

Table 57

GUIDELINE INVOLVED IN CASES APPEALED BY THE DEFENDANT¹
Fiscal Year 2015

GUIDELINE	N	%
NUMBER OF DEFENDANT APPEALS	4,896	--
1B1.10 (Retroactivity of Amended Guideline Ranges)	308	6.3
2L1.2 (Unlawfully Entering or Remaining in the United States)	287	5.9
2B1.1 (Larceny, Embezzlement, and Theft)	271	5.5
2D1.1 (Drug Trafficking)	261	5.3
5D1.3 (Conditions of Supervised Release)	201	4.1
5E1.1 (Restitution)	194	4.0
3B1.1 (Aggravating Role)	178	3.6
6A1.3 (Resolution of Disputed Factors)	136	2.8
4B1.4 (Armed Career Criminal)	122	2.5
3E1.1 (Acceptance of Responsibility)	118	2.4
3B1.2 (Mitigating Role)	116	2.4
2K2.1 (Firearms)	112	2.3
3C1.1 (Obstruction of Justice)	108	2.2
4B1.1 (Career Offender)	64	1.3
4A1.2 (Definitions and Instructions of Criminal History)	61	1.2
5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	61	1.2
4A1.1 (Criminal History Category)	41	0.8
2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	38	0.8
5D1.2 (Terms of Supervised Release)	36	0.7
1B1.3 (Relevant Conduct)	35	0.7
1B1.1 (Application Instructions)	32	0.7
4B1.2 (Definitions for Career Offender)	31	0.6
5K2.0 (Departures)	30	0.6
3B1.3 (Abuse of Position of Trust or Use of Special Skill)	29	0.6
3A1.1 (Vulnerable Victim)	28	0.6
4A1.3 (Adequacy of Criminal History)	28	0.6
2B3.1 (Robbery)	26	0.5
5G1.2 (Sentencing on Multiple Counts of Conviction)	26	0.5
5C1.2 (Limitation on Applicability of Statutory Minimums)	25	0.5
5D1.1 (Supervised Release)	23	0.5
5K1.1 (Substantial Assistance to Authorities)	22	0.4
2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien)	20	0.4
Reasonableness Issues	3,218	65.7
Constitutional Issues	474	9.7
Other Guidelines	397	8.1
Other Non-guideline Issues	345	7.0

¹ Based on 4,896 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.