

Table A-5

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN
GOVERNMENT APPEALS OF THE ORIGINAL SENTENCE¹
Fiscal Year 2021**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	31	--
§4B1.4 (Armed Career Criminal)	7	22.6
§5E1.1 (Restitution)	4	12.9
§5E1.4 (Forfeiture)	4	12.9
§4B1.2 (Definitions for Career Offender)	3	9.7
§2K2.1 (Firearms)	2	6.5
§3C1.1 (Obstruction of Justice)	1	3.2
§3B1.1 (Aggravating Role)	1	3.2
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	1	3.2
§5K1.1 (Substantial Assistance to Authorities)	1	3.2
Reasonableness Issues	26	83.9
Other Non-guideline Issues	6	19.4

¹ Based on 32 appeals by the government of the original sentence. Of these 32 appeals, one was 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, 2021 Appeals Datafile, APPFY21.