

Table A-5

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2018**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	19	--
§4B1.2 (Definitions for Career Offender)	6	31.6
§2K2.1 (Firearms)	3	15.8
§2D1.1 (Drug Trafficking)	3	15.8
§4B1.4 (Armed Career Criminal)	2	10.5
§5G1.1 (Sentencing on a Single Count of Conviction)	1	5.3
§5E1.1 (Restitution)	1	5.3
§4B1.1 (Career Offender)	1	5.3
§3B1.1 (Aggravating Role)	1	5.3
§5C1.2 (Limitation on Applicability of Statutory Minimums)	1	5.3
Reasonableness Issues	17	89.5
Other Non-guideline Issues	7	36.8

¹ Based on 25 appeals by the government of the original sentence. Of these 25 appeals, 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 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. Descriptions of variables used in this table are provided in Appendix A.

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