

**Table 59**

**SENTENCING ISSUES APPEALED FOR REASONABLENESS ISSUES<sup>1</sup>  
Fiscal Year 2014**

<b>ISSUE</b>	<b>N</b>	<b>%</b>	<b>Affirmance Rate<sup>2</sup></b>
<b>REASONABLENESS ISSUES</b>	<b>4,521</b>	<b>100.0</b>	<b>86.1</b>
Procedural: Court improperly calculated guidelines range	2,405	53.2	80.2
Substantive: Unreasonable weighing decision	1,049	23.2	95.8
Procedural: Court failed to address/improperly considered 3553(a) factors	318	7.0	92.8
Procedural: Court did not adequately explain the chosen sentence	242	5.4	87.2
Substantive: General	161	3.6	83.2
Procedural: Court selected a sentence based on clearly erroneous facts	85	1.9	89.4
Substantive: Lack of empirical basis of a guideline	84	1.9	98.8
Procedural: General	79	1.7	88.6
General reasonableness challenge	39	0.9	89.7
Procedural: Court did not treat the guidelines as advisory	37	0.8	89.2
Presumptive reasonableness of a guidelines range sentence	12	0.3	91.7
Procedural: Lack of empirical basis for a guideline	10	0.2	100.0

<sup>1</sup> Based on 4,930 appeals with sentencing as at least one of the reasons for appeal. Often more than one reasonableness issue was appealed; consequently, the number of issues may be more than the number of sentencing appeals.

<sup>2</sup> Affirmance rate includes all appeals cases not reversed or directly remanded by the courts of appeal.

SOURCE: U.S. Sentencing Commission, 2014 Appeals Datafile, APPFY14.