

Table 57

**GUIDELINE INVOLVED IN CASES APPEALED BY THE DEFENDANT
Fiscal Year 2014**

GUIDELINE	N	%
NUMBER OF DEFENDANT APPEALS	4,900	—¹
1B1.10 (Retroactivity of Amended Guideline Ranges)	360	7.3
2D1.1 (Drug Trafficking)	243	5.0
2L1.2 (Unlawfully Entering or Remaining in the United States)	231	4.7
2B1.1 (Larceny, Embezzlement, and Theft)	226	4.6
3E1.1 (Acceptance of Responsibility)	190	3.9
5E1.1 (Restitution)	175	3.6
3B1.1 (Aggravating Role)	158	3.2
6A1.3 (Resolution of Disputed Factors)	138	2.8
4B1.4 (Armed Career Criminal)	127	2.6
5D1.3 (Conditions of Supervised Release)	125	2.6
3C1.1 (Obstruction of Justice)	121	2.5
2K2.1 (Firearms)	114	2.3
3B1.2 (Mitigating Role)	103	2.1
4A1.3 (Adequacy of Criminal History)	65	1.3
4B1.1 (Career Offender)	59	1.2
5D1.2 (Terms of Supervised Release)	55	1.1
5C1.2 (Limitation on Applicability of Statutory Minimums)	53	1.1
5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	52	1.1
5D1.1 (Supervised Release)	50	1.0
4A1.2 (Definitions and Instructions of Criminal History)	49	1.0
2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	48	1.0
1B1.11 (Use of Guideline Manual in Effect at Sentencing)	45	0.9
4A1.1 (Criminal History Category)	37	0.8
3B1.3 (Abuse of Position of Trust or Use of Special Skill)	35	0.7
1B1.3 (Relevant Conduct)	29	0.6
3A1.1 (Vulnerable Victim)	28	0.6
5K1.1 (Substantial Assistance to Authorities)	25	0.5
1B1.4 (Information to be Used in Imposing Sentence)	24	0.5
4B1.2 (Definitions for Career Offender)	23	0.5
5E1.2 (Fines for Individual Defendants)	21	0.4
Reasonableness Issues	3,164	64.6
Constitutional Issues	574	11.7
Other Guidelines	435	8.9
Other Non-guideline Issues	528	10.8

¹ Based on 4,900 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.