

Table 58**GUIDELINE INVOLVED IN CASES APPEALED BY THE GOVERNMENT
Fiscal Year 2013**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	41	—¹
2B1.1 (Larceny, Embezzlement, and Theft)	6	14.6
1B1.10 (Retroactivity of Amended Guideline Ranges)	5	12.2
5E1.1 (Restitution)	5	12.2
3B1.1 (Aggravating Role)	3	7.3
2D1.1 (Drug Trafficking)	2	4.9
2K2.1 (Firearms)	2	4.9
2K2.4 (Use of Firearms or Armor-Piercing Ammunition During Certain Crimes)	2	4.9
5C1.2 (Limitation on Applicability of Statutory Minimums)	2	4.9
Reasonableness Issues	32	78.0
Constitutional Issues	2	4.9
Other Guidelines	14	34.1
Other Non-guideline Issues	10	24.4

¹ Based on 41 appeals by the government 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 the government. 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 issues appealed one time.

SOURCE: U.S. Sentencing Commission, 2013 Appeals Datafile, APPFY13.