

Table 59

SENTENCING ISSUES APPEALED FOR REASONABLENESS ISSUES¹
Fiscal Year 2015

ISSUE	N	%	Affirmance Rate²
REASONABLENESS ISSUES	4,298	100.0	89.1
Procedural: Court improperly calculated guidelines range	2,261	52.6	83.9
Substantive: Unreasonable weighing decision	967	22.5	99.1
Procedural: Court failed to address or improperly considered 3553(a) factors	349	8.1	93.4
Procedural: Court did not adequately explain the chosen sentence	252	5.9	90.9
Substantive: General	163	3.8	85.3
Substantive: Lack of empirical basis of a guideline	94	2.2	100.0
Procedural: Court selected a sentence based on clearly erroneous facts	75	1.7	88.0
Procedural: General	65	1.5	87.7
General reasonableness challenge	35	0.8	85.7
Procedural: Court did not treat the guideline as advisory	20	0.5	90.0
Procedural: Lack of empirical basis for a guideline	12	0.3	91.7
Presumptive reasonableness of a guideline range sentence	5	0.1	100.0

¹ Based on 4,902 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.

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

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