

Table 59

**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE
ORIGINAL SENTENCE WAS REVERSED OR REMANDED¹
Fiscal Year 2016**

ISSUE	N	%
REASONABLENESS ISSUES	375	100.0
Procedural: Court improperly calculated guidelines range	310	82.7
Procedural: Court did not adequately explain the chosen sentence	27	7.2
Procedural: Court failed to address or improperly considered 3553(a) factors	20	5.3
Procedural: Court selected a sentence based on clearly erroneous facts	9	2.4
Procedural: General	3	0.8
Substantive: Unreasonable weighing decision	3	0.8
Substantive: General	2	0.5
Procedural: Court did not treat the guideline as advisory	1	0.3

¹ Based on 5,222 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 5,222 appeals, 3,447 were appeals of the original sentence. Of these 3,447 appeals of the original sentence, 743 were reversed or remanded. Often more than one reasonableness issue was appealed; consequently, the number of issues may be more than the number of sentencing appeals that were reversed or remanded.

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