

Table 58

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2016**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	15	--
2K2.1 (Firearms)	2	13.3
4B1.2 (Definitions for Career Offender)	2	13.3
2L1.2 (Unlawfully Entering or Remaining in the United States)	1	6.7
4B1.1 (Career Offender)	1	6.7
4B1.4 (Armed Career Criminal)	1	6.7
5E1.1 (Restitution)	1	6.7
Reasonableness Issues	13	86.7
Other Non-guideline Issues	5	33.3

¹ Based on 21 appeals by the government of the original sentence. Of these 21, six were excluded because the lower court sentence was affirmed by the circuit court. 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 and the percent column ("%") does not add to 100%. If more than one issue involving a guideline was appealed in the same appeal that guideline was counted only once.

SOURCE: U.S. Sentencing Commission, 2016 Appeals Datafile, APPFY16.