

Table 59

**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE
ORIGINAL SENTENCE WAS REVERSED OR REMANDED¹
Fiscal Year 2017**

ISSUE	N	%
REASONABLENESS ISSUES	359	100.0
Procedural: Court improperly calculated guidelines range	324	90.3
Procedural: Court failed to address or improperly considered 3553(a) factors	11	3.1
Procedural: Court did not adequately explain the chosen sentence	9	2.5
Substantive: Unreasonable weighing decision	7	1.9
Procedural: Court selected a sentence based on clearly erroneous facts	6	1.7
Procedural: Court did not treat the guideline as advisory	1	0.3
General reasonableness challenge	1	0.3

¹ Based on 4,907 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 4,907 appeals, 3,427 were appeals of the original sentence. Of these 3,427 appeals of the original sentence, 570 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, 2017 Appeals Datafile, APPFY17.