

**Table A-4**

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND IN  
OFFENDER APPEALS OF THE ORIGINAL SENTENCE<sup>1</sup>  
Fiscal Year 2022**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF OFFENDER APPEALS</b>	<b>406</b>	<b>--</b>
§5D1.3 (Conditions of Supervised Release)	108	26.6
§5E1.1 (Restitution)	33	8.1
§2K2.1 (Firearms)	30	7.4
§4B1.4 (Armed Career Criminal)	27	6.7
§4B1.2 (Definitions for Career Offender)	25	6.2
§2B1.1 (Larceny, Embezzlement, and Theft)	15	3.7
§2D1.1 (Drug Trafficking)	12	3.0
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	9	2.2
§4A1.2 (Definitions and Instructions of Criminal History)	8	2.0
§5C1.1 (Imposition of a Term of Imprisonment)	8	2.0
§5E1.4 (Forfeiture)	8	2.0
§2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien)	8	2.0
§4B1.1 (Career Offender)	6	1.5
§5G1.2 (Sentencing on Multiple Counts of Conviction)	6	1.5
§2L1.2 (Unlawfully Entering or Remaining in the United States)	6	1.5
§4A1.1 (Criminal History Category)	5	1.2
§5C1.2 (Limitation on Applicability of Statutory Minimums)	5	1.2
§1B1.3 (Relevant Conduct)	5	1.2
§3E1.1 (Acceptance of Responsibility)	5	1.2
§2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	5	1.2
§3C1.1 (Obstruction of Justice)	5	1.2
§5D1.2 (Terms of Supervised Release)	5	1.2
§6A1.3 (Resolution of Disputed Factors)	5	1.2
§2E1.1 (Unlawful Conduct Relating to Racketeer Influenced and Corrupt Organizations)	4	1.0
§3B1.2 (Mitigating Role)	4	1.0
§5G1.1 (Sentencing on a Single Count of Conviction)	4	1.0
§5D1.1 (Imposition of a Term of Supervised Release)	4	1.0
§1B1.7 (Significance of Commentary)	4	1.0
Reasonableness Issues	367	90.4
Other Non-guideline Issues	209	51.5
Other Guidelines	48	11.8
Constitutional Issues	6	1.5

<sup>1</sup> Based on 2,585 appeals by offenders of the original sentence. Of these 2,585 appeals, 2,179 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 four times. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2022 Appeals Datafile, APPFY22.