

Table A-5

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2020**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	52	--
§4B1.4 (Armed Career Criminal)	33	63.5
§4B1.2 (Definitions for Career Offender)	5	9.6
§2K2.1 (Firearms)	4	7.7
§3C1.1 (Obstruction of Justice)	3	5.8
§2A2.2 (Aggravated Assault)	2	3.8
§3A1.1 (Hate Crime Motivation or Vulnerable Victim)	2	3.8
§2B1.1 (Larceny, Embezzlement, and Theft)	2	3.8
§5E1.4 (Forfeiture)	2	3.8
§2K2.4 (Use of Firearms or Armor-Piercing Ammunition During Certain Crimes)	1	1.9
§5D1.3 (Conditions of Supervised Release)	1	1.9
§2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	1	1.9
§2D1.1 (Drug Trafficking)	1	1.9
§5G1.2 (Sentencing on Multiple Counts of Conviction)	1	1.9
§3B1.1 (Aggravating Role)	1	1.9
§1B1.3 (Relevant Conduct)	1	1.9
Reasonableness Issues	50	96.2
Other Non-guideline Issues	18	34.6
Constitutional Issues	1	1.9

¹ Based on 58 appeals by the government of the original sentence. Of these 58 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 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. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2020 Appeals Datafile, APPFY20.