

Table 58

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2017**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	16	--
4B1.4 (Armed Career Criminal)	6	37.5
5E1.1 (Restitution)	3	18.8
2B1.1 (Larceny, Embezzlement, and Theft)	2	12.5
5E1.4 (Forfeiture)	2	12.5
2K2.4 (Use of Firearms/Armor-Piercing Ammunition in Relation to Certain Crimes)	1	6.3
2L1.2 (Unlawfully Entering or Remaining in the United States)	1	6.3
5G1.1 (Sentencing on a Single Count of Conviction)	1	6.3
5G1.3 (Imposition of Sentence on Defendant Subject to Undischarged Term of Imprisonment)	1	6.3
Reasonableness Issues	16	100.0
Other Non-guideline Issues	1	6.3

¹ Based on 21 appeals by the government of the original sentence. Of these 21, five 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, 2017 Appeals Datafile, APPFY17.