

Table 55

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2012

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
TOTAL	9,634	100.0	4,682	48.6	1,285	13.3	2,031	21.1	1,636	17.0
D.C. CIRCUIT	36	0.4	18	50.0	9	25.0	9	25.0	0	0.0
District of Columbia	36	0.4	18	50.0	9	25.0	9	25.0	0	0.0
FIRST CIRCUIT	333	3.5	169	50.8	40	12.0	83	24.9	41	12.3
Maine	51	0.5	23	45.1	8	15.7	18	35.3	2	3.9
Massachusetts	98	1.0	51	52.0	15	15.3	29	29.6	3	3.1
New Hampshire	21	0.2	10	47.6	1	4.8	8	38.1	2	9.5
Puerto Rico	146	1.5	72	49.3	14	9.6	26	17.8	34	23.3
Rhode Island	17	0.2	13	76.5	2	11.8	2	11.8	0	0.0
SECOND CIRCUIT	511	5.3	223	43.6	79	15.5	119	23.3	90	17.6
Connecticut	58	0.6	30	51.7	8	13.8	8	13.8	12	20.7
New York										
Eastern	135	1.4	61	45.2	25	18.5	29	21.5	20	14.8
Northern	73	0.8	39	53.4	11	15.1	13	17.8	10	13.7
Southern	195	2.0	77	39.5	25	12.8	53	27.2	40	20.5
Western	38	0.4	7	18.4	8	21.1	15	39.5	8	21.1
Vermont	12	0.1	9	75.0	2	16.7	1	8.3	0	0.0
THIRD CIRCUIT	523	5.4	209	40.0	102	19.5	159	30.4	53	10.1
Delaware	14	0.1	4	28.6	0	0.0	8	57.1	2	14.3
New Jersey	121	1.3	51	42.1	21	17.4	32	26.4	17	14.1
Pennsylvania										
Eastern	213	2.2	78	36.6	60	28.2	63	29.6	12	5.6
Middle	82	0.9	36	43.9	8	9.8	21	25.6	17	20.7
Western	70	0.7	40	57.1	10	14.3	18	25.7	2	2.9
Virgin Islands	23	0.2	0	0.0	3	13.0	17	73.9	3	13.0
FOURTH CIRCUIT	1,569	16.3	777	49.5	235	15.0	276	17.6	281	17.9
Maryland	158	1.6	51	32.3	29	18.4	57	36.1	21	13.3
North Carolina										
Eastern	250	2.6	137	54.8	40	16.0	25	10.0	48	19.2
Middle	198	2.1	92	46.5	26	13.1	25	12.6	55	27.8
Western	180	1.9	84	46.7	37	20.6	26	14.4	33	18.3
South Carolina	277	2.9	128	46.2	30	10.8	37	13.4	82	29.6
Virginia										
Eastern	273	2.8	145	53.1	40	14.7	69	25.3	19	7.0
Western	99	1.0	72	72.7	15	15.2	8	8.1	4	4.0
West Virginia										
Northern	56	0.6	36	64.3	7	12.5	7	12.5	6	10.7
Southern	78	0.8	32	41.0	11	14.1	22	28.2	13	16.7

Table 55 (cont.)

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,682	17.5	747	44.4	130	7.7	275	16.4	530	31.5
Louisiana										
Eastern	53	0.6	25	47.2	5	9.4	13	24.5	10	18.9
Middle	28	0.3	9	32.1	2	7.1	9	32.1	8	28.6
Western	98	1.0	44	44.9	8	8.2	17	17.3	29	29.6
Mississippi										
Northern	30	0.3	14	46.7	3	10.0	12	40.0	1	3.3
Southern	27	0.3	15	55.6	5	18.5	7	25.9	0	0.0
Texas										
Eastern	80	0.8	26	32.5	9	11.3	18	22.5	27	33.8
Northern	288	3.0	152	52.8	22	7.6	26	9.0	88	30.6
Southern	611	6.3	210	34.4	40	6.5	85	13.9	276	45.2
Western	467	4.8	252	54.0	36	7.7	88	18.8	91	19.5
SIXTH CIRCUIT	1,094	11.4	564	51.6	181	16.5	243	22.2	106	9.7
Kentucky										
Eastern	117	1.2	60	51.3	18	15.4	30	25.6	9	7.7
Western	63	0.7	18	28.6	10	15.9	24	38.1	11	17.5
Michigan										
Eastern	108	1.1	51	47.2	21	19.4	30	27.8	6	5.6
Western	150	1.6	81	54.0	19	12.7	25	16.7	25	16.7
Ohio										
Northern	169	1.8	88	52.1	33	19.5	32	18.9	16	9.5
Southern	113	1.2	62	54.9	21	18.6	23	20.4	7	6.2
Tennessee										
Eastern	185	1.9	101	54.6	24	13.0	37	20.0	23	12.4
Middle	49	0.5	21	42.9	12	24.5	14	28.6	2	4.1
Western	140	1.5	82	58.6	23	16.4	28	20.0	7	5.0
SEVENTH CIRCUIT	506	5.3	248	49.0	59	11.7	81	16.0	118	23.3
Illinois										
Central	79	0.8	51	64.6	7	8.9	6	7.6	15	19.0
Northern	204	2.1	96	47.1	29	14.2	42	20.6	37	18.1
Southern	55	0.6	29	52.7	6	10.9	9	16.4	11	20.0
Indiana										
Northern	47	0.5	24	51.1	7	14.9	9	19.1	7	14.9
Southern	27	0.3	12	44.4	1	3.7	4	14.8	10	37.0
Wisconsin										
Eastern	51	0.5	22	43.1	5	9.8	5	9.8	19	37.3
Western	43	0.4	14	32.6	4	9.3	6	14.0	19	44.2
EIGHTH CIRCUIT	706	7.3	393	55.7	81	11.5	132	18.7	100	14.2
Arkansas										
Eastern	52	0.5	30	57.7	2	3.8	15	28.8	5	9.6
Western	48	0.5	23	47.9	5	10.4	7	14.6	13	27.1
Iowa										
Northern	100	1.0	63	63.0	10	10.0	16	16.0	11	11.0
Southern	90	0.9	54	60.0	10	11.1	14	15.6	12	13.3
Minnesota	84	0.9	50	59.5	14	16.7	14	16.7	6	7.1
Missouri										
Eastern	95	1.0	59	62.1	8	8.4	19	20.0	9	9.5
Western	118	1.2	47	39.8	14	11.9	23	19.5	34	28.8
Nebraska	64	0.7	45	70.3	7	10.9	9	14.1	3	4.7
North Dakota	22	0.2	6	27.3	4	18.2	8	36.4	4	18.2
South Dakota	33	0.3	16	48.5	7	21.2	7	21.2	3	9.1

Table 55 (cont.)

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only		Anders Brief	
	N	%	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,224	12.7	579	47.3	153	12.5	330	27.0	162	13.2
Alaska	17	0.2	9	52.9	2	11.8	6	35.3	0	0.0
Arizona	243	2.5	103	42.4	26	10.7	36	14.8	78	32.1
California										
Central	238	2.5	116	48.7	33	13.9	54	22.7	35	14.7
Eastern	68	0.7	36	52.9	14	20.6	12	17.6	6	8.8
Northern	47	0.5	20	42.6	8	17.0	18	38.3	1	2.1
Southern	202	2.1	108	53.5	25	12.4	60	29.7	9	4.5
Guam	6	0.1	1	16.7	2	33.3	3	50.0	0	0.0
Hawaii	15	0.2	7	46.7	2	13.3	3	20.0	3	20.0
Idaho	33	0.3	12	36.4	3	9.1	13	39.4	5	15.2
Montana	88	0.9	55	62.5	8	9.1	21	23.9	4	4.5
Nevada	87	0.9	51	58.6	12	13.8	18	20.7	6	6.9
Northern Mariana Islands	6	0.1	2	33.3	0	0.0	4	66.7	0	0.0
Oregon	50	0.5	20	40.0	4	8.0	22	44.0	4	8.0
Washington										
Eastern	56	0.6	19	33.9	8	14.3	28	50.0	1	1.8
Western	68	0.7	20	29.4	6	8.8	32	47.1	10	14.7
TENTH CIRCUIT	362	3.8	174	48.1	53	14.6	98	27.1	37	10.2
Colorado	80	0.8	49	61.3	9	11.3	16	20.0	6	7.5
Kansas	71	0.7	30	42.3	11	15.5	20	28.2	10	14.1
New Mexico	53	0.6	20	37.7	4	7.5	22	41.5	7	13.2
Oklahoma										
Eastern	11	0.1	5	45.5	1	9.1	4	36.4	1	9.1
Northern	34	0.4	13	38.2	5	14.7	12	35.3	4	11.8
Western	66	0.7	40	60.6	12	18.2	12	18.2	2	3.0
Utah	28	0.3	9	32.1	6	21.4	10	35.7	3	10.7
Wyoming	19	0.2	8	42.1	5	26.3	2	10.5	4	21.1
ELEVENTH CIRCUIT	1,088	11.3	581	53.4	163	15.0	226	20.8	118	10.8
Alabama										
Middle	32	0.3	10	31.3	7	21.9	12	37.5	3	9.4
Northern	40	0.4	17	42.5	8	20.0	9	22.5	6	15.0
Southern	49	0.5	17	34.7	6	12.2	17	34.7	9	18.4
Florida										
Middle	291	3.0	175	60.1	33	11.3	49	16.8	34	11.7
Northern	97	1.0	40	41.2	19	19.6	21	21.6	17	17.5
Southern	337	3.5	171	50.7	60	17.8	77	22.8	29	8.6
Georgia										
Middle	49	0.5	33	67.3	4	8.2	8	16.3	4	8.2
Northern	138	1.4	92	66.7	16	11.6	19	13.8	11	8.0
Southern	55	0.6	26	47.3	10	18.2	14	25.5	5	9.1

¹ Of the 9,755 appeals cases, 121 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, 2012 Appeals Datafile, APPFY12.