

**Table A-4**  
**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN**  
**OFFENDER APPEALS OF THE ORIGINAL SENTENCE<sup>1</sup>**  
**Fiscal Year 2018**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF OFFENDER APPEALS</b>	<b>476</b>	<b>--</b>
§4B1.2 (Definitions for Career Offender)	43	9.0
§2K2.1 (Firearms)	40	8.4
§5E1.1 (Restitution)	36	7.6
§5D1.3 (Conditions of Supervised Release)	34	7.1
§4B1.4 (Armed Career Criminal)	29	6.1
§2L1.2 (Unlawfully Entering or Remaining in the United States)	29	6.1
§2B1.1 (Larceny, Embezzlement, and Theft)	17	3.6
§2D1.1 (Drug Trafficking)	14	2.9
§5D1.2 (Terms of Supervised Release)	12	2.5
§1B1.3 (Relevant Conduct)	10	2.1
§4A1.1 (Criminal History Category)	9	1.9
§3B1.1 (Aggravating Role)	8	1.7
§4B1.1 (Career Offender)	8	1.7
§4A1.2 (Definitions and Instructions of Criminal History)	7	1.5
§3B1.2 (Mitigating Role)	7	1.5
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	7	1.5
§1B1.11 (Use of Guideline Manual in Effect at Sentencing)	7	1.5
§3C1.1 (Obstruction of Justice)	7	1.5
§3E1.1 (Acceptance of Responsibility)	6	1.3
§5E1.4 (Forfeiture)	6	1.3
§6A1.3 (Resolution of Disputed Factors)	6	1.3
§5C1.2 (Limitation on Applicability of Statutory Minimums)	5	1.1
§3D1.4 (Determining the Combined Offense Level)	4	0.8
§2B3.1 (Robbery)	4	0.8
§5E1.2 (Fines for Individual Defendants)	3	0.6
§3A1.2 (Official Victim)	3	0.6
Reasonableness Issues	356	74.8
Other Non-guideline Issues	190	39.9
Other Guidelines	41	8.6
Constitutional Issues	25	5.3

<sup>1</sup> Based on 3,224 appeals by offenders of the original sentence. Of these 3,224 appeals, 2,748 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 offender 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. The 'Other Guideline' category includes all guidelines appealed less than three times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2018 Appeals Datafile, APPFY18.