

Table 57

**GUIDELINE INVOLVED IN CASES APPEALED BY THE DEFENDANT
Fiscal Year 2013**

GUIDELINE	N	%
NUMBER OF DEFENDANT APPEALS	5,668	—¹
1B1.10 (Retroactivity of Amended Guideline Ranges)	842	14.9
2D1.1 (Drug Trafficking)	261	4.6
2B1.1 (Larceny, Embezzlement, and Theft)	220	3.9
2L1.2 (Unlawfully Entering or Remaining in the United States)	214	3.8
3B1.1 (Aggravating Role)	184	3.2
3E1.1 (Acceptance of Responsibility)	158	2.8
5E1.1 (Restitution)	149	2.6
4B1.4 (Armed Career Criminal)	130	2.3
3C1.1 (Obstruction of Justice)	128	2.3
2K2.1 (Firearms)	104	1.8
3B1.2 (Mitigating Role)	102	1.8
5D1.3 (Conditions of Supervised Release)	99	1.7
5D1.1 (Supervised Release)	95	1.7
4A1.3 (Adequacy of Criminal History)	73	1.3
1B1.3 (Relevant Conduct)	68	1.2
4A1.2 (Definitions and Instructions of Criminal History)	67	1.2
5C1.2 (Limitation on Applicability of Statutory Minimums)	63	1.1
5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	60	1.1
4B1.1 (Career Offender)	56	1.0
5D1.2 (Terms of Supervised Release)	46	0.8
4A1.1 (Criminal History Category)	45	0.8
4B1.2 (Definitions for Career Offender)	42	0.7
5K1.1 (Substantial Assistance to Authorities)	42	0.7
2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	39	0.7
6A1.3 (Resolution of Disputed Factors)	31	0.5
5G1.2 (Sentencing on Multiple Counts of Conviction)	29	0.5
2B3.1 (Robbery)	27	0.5
3B1.3 (Abuse of Position of Trust or Use of Special Skill)	26	0.5
5K2.0 (Departures)	25	0.4
3A1.1 (Vulnerable Victim)	23	0.4
2S1.1 (Laundering of Monetary Instruments)	22	0.4
Reasonableness Issues	3,210	56.6
Constitutional Issues	429	7.6
Other Guidelines	456	8.0
Other Non-guideline Issues	1,013	17.9

¹ Based on 5,668 appeals by defendants with sentencing as at least one of the reasons for appeal. Often more than one issue was appealed; consequently, the number of guidelines or other issues listed is more than the number of cases appealed by defendants. If more than one issue involving a guideline was appealed in the same appeal that guideline was only counted once. Also, because more than one issue may be appealed, the “percent” column does not add to 100%. The “Other Guidelines” category includes all guideline issues appealed fewer than 20 times.