

Table 58

GUIDELINE INVOLVED IN CASES APPEALED BY THE GOVERNMENT¹
Fiscal Year 2015

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	22	--
4B1.1 (Career Offender)	4	18.2
5E1.1 (Restitution)	4	18.2
2A3.1 (Criminal Sexual Abuse)	1	4.5
2B1.1 (Larceny, Embezzlement, and Theft)	1	4.5
2K2.1 (Unlawful Receipt, Possession or Transportation of Firearms)	1	4.5
2K2.4 (Use of Firearm During or in Relation to Certain Crimes)	1	4.5
3B1.1 (Aggravating Role)	1	4.5
3C1.1 (Obstruction of Justice)	1	4.5
5E1.4 (Forfeiture)	1	4.5
5K1.1 (Substantial Assistance to Authorities)	1	4.5
6A1.3 (Resolution of Disputed Factors)	1	4.5
Reasonableness Issues	15	68.2
Constitutional Issues	5	22.7
Other Non-guideline Issues	5	22.7

¹ Based on 22 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%.

SOURCE: U.S. Sentencing Commission, 2015 Appeals Datafile, APPFY15.