4.9	17	27.9	15	24.6
Michigan										
Eastern	120	1.3	55	45.8	29	24.2	24	20.0	12	10.0
Western	126	1.3	71	56.3	15	11.9	7	5.6	33	26.2
Ohio										
Northern	202	2.1	96	47.5	34	16.8	27	13.4	45	22.3
Southern	104	1.1	57	54.8	23	22.1	17	16.3	7	6.7
Tennessee										
Eastern	147	1.5	81	55.1	17	11.6	21	14.3	28	19.0
Middle	49	0.5	21	42.9	7	14.3	13	26.5	8	16.3
Western	94	1.0	51	54.3	16	17.0	18	19.1	9	9.6
SEVENTH CIRCUIT	541	5.7	212	39.2	72	13.3	137	25.3	120	22.2
Illinois										
Central	70	0.7	36	51.4	7	10.0	13	18.6	14	20.0
Northern	209	2.2	89	42.6	37	17.7	57	27.3	26	12.4
Southern	76	0.8	26	34.2	12	15.8	15	19.7	23	30.3
Indiana										
Northern	52	0.5	17	32.7	3	5.8	22	42.3	10	19.2
Southern	37	0.4	14	37.8	5	13.5	11	29.7	7	18.9
Wisconsin										
Eastern	40	0.4	12	30.0	4	10.0	10	25.0	14	35.0
Western	57	0.6	18	31.6	4	7.0	9	15.8	26	45.6
EIGHTH CIRCUIT	673	7.0	324	48.1	99	14.7	132	19.6	118	17.5
Arkansas										
Eastern	42	0.4	22	52.4	3	7.1	9	21.4	8	19.0
Western	38	0.4	18	47.4	7	18.4	2	5.3	11	28.9
Iowa										
Northern	78	0.8	40	51.3	11	14.1	8	10.3	19	24.4
Southern	83	0.9	25	30.1	14	16.9	25	30.1	19	22.9
Minnesota	90	0.9	53	58.9	19	21.1	10	11.1	8	8.9
Missouri										
Eastern	82	0.9	48	58.5	9	11.0	14	17.1	11	13.4
Western	116	1.2	48	41.4	11	9.5	32	27.6	25	21.6
Nebraska	71	0.7	41	57.7	7	9.9	12	16.9	11	15.5
North Dakota	27	0.3	10	37.0	5	18.5	9	33.3	3	11.1
South Dakota	46	0.5	19	41.3	13	28.3	11	23.9	3	6.5

Table 55 (cont.)

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,156	12.1	583	50.4	165	14.3	294	25.4	114	9.9
Alaska	28	0.3	17	60.7	4	14.3	7	25.0	0	0.0
Arizona	199	2.1	96	48.2	16	8.0	37	18.6	50	25.1
California										
Central	245	2.6	117	47.8	38	15.5	61	24.9	29	11.8
Eastern	58	0.6	22	37.9	14	24.1	18	31.0	4	6.9
Northern	70	0.7	31	44.3	12	17.1	23	32.9	4	5.7
Southern	202	2.1	116	57.4	28	13.9	51	25.2	7	3.5
Guam	6	0.1	3	50.0	2	33.3	1	16.7	0	0.0
Hawaii	14	0.1	6	42.9	3	21.4	5	35.7	0	0.0
Idaho	31	0.3	19	61.3	1	3.2	7	22.6	4	12.9
Montana	89	0.9	57	64.0	13	14.6	12	13.5	7	7.9
Nevada	78	0.8	40	51.3	12	15.4	23	29.5	3	3.8
Northern Mariana Islands	6	0.1	0	0.0	0	0.0	6	100.0	0	0.0
Oregon	35	0.4	19	54.3	7	20.0	7	20.0	2	5.7
Washington										
Eastern	47	0.5	22	46.8	6	12.8	18	38.3	1	2.1
Western	48	0.5	18	37.5	9	18.8	18	37.5	3	6.3
TENTH CIRCUIT	389	4.1	180	46.3	54	13.9	111	28.5	44	11.3
Colorado	63	0.7	40	63.5	5	7.9	11	17.5	7	11.1
Kansas	86	0.9	38	44.2	19	22.1	21	24.4	8	9.3
New Mexico	73	0.8	32	43.8	3	4.1	24	32.9	14	19.2
Oklahoma										
Eastern	9	0.1	3	33.3	1	11.1	3	33.3	2	22.2
Northern	31	0.3	8	25.8	4	12.9	16	51.6	3	9.7
Western	48	0.5	25	52.1	11	22.9	10	20.8	2	4.2
Utah	45	0.5	21	46.7	4	8.9	15	33.3	5	11.1
Wyoming	34	0.4	13	38.2	7	20.6	11	32.4	3	8.8
ELEVENTH CIRCUIT	1,107	11.6	567	51.2	197	17.8	219	19.8	124	11.2
Alabama										
Middle	28	0.3	10	35.7	10	35.7	6	21.4	2	7.1
Northern	50	0.5	20	40.0	7	14.0	14	28.0	9	18.0
Southern	35	0.4	13	37.1	4	11.4	4	11.4	14	40.0
Florida										
Middle	273	2.9	140	51.3	49	17.9	48	17.6	36	13.2
Northern	95	1.0	36	37.9	14	14.7	25	26.3	20	21.1
Southern	338	3.5	170	50.3	76	22.5	68	20.1	24	7.1
Georgia										
Middle	46	0.5	37	80.4	3	6.5	3	6.5	3	6.5
Northern	189	2.0	110	58.2	29	15.3	43	22.8	7	3.7
Southern	53	0.6	31	58.5	5	9.4	8	15.1	9	17.0

¹ Of the 9,651 appeals cases, 98 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, 2011 Appeals Datafile, APPFY11.