

**Table 56**

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2011**

CIRCUIT District	AFFIRMED			REVERSED <sup>2</sup>			AFFIRMED AND REVERSED <sup>2</sup>			DISMISSED		REMANDED	
	TOTAL	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>5,844</b>	<b>4,355</b>	<b>74.5</b>	<b>454</b>	<b>(454)</b>	<b>7.8</b>	<b>184</b>	<b>(161)</b>	<b>3.1</b>	<b>752</b>	<b>12.9</b>	<b>99</b>	<b>1.7</b>
<b>D.C. CIRCUIT</b>	<b>34</b>	<b>24</b>	<b>70.6</b>	<b>5</b>	<b>(5)</b>	<b>14.7</b>	<b>3</b>	<b>(2)</b>	<b>8.8</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>5.9</b>
District of Columbia	34	24	70.6	5	(5)	14.7	3	(2)	8.8	0	0.0	2	5.9
<b>FIRST CIRCUIT</b>	<b>171</b>	<b>136</b>	<b>79.5</b>	<b>13</b>	<b>(13)</b>	<b>7.6</b>	<b>5</b>	<b>(5)</b>	<b>2.9</b>	<b>11</b>	<b>6.4</b>	<b>6</b>	<b>3.5</b>
Maine	20	16	80.0	2	(2)	10.0	1	(1)	5.0	1	5.0	0	0.0
Massachusetts	54	39	72.2	10	(10)	18.5	0	(0)	0.0	3	5.6	2	3.7
New Hampshire	13	12	92.3	0	(0)	0.0	0	(0)	0.0	1	7.7	0	0.0
Puerto Rico	76	62	81.6	1	(1)	1.3	3	(3)	3.9	6	7.9	4	5.3
Rhode Island	8	7	87.5	0	(0)	0.0	1	(1)	12.5	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>271</b>	<b>178</b>	<b>65.7</b>	<b>30</b>	<b>(30)</b>	<b>11.1</b>	<b>24</b>	<b>(21)</b>	<b>8.9</b>	<b>20</b>	<b>7.4</b>	<b>19</b>	<b>7.0</b>
Connecticut	29	20	69.0	3	(3)	10.3	2	(2)	6.9	3	10.3	1	3.4
New York													
Eastern	66	45	68.2	6	(6)	9.1	5	(5)	7.6	6	9.1	4	6.1
Northern	47	29	61.7	6	(6)	12.8	8	(7)	17.0	1	2.1	3	6.4
Southern	105	70	66.7	13	(13)	12.4	7	(6)	6.7	8	7.6	7	6.7
Western	18	9	50.0	2	(2)	11.1	2	(1)	11.1	2	11.1	3	16.7
Vermont	6	5	83.3	0	(0)	0.0	0	(0)	0.0	0	0.0	1	16.7
<b>THIRD CIRCUIT</b>	<b>349</b>	<b>261</b>	<b>74.8</b>	<b>25</b>	<b>(25)</b>	<b>7.2</b>	<b>8</b>	<b>(8)</b>	<b>2.3</b>	<b>44</b>	<b>12.6</b>	<b>11</b>	<b>3.2</b>
Delaware	7	6	85.7	0	(0)	0.0	1	(1)	14.3	0	0.0	0	0.0
New Jersey	75	57	76.0	2	(2)	2.7	1	(1)	1.3	15	20.0	0	0.0
Pennsylvania													
Eastern	132	99	75.0	11	(11)	8.3	5	(5)	3.8	11	8.3	6	4.5
Middle	78	57	73.1	9	(9)	11.5	1	(1)	1.3	7	9.0	4	5.1
Western	48	36	75.0	2	(2)	4.2	0	(0)	0.0	9	18.8	1	2.1
Virgin Islands	9	6	66.7	1	(1)	11.1	0	(0)	0.0	2	22.2	0	0.0
<b>FOURTH CIRCUIT</b>	<b>867</b>	<b>611</b>	<b>70.5</b>	<b>102</b>	<b>(102)</b>	<b>11.8</b>	<b>20</b>	<b>(15)</b>	<b>2.3</b>	<b>126</b>	<b>14.5</b>	<b>8</b>	<b>0.9</b>
Maryland	78	60	76.9	4	(4)	5.1	1	(1)	1.3	12	15.4	1	1.3
North Carolina													
Eastern	173	114	65.9	21	(21)	12.1	4	(4)	2.3	33	19.1	1	0.6
Middle	124	96	77.4	22	(22)	17.7	1	(0)	0.8	3	2.4	2	1.6
Western	87	50	57.5	15	(15)	17.2	1	(1)	1.1	21	24.1	0	0.0
South Carolina	129	86	66.7	20	(20)	15.5	4	(3)	3.1	17	13.2	2	1.6
Virginia													
Eastern	154	121	78.6	9	(9)	5.8	4	(3)	2.6	20	13.0	0	0.0
Western	47	34	72.3	2	(2)	4.3	3	(3)	6.4	6	12.8	2	4.3
West Virginia													
Northern	36	21	58.3	7	(7)	19.4	1	(0)	2.8	7	19.4	0	0.0
Southern	39	29	74.4	2	(2)	5.1	1	(0)	2.6	7	17.9	0	0.0

**Table 56 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>			AFFIRMED AND REVERSED <sup>2</sup>			DISMISSED		REMANDED	
		N	%	N	%	N	%	N	%	N	%		
<b>FIFTH CIRCUIT</b>	<b>1,062</b>	<b>836</b>	<b>78.7</b>	<b>62</b>	<b>(62)</b>	<b>5.8</b>	<b>18</b>	<b>(15)</b>	<b>1.7</b>	<b>137</b>	<b>12.9</b>	<b>9</b>	<b>0.8</b>
Louisiana													
Eastern	42	29	69.0	4	(4)	9.5	0	(0)	0.0	9	21.4	0	0.0
Middle	22	15	68.2	2	(2)	9.1	1	(1)	4.5	3	13.6	1	4.5
Western	89	76	85.4	8	(8)	9.0	1	(1)	1.1	4	4.5	0	0.0
Mississippi													
Northern	11	8	72.7	0	(0)	0.0	1	(1)	9.1	2	18.2	0	0.0
Southern	30	20	66.7	1	(1)	3.3	0	(0)	0.0	8	26.7	1	3.3
Texas													
Eastern	45	33	73.3	3	(3)	6.7	1	(1)	2.2	7	15.6	1	2.2
Northern	229	194	84.7	6	(6)	2.6	4	(3)	1.7	21	9.2	4	1.7
Southern	270	212	78.5	25	(25)	9.3	5	(3)	1.9	26	9.6	2	0.7
Western	324	249	76.9	13	(13)	4.0	5	(5)	1.5	57	17.6	0	0.0
<b>SIXTH CIRCUIT</b>	<b>648</b>	<b>469</b>	<b>72.4</b>	<b>65</b>	<b>(65)</b>	<b>10.0</b>	<b>21</b>	<b>(20)</b>	<b>3.2</b>	<b>81</b>	<b>12.5</b>	<b>12</b>	<b>1.9</b>
Kentucky													
Eastern	50	39	78.0	4	(4)	8.0	2	(2)	4.0	5	10.0	0	0.0
Western	29	19	65.5	3	(3)	10.3	1	(1)	3.4	3	10.3	3	10.3
Michigan													
Eastern	84	53	63.1	5	(5)	6.0	3	(3)	3.6	19	22.6	4	4.8
Western	86	65	75.6	13	(13)	15.1	1	(1)	1.2	7	8.1	0	0.0
Ohio													
Northern	129	92	71.3	13	(13)	10.1	5	(4)	3.9	17	13.2	2	1.6
Southern	79	60	75.9	9	(9)	11.4	1	(1)	1.3	8	10.1	1	1.3
Tennessee													
Eastern	98	68	69.4	6	(6)	6.1	5	(5)	5.1	17	17.3	2	2.0
Middle	26	23	88.5	3	(3)	11.5	0	(0)	0.0	0	0.0	0	0.0
Western	67	50	74.6	9	(9)	13.4	3	(3)	4.5	5	7.5	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>282</b>	<b>220</b>	<b>78.0</b>	<b>26</b>	<b>(26)</b>	<b>9.2</b>	<b>14</b>	<b>(11)</b>	<b>5.0</b>	<b>17</b>	<b>6.0</b>	<b>5</b>	<b>1.8</b>
Illinois													
Central	43	35	81.4	6	(6)	14.0	1	(0)	2.3	1	2.3	0	0.0
Northern	126	97	77.0	10	(10)	7.9	11	(10)	8.7	6	4.8	2	1.6
Southern	37	30	81.1	2	(2)	5.4	0	(0)	0.0	3	8.1	2	5.4
Indiana													
Northern	20	15	75.0	0	(0)	0.0	0	(0)	0.0	4	20.0	1	5.0
Southern	19	15	78.9	2	(2)	10.5	1	(1)	5.3	1	5.3	0	0.0
Wisconsin													
Eastern	15	12	80.0	1	(1)	6.7	1	(0)	6.7	1	6.7	0	0.0
Western	22	16	72.7	5	(5)	22.7	0	(0)	0.0	1	4.5	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>420</b>	<b>325</b>	<b>77.4</b>	<b>17</b>	<b>(17)</b>	<b>4.0</b>	<b>16</b>	<b>(13)</b>	<b>3.8</b>	<b>54</b>	<b>12.9</b>	<b>8</b>	<b>1.9</b>
Arkansas													
Eastern	25	23	92.0	0	(0)	0.0	1	(1)	4.0	1	4.0	0	0.0
Western	25	15	60.0	2	(2)	8.0	4	(4)	16.0	3	12.0	1	4.0
Iowa													
Northern	51	44	86.3	1	(1)	2.0	3	(1)	5.9	3	5.9	0	0.0
Southern	39	31	79.5	3	(3)	7.7	0	(0)	0.0	4	10.3	1	2.6
Minnesota	71	59	83.1	1	(1)	1.4	2	(2)	2.8	8	11.3	1	1.4
Missouri													
Eastern	55	44	80.0	1	(1)	1.8	0	(0)	0.0	9	16.4	1	1.8
Western	59	40	67.8	3	(3)	5.1	3	(2)	5.1	11	18.6	2	3.4
Nebraska	48	36	75.0	4	(4)	8.3	1	(1)	2.1	6	12.5	1	2.1
North Dakota	15	11	73.3	0	(0)	0.0	1	(1)	6.7	3	20.0	0	0.0
South Dakota	32	22	68.8	2	(2)	6.3	1	(1)	3.1	6	18.8	1	3.1

**Table 56 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>			AFFIRMED AND REVERSED <sup>2</sup>			DISMISSED		REMANDED	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>743</b>	<b>539</b>	<b>72.5</b>	<b>61</b>	<b>(61)</b>	<b>8.2</b>	<b>31</b>	<b>(30)</b>	<b>4.2</b>	<b>103</b>	<b>13.9</b>	<b>9</b>	<b>1.2</b>
Alaska	20	13	65.0	4	(4)	20.0	1	(1)	5.0	2	10.0	0	0.0
Arizona	111	73	65.8	4	(4)	3.6	2	(2)	1.8	29	26.1	3	2.7
California													
Central	154	112	72.7	20	(20)	13.0	6	(6)	3.9	14	9.1	2	1.3
Eastern	36	20	55.6	6	(6)	16.7	5	(5)	13.9	5	13.9	0	0.0
Northern	43	32	74.4	1	(1)	2.3	3	(3)	7.0	5	11.6	2	4.7
Southern	143	111	77.6	13	(13)	9.1	2	(2)	1.4	17	11.9	0	0.0
Guam	5	4	80.0	0	(0)	0.0	0	(0)	0.0	1	20.0	0	0.0
Hawaii	9	7	77.8	1	(1)	11.1	0	(0)	0.0	1	11.1	0	0.0
Idaho	20	7	35.0	3	(3)	15.0	2	(1)	10.0	8	40.0	0	0.0
Montana	70	63	90.0	3	(3)	4.3	1	(1)	1.4	3	4.3	0	0.0
Nevada	52	41	78.8	3	(3)	5.8	0	(0)	0.0	8	15.4	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	19	76.0	0	(0)	0.0	4	(4)	16.0	2	8.0	0	0.0
Washington													
Eastern	28	24	85.7	2	(2)	7.1	0	(0)	0.0	1	3.6	1	3.6
Western	27	13	48.1	1	(1)	3.7	5	(5)	18.5	7	25.9	1	3.7
<b>TENTH CIRCUIT</b>	<b>233</b>	<b>155</b>	<b>66.5</b>	<b>9</b>	<b>(9)</b>	<b>3.9</b>	<b>7</b>	<b>(7)</b>	<b>3.0</b>	<b>55</b>	<b>23.6</b>	<b>7</b>	<b>3.0</b>
Colorado	45	36	80.0	3	(3)	6.7	1	(1)	2.2	4	8.9	1	2.2
Kansas	56	39	69.6	1	(1)	1.8	0	(0)	0.0	15	26.8	1	1.8
New Mexico	35	19	54.3	0	(0)	0.0	2	(2)	5.7	14	40.0	0	0.0
Oklahoma													
Eastern	4	4	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Northern	12	9	75.0	0	(0)	0.0	0	(0)	0.0	2	16.7	1	8.3
Western	36	19	52.8	1	(1)	2.8	2	(2)	5.6	12	33.3	2	5.6
Utah	25	14	56.0	2	(2)	8.0	2	(2)	8.0	6	24.0	1	4.0
Wyoming	20	15	75.0	2	(2)	10.0	0	(0)	0.0	2	10.0	1	5.0
<b>ELEVENTH CIRCUIT</b>	<b>764</b>	<b>601</b>	<b>78.7</b>	<b>39</b>	<b>(39)</b>	<b>5.1</b>	<b>17</b>	<b>(14)</b>	<b>2.2</b>	<b>104</b>	<b>13.6</b>	<b>3</b>	<b>0.4</b>
Alabama													
Middle	20	16	80.0	2	(2)	10.0	0	(0)	0.0	2	10.0	0	0.0
Northern	27	19	70.4	1	(1)	3.7	0	(0)	0.0	7	25.9	0	0.0
Southern	17	12	70.6	2	(2)	11.8	0	(0)	0.0	2	11.8	1	5.9
Florida													
Middle	189	150	79.4	7	(7)	3.7	5	(5)	2.6	27	14.3	0	0.0
Northern	50	46	92.0	2	(2)	4.0	2	(2)	4.0	0	0.0	0	0.0
Southern	246	208	84.6	11	(11)	4.5	3	(3)	1.2	23	9.4	1	0.4
Georgia													
Middle	40	25	62.5	2	(2)	5.0	2	(2)	5.0	11	27.5	0	0.0
Northern	139	98	70.5	9	(9)	6.5	4	(1)	2.9	27	19.4	1	0.7
Southern	36	27	75.0	3	(3)	8.3	1	(1)	2.8	5	13.9	0	0.0

<sup>1</sup> Of the 9,651 appeals cases, 3,776 were excluded due to one of the following reasons: type of appeal was “conviction only” (1,970), “Anders Brief” (1,708), or “unknown” (98). Of the 5,875 remaining cases, 31 were excluded as the appeal was by the government only. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2011 Appeals Datafile, APPFY11.