

Table 56

**DISPOSITION OF DEFENDANT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2012**

CIRCUIT District	AFFIRMED			REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
	TOTAL	N	%	N	%		N	%	N	%	N	%	
TOTAL	5,928	4,355	73.5	626	(626)	10.6	227	(196)	3.8	568	9.6	152	2.6
D.C. CIRCUIT	27	20	74.1	1	(1)	3.7	2	(1)	7.4	3	11.1	1	3.7
District of Columbia	27	20	74.1	1	(1)	3.7	2	(1)	7.4	3	11.1	1	3.7
FIRST CIRCUIT	207	174	84.1	19	(19)	9.2	1	(1)	0.5	10	4.8	3	1.4
Maine	31	29	93.5	1	(1)	3.2	0	(0)	0.0	1	3.2	0	0.0
Massachusetts	64	56	87.5	5	(5)	7.8	0	(0)	0.0	2	3.1	1	1.6
New Hampshire	11	11	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Puerto Rico	86	68	79.1	13	(13)	15.1	0	(0)	0.0	5	5.8	0	0.0
Rhode Island	15	10	66.7	0	(0)	0.0	1	(1)	6.7	2	13.3	2	13.3
SECOND CIRCUIT	299	214	71.6	38	(38)	12.7	6	(6)	2.0	32	10.7	9	3.0
Connecticut	37	27	73.0	3	(3)	8.1	0	(0)	0.0	6	16.2	1	2.7
New York													
Eastern	86	54	62.8	15	(15)	17.4	5	(5)	5.8	11	12.8	1	1.2
Northern	50	36	72.0	6	(6)	12.0	1	(1)	2.0	4	8.0	3	6.0
Southern	101	75	74.3	14	(14)	13.9	0	(0)	0.0	9	8.9	3	3.0
Western	15	12	80.0	0	(0)	0.0	0	(0)	0.0	2	13.3	1	6.7
Vermont	10	10	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
THIRD CIRCUIT	308	222	72.1	30	(30)	9.7	16	(16)	5.2	32	10.4	8	2.6
Delaware	4	3	75.0	0	(0)	0.0	0	(0)	0.0	1	25.0	0	0.0
New Jersey	71	59	83.1	2	(2)	2.8	1	(1)	1.4	9	12.7	0	0.0
Pennsylvania													
Eastern	138	92	66.7	17	(17)	12.3	15	(15)	10.9	8	5.8	6	4.3
Middle	43	36	83.7	3	(3)	7.0	0	(0)	0.0	3	7.0	1	2.3
Western	49	30	61.2	7	(7)	14.3	0	(0)	0.0	11	22.4	1	2.0
Virgin Islands	3	2	66.7	1	(1)	33.3	0	(0)	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	1,007	696	69.1	151	(151)	15.0	43	(37)	4.3	90	8.9	27	2.7
Maryland	80	61	76.3	7	(7)	8.8	0	(0)	0.0	11	13.8	1	1.3
North Carolina													
Eastern	175	90	51.4	44	(44)	25.1	10	(9)	5.7	25	14.3	6	3.4
Middle	118	63	53.4	41	(41)	34.7	2	(1)	1.7	5	4.2	7	5.9
Western	121	66	54.5	19	(19)	15.7	15	(13)	12.4	15	12.4	6	5.0
South Carolina	158	105	66.5	25	(25)	15.8	8	(7)	5.1	15	9.5	5	3.2
Virginia													
Eastern	185	169	91.4	4	(4)	2.2	2	(2)	1.1	10	5.4	0	0.0
Western	84	69	82.1	6	(6)	7.1	5	(4)	6.0	4	4.8	0	0.0
West Virginia													
Northern	43	36	83.7	2	(2)	4.7	1	(1)	2.3	3	7.0	1	2.3
Southern	43	37	86.0	3	(3)	7.0	0	(0)	0.0	2	4.7	1	2.3

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED		REMANDED	
		N	%	N	%		N	%	N	%	N	%	
FIFTH CIRCUIT	876	651	74.3	69	(69)	7.9	28	(22)	3.2	93	10.6	35	4.0
Louisiana													
Eastern	29	21	72.4	3	(3)	10.3	1	(1)	3.4	2	6.9	2	6.9
Middle	11	10	90.9	0	(0)	0.0	0	(0)	0.0	0	0.0	1	9.1
Western	52	38	73.1	7	(7)	13.5	2	(1)	3.8	2	3.8	3	5.8
Mississippi													
Northern	17	9	52.9	0	(0)	0.0	3	(2)	17.6	1	5.9	4	23.5
Southern	20	11	55.0	2	(2)	10.0	0	(0)	0.0	7	35.0	0	0.0
Texas													
Eastern	35	29	82.9	1	(1)	2.9	0	(0)	0.0	3	8.6	2	5.7
Northern	174	130	74.7	10	(10)	5.7	4	(3)	2.3	22	12.6	8	4.6
Southern	250	181	72.4	26	(26)	10.4	14	(13)	5.6	21	8.4	8	3.2
Western	288	222	77.1	20	(20)	6.9	4	(2)	1.4	35	12.2	7	2.4
SIXTH CIRCUIT	734	550	74.9	82	(82)	11.2	29	(26)	4.0	59	8.0	14	1.9
Kentucky													
Eastern	78	60	76.9	11	(11)	14.1	4	(4)	5.1	3	3.8	0	0.0
Western	28	20	71.4	3	(3)	10.7	4	(4)	14.3	1	3.6	0	0.0
Michigan													
Eastern	70	43	61.4	11	(11)	15.7	2	(2)	2.9	14	20.0	0	0.0
Western	96	80	83.3	4	(4)	4.2	4	(4)	4.2	6	6.3	2	2.1
Ohio													
Northern	120	93	77.5	11	(11)	9.2	3	(3)	2.5	10	8.3	3	2.5
Southern	81	60	74.1	9	(9)	11.1	4	(2)	4.9	4	4.9	4	4.9
Tennessee													
Eastern	124	85	68.5	22	(22)	17.7	1	(1)	0.8	13	10.5	3	2.4
Middle	32	26	81.3	2	(2)	6.3	1	(1)	3.1	3	9.4	0	0.0
Western	105	83	79.0	9	(9)	8.6	6	(5)	5.7	5	4.8	2	1.9
SEVENTH CIRCUIT	303	183	60.4	72	(72)	23.8	6	(6)	2.0	25	8.3	17	5.6
Illinois													
Central	55	16	29.1	31	(31)	56.4	2	(2)	3.6	4	7.3	2	3.6
Northern	125	85	68.0	25	(25)	20.0	1	(1)	0.8	10	8.0	4	3.2
Southern	35	22	62.9	7	(7)	20.0	1	(1)	2.9	2	5.7	3	8.6
Indiana													
Northern	31	25	80.6	1	(1)	3.2	0	(0)	0.0	3	9.7	2	6.5
Southern	13	7	53.8	2	(2)	15.4	0	(0)	0.0	3	23.1	1	7.7
Wisconsin													
Eastern	27	15	55.6	4	(4)	14.8	2	(2)	7.4	2	7.4	4	14.8
Western	17	13	76.5	2	(2)	11.8	0	(0)	0.0	1	5.9	1	5.9
EIGHTH CIRCUIT	470	396	84.3	20	(20)	4.3	10	(9)	2.1	33	7.0	11	2.3
Arkansas													
Eastern	30	27	90.0	1	(1)	3.3	1	(1)	3.3	1	3.3	0	0.0
Western	28	22	78.6	4	(4)	14.3	0	(0)	0.0	0	0.0	2	7.1
Iowa													
Northern	73	69	94.5	0	(0)	0.0	2	(2)	2.7	2	2.7	0	0.0
Southern	64	60	93.8	2	(2)	3.1	1	(1)	1.6	0	0.0	1	1.6
Minnesota	64	57	89.1	2	(2)	3.1	1	(1)	1.6	4	6.3	0	0.0
Missouri													
Eastern	67	51	76.1	2	(2)	3.0	1	(1)	1.5	8	11.9	5	7.5
Western	60	49	81.7	1	(1)	1.7	2	(1)	3.3	7	11.7	1	1.7
Nebraska	52	38	73.1	6	(6)	11.5	0	(0)	0.0	7	13.5	1	1.9
North Dakota	9	5	55.6	2	(2)	22.2	1	(1)	11.1	0	0.0	1	11.1
South Dakota	23	18	78.3	0	(0)	0.0	1	(1)	4.3	4	17.4	0	0.0

Table 56 (cont.)

CIRCUIT District	AFFIRMED		REVERSED ²			AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
	TOTAL	N	%	N	%	N	%	N	%	N	%		
NINTH CIRCUIT	727	522	71.8	80	(80)	11.0	41	(38)	5.6	62	8.5	22	3.0
Alaska	11	8	72.7	1	(1)	9.1	1	(1)	9.1	1	9.1	0	0.0
Arizona	129	93	72.1	17	(17)	13.2	5	(5)	3.9	11	8.5	3	2.3
California													
Central	146	91	62.3	19	(19)	13.0	12	(11)	8.2	17	11.6	7	4.8
Eastern	49	29	59.2	14	(14)	28.6	4	(4)	8.2	0	0.0	2	4.1
Northern	28	22	78.6	2	(2)	7.1	1	(1)	3.6	3	10.7	0	0.0
Southern	133	102	76.7	10	(10)	7.5	7	(6)	5.3	8	6.0	6	4.5
Guam	3	2	66.7	0	(0)	0.0	0	(0)	0.0	1	33.3	0	0.0
Hawaii	9	6	66.7	1	(1)	11.1	1	(0)	11.1	0	0.0	1	11.1
Idaho	15	8	53.3	2	(2)	13.3	0	(0)	0.0	5	33.3	0	0.0
Montana	63	52	82.5	4	(4)	6.3	5	(5)	7.9	2	3.2	0	0.0
Nevada	63	48	76.2	5	(5)	7.9	1	(1)	1.6	8	12.7	1	1.6
Northern Mariana Islands	2	2	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Oregon	24	18	75.0	3	(3)	12.5	2	(2)	8.3	1	4.2	0	0.0
Washington													
Eastern	27	26	96.3	1	(1)	3.7	0	(0)	0.0	0	0.0	0	0.0
Western	25	15	60.0	1	(1)	4.0	2	(2)	8.0	5	20.0	2	8.0
TENTH CIRCUIT	227	168	74.0	15	(15)	6.6	8	(8)	3.5	33	14.5	3	1.3
Colorado	58	48	82.8	4	(4)	6.9	2	(2)	3.4	3	5.2	1	1.7
Kansas	41	25	61.0	4	(4)	9.8	3	(3)	7.3	9	22.0	0	0.0
New Mexico	24	19	79.2	2	(2)	8.3	0	(0)	0.0	3	12.5	0	0.0
Oklahoma													
Eastern	6	5	83.3	0	(0)	0.0	0	(0)	0.0	1	16.7	0	0.0
Northern	18	14	77.8	0	(0)	0.0	0	(0)	0.0	4	22.2	0	0.0
Western	52	38	73.1	2	(2)	3.8	1	(1)	1.9	10	19.2	1	1.9
Utah	15	10	66.7	2	(2)	13.3	1	(1)	6.7	2	13.3	0	0.0
Wyoming	13	9	69.2	1	(1)	7.7	1	(1)	7.7	1	7.7	1	7.7
ELEVENTH CIRCUIT	743	559	75.2	49	(49)	6.6	37	(26)	5.0	96	12.9	2	0.3
Alabama													
Middle	17	8	47.1	4	(4)	23.5	0	(0)	0.0	5	29.4	0	0.0
Northern	25	21	84.0	3	(3)	12.0	0	(0)	0.0	1	4.0	0	0.0
Southern	23	17	73.9	4	(4)	17.4	1	(1)	4.3	1	4.3	0	0.0
Florida													
Middle	207	158	76.3	14	(14)	6.8	10	(6)	4.8	24	11.6	1	0.5
Northern	59	45	76.3	3	(3)	5.1	10	(5)	16.9	1	1.7	0	0.0
Southern	231	183	79.2	14	(14)	6.1	10	(9)	4.3	24	10.4	0	0.0
Georgia													
Middle	37	20	54.1	3	(3)	8.1	0	(0)	0.0	14	37.8	0	0.0
Northern	108	76	70.4	2	(2)	1.9	6	(5)	5.6	24	22.2	0	0.0
Southern	36	31	86.1	2	(2)	5.6	0	(0)	0.0	2	5.6	1	2.8

¹ Of the 9,755 appeals cases, 3,788 were excluded due to one of the following reasons: type of appeal was “conviction only” (2,031), “Anders Brief” (1,636), or “unknown” (121). Of the 5,967 remaining cases, 39 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, 2012 Appeals Datafile, APPFY12.