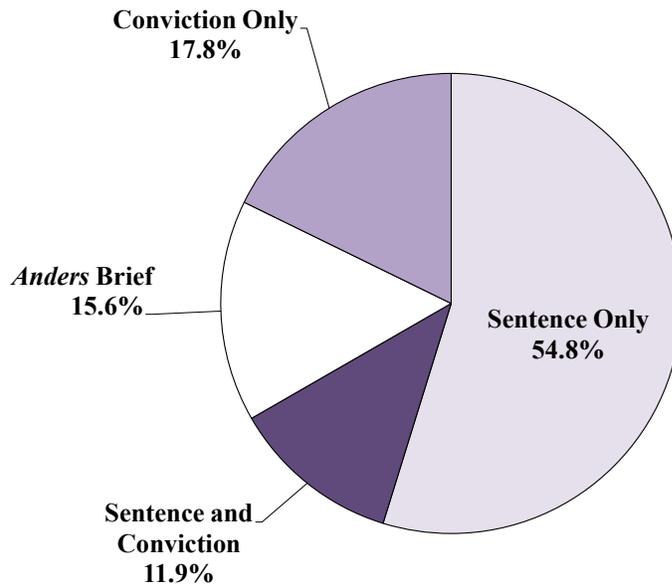


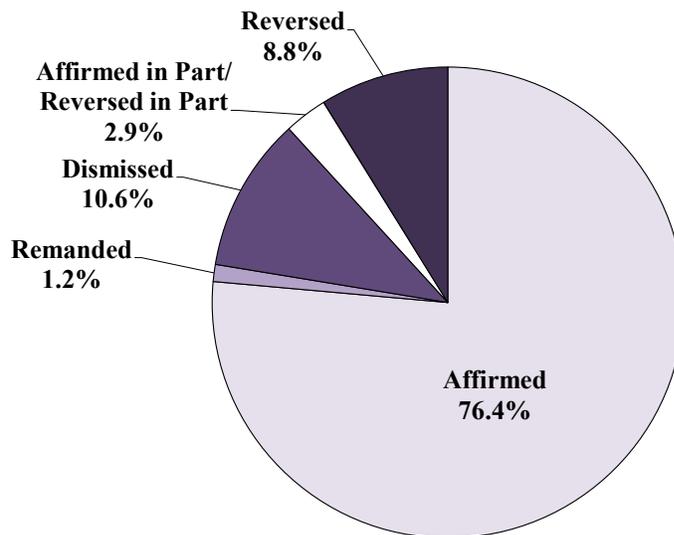
Figure A

TYPE AND DISPOSITION OF APPEALS CASES¹
Fiscal Year 2023

TYPE OF APPEAL



DISPOSITION OF SENTENCING APPEALS^{2,3}



¹ Of the 6,555 appeals cases, 184 were excluded because the type of appeal was 'unknown'. Of the remaining cases, 6,340 involved an appeal by the individual sentenced, 24 involved an appeal by the government, and seven involved a cross appeal. Descriptions of variables used in this table are provided in Appendix A.

² Of the 125 cases affirmed in part and reversed in part, 121 (96.8%) cases were remanded to the district court.

³ Of the 376 cases reversed, 376 (100.0%) cases were remanded to the district court.

Table A-1

TYPE OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023

CIRCUIT District	Total		Sentence and Conviction		Conviction Only		<i>Anders</i> Brief			
	N	%	N	%	N	%	N	%		
TOTAL	6,371		3,490	54.8	759	11.9	1,131	17.8	991	15.6
D.C. CIRCUIT	20		11	55.0	3	15.0	6	30.0	0	0.0
District of Columbia	20		11	55.0	3	15.0	6	30.0	0	0.0
FIRST CIRCUIT	196		112	57.1	24	12.2	38	19.4	22	11.2
Maine	26		18	69.2	4	15.4	3	11.5	1	3.8
Massachusetts	41		17	41.5	6	14.6	14	34.1	4	9.8
New Hampshire	12		3	25.0	2	16.7	7	58.3	0	0.0
Puerto Rico	108		66	61.1	11	10.2	14	13.0	17	15.7
Rhode Island	9		8	88.9	1	11.1	0	0.0	0	0.0
SECOND CIRCUIT	340		193	56.8	52	15.3	83	24.4	12	3.5
Connecticut	30		16	53.3	5	16.7	6	20.0	3	10.0
New York										
Eastern	69		39	56.5	11	15.9	18	26.1	1	1.4
Northern	38		29	76.3	6	15.8	2	5.3	1	2.6
Southern	155		80	51.6	24	15.5	44	28.4	7	4.5
Western	40		24	60.0	6	15.0	10	25.0	0	0.0
Vermont	8		5	62.5	0	0.0	3	37.5	0	0.0
THIRD CIRCUIT	284		172	60.6	54	19.0	48	16.9	10	3.5
Delaware	13		8	61.5	2	15.4	3	23.1	0	0.0
New Jersey	48		33	68.8	8	16.7	5	10.4	2	4.2
Pennsylvania										
Eastern	96		57	59.4	24	25.0	15	15.6	0	0.0
Middle	81		50	61.7	7	8.6	16	19.8	8	9.9
Western	31		22	71.0	6	19.4	3	9.7	0	0.0
Virgin Islands	15		2	13.3	7	46.7	6	40.0	0	0.0
FOURTH CIRCUIT	901		587	65.1	108	12.0	115	12.8	91	10.1
Maryland	64		41	64.1	8	12.5	13	20.3	2	3.1
North Carolina										
Eastern	241		161	66.8	43	17.8	21	8.7	16	6.6
Middle	112		70	62.5	8	7.1	11	9.8	23	20.5
Western	119		74	62.2	15	12.6	15	12.6	15	12.6
South Carolina	106		76	71.7	9	8.5	9	8.5	12	11.3
Virginia										
Eastern	139		97	69.8	15	10.8	24	17.3	3	2.2
Western	32		23	71.9	2	6.3	6	18.8	1	3.1
West Virginia										
Northern	52		23	44.2	3	5.8	9	17.3	17	32.7
Southern	36		22	61.1	5	13.9	7	19.4	2	5.6

Table A-1 (cont.)

CIRCUIT District	Total	Sentence Only		Sentence and Conviction		Conviction Only		<i>Anders Brief</i>	
	N	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,515	678	44.8	113	7.5	187	12.3	537	35.4
Louisiana									
Eastern	42	26	61.9	7	16.7	4	9.5	5	11.9
Middle	18	5	27.8	1	5.6	2	11.1	10	55.6
Western	66	32	48.5	10	15.2	16	24.2	8	12.1
Mississippi									
Northern	15	7	46.7	2	13.3	6	40.0	0	0.0
Southern	50	37	74.0	6	12.0	6	12.0	1	2.0
Texas									
Eastern	56	18	32.1	3	5.4	13	23.2	22	39.3
Northern	478	135	28.2	28	5.9	52	10.9	263	55.0
Southern	297	108	36.4	15	5.1	38	12.8	136	45.8
Western	493	310	62.9	41	8.3	50	10.1	92	18.7
SIXTH CIRCUIT	652	391	60.0	89	13.7	120	18.4	52	8.0
Kentucky									
Eastern	115	56	48.7	21	18.3	27	23.5	11	9.6
Western	21	15	71.4	4	19.0	1	4.8	1	4.8
Michigan									
Eastern	72	49	68.1	8	11.1	9	12.5	6	8.3
Western	81	47	58.0	13	16.0	18	22.2	3	3.7
Ohio									
Northern	184	113	61.4	22	12.0	34	18.5	15	8.2
Southern	38	20	52.6	1	2.6	11	28.9	6	15.8
Tennessee									
Eastern	69	47	68.1	9	13.0	9	13.0	4	5.8
Middle	28	19	67.9	3	10.7	4	14.3	2	7.1
Western	44	25	56.8	8	18.2	7	15.9	4	9.1
SEVENTH CIRCUIT	289	141	48.8	35	12.1	63	21.8	50	17.3
Illinois									
Central	43	24	55.8	3	7.0	14	32.6	2	4.7
Northern	73	43	58.9	7	9.6	12	16.4	11	15.1
Southern	34	14	41.2	1	2.9	10	29.4	9	26.5
Indiana									
Northern	30	13	43.3	6	20.0	6	20.0	5	16.7
Southern	69	25	36.2	18	26.1	14	20.3	12	17.4
Wisconsin									
Eastern	22	10	45.5	0	0.0	3	13.6	9	40.9
Western	18	12	66.7	0	0.0	4	22.2	2	11.1
EIGHTH CIRCUIT	769	437	56.8	85	11.1	148	19.2	99	12.9
Arkansas									
Eastern	53	32	60.4	7	13.2	13	24.5	1	1.9
Western	39	19	48.7	5	12.8	5	12.8	10	25.6
Iowa									
Northern	97	59	60.8	11	11.3	9	9.3	18	18.6
Southern	152	87	57.2	14	9.2	25	16.4	26	17.1
Minnesota	73	46	63.0	10	13.7	13	17.8	4	5.5
Missouri									
Eastern	99	50	50.5	10	10.1	20	20.2	19	19.2
Western	109	73	67.0	12	11.0	12	11.0	12	11.0
Nebraska	55	25	45.5	5	9.1	21	38.2	4	7.3
North Dakota	34	23	67.6	2	5.9	6	17.6	3	8.8
South Dakota	58	23	39.7	9	15.5	24	41.4	2	3.4

Table A-1 (cont.)

CIRCUIT	Total		Sentence and Conviction		Conviction Only		Anders Brief			
	N	%	N	%	N	%	N	%		
NINTH CIRCUIT	480		244	50.8	80	16.7	134	27.9	22	4.6
Alaska	11		3	27.3	2	18.2	5	45.5	1	9.1
Arizona	57		22	38.6	11	19.3	15	26.3	9	15.8
California										
Central	111		56	50.5	18	16.2	33	29.7	4	3.6
Eastern	40		26	65.0	4	10.0	9	22.5	1	2.5
Northern	42		22	52.4	4	9.5	15	35.7	1	2.4
Southern	52		30	57.7	6	11.5	16	30.8	0	0.0
Guam	3		1	33.3	0	0.0	2	66.7	0	0.0
Hawaii	24		19	79.2	4	16.7	0	0.0	1	4.2
Idaho	13		6	46.2	3	23.1	3	23.1	1	7.7
Montana	33		17	51.5	6	18.2	6	18.2	4	12.1
Nevada	35		14	40.0	13	37.1	8	22.9	0	0.0
Northern Mariana Islands	0		0	0.0	0	0.0	0	0.0	0	0.0
Oregon	8		7	87.5	1	12.5	0	0.0	0	0.0
Washington										
Eastern	28		9	32.1	4	14.3	15	53.6	0	0.0
Western	23		12	52.2	4	17.4	7	30.4	0	0.0
TENTH CIRCUIT	274		153	55.8	31	11.3	71	25.9	19	6.9
Colorado	42		21	50.0	4	9.5	13	31.0	4	9.5
Kansas	42		31	73.8	1	2.4	7	16.7	3	7.1
New Mexico	56		24	42.9	6	10.7	21	37.5	5	8.9
Oklahoma										
Eastern	14		6	42.9	4	28.6	4	28.6	0	0.0
Northern	39		20	51.3	7	17.9	10	25.6	2	5.1
Western	46		30	65.2	6	13.0	7	15.2	3	6.5
Utah	11		6	54.5	1	9.1	3	27.3	1	9.1
Wyoming	24		15	62.5	2	8.3	6	25.0	1	4.2
ELEVENTH CIRCUIT	651		371	57.0	85	13.1	118	18.1	77	11.8
Alabama										
Middle	24		10	41.7	4	16.7	10	41.7	0	0.0
Northern	39		23	59.0	2	5.1	5	12.8	9	23.1
Southern	47		19	40.4	5	10.6	12	25.5	11	23.4
Florida										
Middle	165		93	56.4	15	9.1	25	15.2	32	19.4
Northern	67		35	52.2	4	6.0	18	26.9	10	14.9
Southern	186		118	63.4	38	20.4	24	12.9	6	3.2
Georgia										
Middle	38		25	65.8	1	2.6	8	21.1	4	10.5
Northern	60		33	55.0	14	23.3	12	20.0	1	1.7
Southern	25		15	60.0	2	8.0	4	16.0	4	16.0

¹ Of the 6,555 appeals cases, 184 were excluded because the type of appeal was 'unknown'. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

Table A-2

**DISPOSITION OF ORIGINAL SENTENCING APPEALS BY THE SENTENCED INDIVIDUAL
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	2,662	1,847	69.4	266	266	10.0	109	105	4.1	408	15.3	32	1.2
D.C. CIRCUIT	7	5	71.4	0	0	0.0	2	2	28.6	0	0.0	0	0.0
District of Columbia	7	5	71.4	0	0	0.0	2	2	28.6	0	0.0	0	0.0
FIRST CIRCUIT	81	64	79.0	7	7	8.6	3	2	3.7	7	8.6	0	0.0
Maine	17	14	82.4	0	0	0.0	2	2	11.8	1	5.9	0	0.0
Massachusetts	19	17	89.5	2	2	10.5	0	0	0.0	0	0.0	0	0.0
New Hampshire	4	4	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	36	29	80.6	5	5	13.9	1	0	2.8	1	2.8	0	0.0
Rhode Island	5	0	0.0	0	0	0.0	0	0	0.0	5	100.0	0	0.0
SECOND CIRCUIT	168	98	58.3	19	19	11.3	8	8	4.8	41	24.4	2	1.2
Connecticut	19	13	68.4	1	1	5.3	0	0	0.0	4	21.1	1	5.3
New York													
Eastern	39	22	56.4	6	6	15.4	4	4	10.3	7	17.9	0	0.0
Northern	22	15	68.2	3	3	13.6	0	0	0.0	4	18.2	0	0.0
Southern	68	34	50.0	8	8	11.8	4	4	5.9	22	32.4	0	0.0
Western	17	11	64.7	1	1	5.9	0	0	0.0	4	23.5	1	5.9
Vermont	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	125	93	74.4	18	18	14.4	6	6	4.8	8	6.4	0	0.0
Delaware	8	6	75.0	1	1	12.5	0	0	0.0	1	12.5	0	0.0
New Jersey	21	17	81.0	2	2	9.5	0	0	0.0	2	9.5	0	0.0
Pennsylvania													
Eastern	47	33	70.2	11	11	23.4	3	3	6.4	0	0.0	0	0.0
Middle	24	17	70.8	2	2	8.3	1	1	4.2	4	16.7	0	0.0
Western	17	14	82.4	2	2	11.8	1	1	5.9	0	0.0	0	0.0
Virgin Islands	8	6	75.0	0	0	0.0	1	1	12.5	1	12.5	0	0.0
FOURTH CIRCUIT	385	206	53.5	48	48	12.5	26	26	6.8	102	26.5	3	0.8
Maryland	26	13	50.0	5	5	19.2	2	2	7.7	6	23.1	0	0.0
North Carolina													
Eastern	141	70	49.6	21	21	14.9	13	13	9.2	34	24.1	3	2.1
Middle	48	29	60.4	1	1	2.1	1	1	2.1	17	35.4	0	0.0
Western	50	30	60.0	4	4	8.0	4	4	8.0	12	24.0	0	0.0
South Carolina	42	21	50.0	8	8	19.0	2	2	4.8	11	26.2	0	0.0
Virginia													
Eastern	34	16	47.1	5	5	14.7	2	2	5.9	11	32.4	0	0.0
Western	9	7	77.8	1	1	11.1	0	0	0.0	1	11.1	0	0.0
West Virginia													
Northern	16	7	43.8	0	0	0.0	1	1	6.3	8	50.0	0	0.0
Southern	19	13	68.4	3	3	15.8	1	1	5.3	2	10.5	0	0.0

Table A-2 (cont.)

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	572	442	77.3	38	38	6.6	21	20	3.7	58	10.1	13	2.3
Louisiana													
Eastern	23	13	56.5	5	5	21.7	0	0	0.0	4	17.4	1	4.3
Middle	3	3	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	33	30	90.9	3	3	9.1	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	9	9	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	28	11	39.3	0	0	0.0	0	0	0.0	17	60.7	0	0.0
Texas													
Eastern	15	10	66.7	0	0	0.0	1	1	6.7	4	26.7	0	0.0
Northern	124	98	79.0	5	5	4.0	6	5	4.8	15	12.1	0	0.0
Southern	90	64	71.1	11	11	12.2	8	8	8.9	6	6.7	1	1.1
Western	247	204	82.6	14	14	5.7	6	6	2.4	12	4.9	11	4.5
SIXTH CIRCUIT	294	234	79.6	25	25	8.5	8	8	2.7	26	8.8	1	0.3
Kentucky													
Eastern	54	52	96.3	1	1	1.9	0	0	0.0	1	1.9	0	0.0
Western	5	4	80.0	1	1	20.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	20	14	70.0	2	2	10.0	2	2	10.0	2	10.0	0	0.0
Western	45	39	86.7	5	5	11.1	1	1	2.2	0	0.0	0	0.0
Ohio													
Northern	97	72	74.2	9	9	9.3	2	2	2.1	14	14.4	0	0.0
Southern	9	5	55.6	2	2	22.2	0	0	0.0	2	22.2	0	0.0
Tennessee													
Eastern	26	22	84.6	2	2	7.7	2	2	7.7	0	0.0	0	0.0
Middle	16	12	75.0	1	1	6.3	1	1	6.3	1	6.3	1	6.3
Western	22	14	63.6	2	2	9.1	0	0	0.0	6	27.3	0	0.0
SEVENTH CIRCUIT	105	79	75.2	11	11	10.5	5	4	4.8	6	5.7	4	3.8
Illinois													
Central	10	8	80.0	1	1	10.0	1	1	10.0	0	0.0	0	0.0
Northern	34	27	79.4	3	3	8.8	2	2	5.9	2	5.9	0	0.0
Southern	5	5	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Indiana													
Northern	13	8	61.5	0	0	0.0	0	0	0.0	1	7.7	4	30.8
Southern	32	24	75.0	5	5	15.6	2	1	6.3	1	3.1	0	0.0
Wisconsin													
Eastern	6	3	50.0	1	1	16.7	0	0	0.0	2	33.3	0	0.0
Western	5	4	80.0	1	1	20.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	302	221	73.2	19	19	6.3	7	7	2.3	54	17.9	1	0.3
Arkansas													
Eastern	29	15	51.7	1	1	3.4	1	1	3.4	11	37.9	1	3.4
Western	14	11	78.6	0	0	0.0	1	1	7.1	2	14.3	0	0.0
Iowa													
Northern	39	35	89.7	0	0	0.0	0	0	0.0	4	10.3	0	0.0
Southern	61	50	82.0	5	5	8.2	3	3	4.9	3	4.9	0	0.0
Minnesota	26	19	73.1	0	0	0.0	1	1	3.8	6	23.1	0	0.0
Missouri													
Eastern	43	34	79.1	2	2	4.7	1	1	2.3	6	14.0	0	0.0
Western	43	23	53.5	6	6	14.0	0	0	0.0	14	32.6	0	0.0
Nebraska	15	14	93.3	0	0	0.0	0	0	0.0	1	6.7	0	0.0
North Dakota	12	6	50.0	2	2	16.7	0	0	0.0	4	33.3	0	0.0
South Dakota	20	14	70.0	3	3	15.0	0	0	0.0	3	15.0	0	0.0

Table A-2 (cont.)

CIRCUIT	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	191	108	56.5	41	41	21.5	13	12	6.8	22	11.5	7	3.7
Alaska	3	2	66.7	1	1	33.3	0	0	0.0	0	0.0	0	0.0
Arizona	21	9	42.9	7	7	33.3	2	2	9.5	1	4.8	2	9.5
California													
Central	51	29	56.9	10	10	19.6	1	1	2.0	10	19.6	1	2.0
Eastern	15	10	66.7	3	3	20.0	1	1	6.7	0	0.0	1	6.7
Northern	14	7	50.0	4	4	28.6	2	2	14.3	1	7.1	0	0.0
Southern	24	14	58.3	8	8	33.3	1	1	4.2	1	4.2	0	0.0
Guam	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	9	3	33.3	2	2	22.2	1	1	11.1	3	33.3	0	0.0
Idaho	6	5	83.3	1	1	16.7	0	0	0.0	0	0.0	0	0.0
Montana	9	5	55.6	2	2	22.2	0	0	0.0	2	22.2	0	0.0
Nevada	17	9	52.9	1	1	5.9	3	3	17.6	1	5.9	3	17.6
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	4	2	50.0	1	1	25.0	0	0	0.0	1	25.0	0	0.0
Washington													
Eastern	7	4	57.1	1	1	14.3	1	1	14.3	1	14.3	0	0.0
Western	10	8	80.0	0	0	0.0	1	0	10.0	1	10.0	0	0.0
TENTH CIRCUIT	121	65	53.7	15	15	12.4	6	6	5.0	34	28.1	1	0.8
Colorado	20	6	30.0	2	2	10.0	1	1	5.0	11	55.0	0	0.0
Kansas	12	5	41.7	3	3	25.0	0	0	0.0	4	33.3	0	0.0
New Mexico	26	19	73.1	0	0	0.0	1	1	3.8	6	23.1	0	0.0
Oklahoma													
Eastern	9	7	77.8	1	1	11.1	1	1	11.1	0	0.0	0	0.0
Northern	14	5	35.7	5	5	35.7	0	0	0.0	3	21.4	1	7.1
Western	27	15	55.6	4	4	14.8	2	2	7.4	6	22.2	0	0.0
Utah	4	1	25.0	0	0	0.0	1	1	25.0	2	50.0	0	0.0
Wyoming	9	7	77.8	0	0	0.0	0	0	0.0	2	22.2	0	0.0
ELEVENTH CIRCUIT	311	232	74.6	25	25	8.0	4	4	1.3	50	16.1	0	0.0
Alabama													
Middle	11	5	45.5	2	2	18.2	0	0	0.0	4	36.4	0	0.0
Northern	18	14	77.8	2	2	11.1	0	0	0.0	2	11.1	0	0.0
Southern	11	6	54.5	0	0	0.0	1	1	9.1	4	36.4	0	0.0
Florida													
Middle	77	56	72.7	5	5	6.5	1	1	1.3	15	19.5	0	0.0
Northern	28	27	96.4	1	1	3.6	0	0	0.0	0	0.0	0	0.0
Southern	107	85	79.4	7	7	6.5	2	2	1.9	13	12.1	0	0.0
Georgia													
Middle	16	9	56.3	3	3	18.8	0	0	0.0	4	25.0	0	0.0
Northern	33	22	66.7	4	4	12.1	0	0	0.0	7	21.2	0	0.0
Southern	10	8	80.0	1	1	10.0	0	0	0.0	1	10.0	0	0.0

¹ Of the 6,555 appeals cases, 2,662 involved an appeal of the original sentence by the sentenced individual. The remaining appeals cases involved the following: type of appeal was 'conviction only' (1,131), 'Anders' Brief' (991), 'unknown' (184), the appeal was by the government only (24), the appeal was of an issue related to a post sentencing matter (1,154), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (415). Descriptions of variables used in this table are provided in Appendix A.

² 'Remanded' includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

Table A-3

**DISPOSITION OF ORIGINAL SENTENCING APPEALS BY THE GOVERNMENT
IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2023**

CIRCUIT District	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
TOTAL	23	7	30.4	13	13	56.5	3	3	13.0	0	0.0	0	0.0
D.C. CIRCUIT	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
District of Columbia	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FIRST CIRCUIT	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Maine	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Massachusetts	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Hampshire	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Puerto Rico	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Rhode Island	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
SECOND CIRCUIT	5	2	40.0	2	2	40.0	1	1	20.0	0	0.0	0	0.0
Connecticut	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New York													
Eastern	1	0	0.0	0	0	0.0	1	1	100.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	3	1	33.3	2	2	66.7	0	0	0.0	0	0.0	0	0.0
Western	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Vermont	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
THIRD CIRCUIT	5	0	0.0	5	5	100.0	0	0	0.0	0	0.0	0	0.0
Delaware	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Jersey	4	0	0.0	4	4	100.0	0	0	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Virgin Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Maryland	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Carolina													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
South Carolina	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Virginia													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
West Virginia													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
FIFTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Louisiana													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Mississippi													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Texas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Western	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
SIXTH CIRCUIT	2	0	0.0	2	2	100.0	0	0	0.0	0	0.0	0	0.0
Kentucky													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Michigan													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Ohio													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Tennessee													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	1	0	0.0	0	0	0.0	1	1	100.0	0	0.0	0	0.0
Illinois													
Central	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	1	0	0.0	0	0	0.0	1	1	100.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Indiana													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wisconsin													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	4	2	50.0	1	1	25.0	1	1	25.0	0	0.0	0	0.0
Arkansas													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Iowa													
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	0	0.0	0	0	0.0	1	1	100.0	0	0.0	0	0.0
Minnesota	2	2	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Missouri													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nebraska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
North Dakota	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
South Dakota	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

Table A-3 (cont.)

CIRCUIT	Total	Affirmed		Reversed			Affirmed and Reversed			Dismissed		Remanded	
		N	%	N	R ²	%	N	R ²	%	N	%	N	%
NINTH CIRCUIT	2	1	50.0	1	1	50.0	0	0	0.0	0	0.0	0	0.0
Alaska	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Arizona	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
California													
Central	1	0	0.0	1	1	100.0	0	0	0.0	0	0.0	0	0.0
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Guam	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Hawaii	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Idaho	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Montana	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Nevada	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oregon	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Washington													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
TENTH CIRCUIT	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Colorado	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Kansas	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
New Mexico	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Oklahoma													
Eastern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Utah	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Wyoming	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Alabama													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Florida													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	1	1	100.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Georgia													
Middle	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0
Southern	0	0	0.0	0	0	0.0	0	0	0.0	0	0.0	0	0.0

¹ Of the 6,555 appeals cases, 23 involved an appeal of the original sentence by the government. The remaining appeals cases involved the following: type of appeal was conviction only' (1,131), 'Anders Brief' (991), 'unknown' (184), the appeal was by the sentenced individual only (4,219), the appeal was of an issue related to a post sentencing matter (1,154), and/or the appeal was of a sentence imposed upon the revocation of probation or supervised release (415). Descriptions of variables used in this table are provided in Appendix A.

² 'Remanded' includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

Table A-4

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND
IN SENTENCING APPEALS OF THE ORIGINAL SENTENCE
BY THE SENTENCED INDIVIDUAL¹
Fiscal Year 2023**

GUIDELINE	N	%
NUMBER OF APPEALS	407	--
§5D1.3 (Conditions of Supervised Release)	126	31.0
§5E1.1 (Restitution)	32	7.9
§4B1.2 (Definitions for Career Offender)	27	6.6
§2K2.1 (Firearms)	25	6.1
§4B1.4 (Armed Career Criminal)	25	6.1
§2D1.1 (Drug Trafficking)	20	4.9
§5G1.2 (Sentencing on Multiple Counts of Conviction)	13	3.2
§6A1.3 (Resolution of Disputed Factors)	12	2.9
§2B1.1 (Larceny, Embezzlement, and Theft)	10	2.5
§1B1.3 (Relevant Conduct)	10	2.5
§5E1.3 (Special Assessments)	9	2.2
§4A1.2 (Definitions and Instructions of Criminal History)	9	2.2
§5G1.3 (Imposition of Sentence; Defendant Subject to Undischarged Term of Prison)	8	2.0
§5D1.2 (Terms of Supervised Release)	8	2.0
§5E1.4 (Forfeiture)	8	2.0
§5C1.2 (Limitation on Applicability of Statutory Minimums)	8	2.0
§3B1.2 (Mitigating Role)	6	1.5
§4A1.1 (Criminal History Category)	6	1.5
§4B1.1 (Career Offender)	5	1.2
§3E1.1 (Acceptance of Responsibility)	5	1.2
§3C1.1 (Obstruction of Justice)	3	0.7
§1B1.7 (Significance of Commentary)	3	0.7
§2A2.1 (Assault with Intent to Commit Murder; Attempted Murder)	3	0.7
§2B3.1 (Robbery)	3	0.7
§2L1.2 (Unlawfully Entering or Remaining in the United States)	3	0.7
Reasonableness Issues	363	89.2
Other Non-guideline Issues	226	55.5
Other Guidelines	33	8.1
Constitutional Issues	7	1.7

¹ Based on 2,662 appeals of the original sentence by the sentenced individual. Of these 2,662 appeals, 2,255 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 sentenced individual 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, 2023 Appeals Datafile, APPFY23.

Table A-5

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND
IN SENTENCING APPEALS OF THE ORIGINAL SENTENCE
BY THE GOVERNMENT¹
Fiscal Year 2023**

GUIDELINE	N	%
NUMBER OF GOVERNMENT APPEALS	16	--
§4B1.2 (Definitions for Career Offender)	4	25.0
§5E1.4 (Forfeiture)	3	18.8
§5C1.2 (Limitation on Applicability of Statutory Minimums)	3	18.8
§2A2.2 (Aggravated Assault)	2	12.5
§3D1.1 (Procedure for Determining Offense Level on Multiple Counts)	2	12.5
§3D1.2 (Groups of Closely Related Counts)	2	12.5
§4B1.1 (Career Offender)	1	6.3
§5G1.2 (Sentencing on Multiple Counts of Conviction)	1	6.3
§2K2.1 (Firearms)	1	6.3
§5E1.5 (Cost of Prosecution)	1	6.3
§5K1.1 (Substantial Assistance to Authorities)	1	6.3
Reasonableness Issues	16	100.0
Other Non-guideline Issues	8	50.0

¹ Based on 23 appeals of the original sentence by the government. Of these 23 appeals, seven 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, 2023 Appeals Datafile, APPFY23.

Table A-6

**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE
ORIGINAL SENTENCE WAS REVERSED OR REMANDED¹
Fiscal Year 2023**

ISSUE	N	%
REASONABLENESS ISSUES	433	100.0
Procedural: Court improperly calculated guideline range	352	81.3
Procedural: Court did not adequately explain the chosen sentence	51	11.8
Procedural: Court selected a sentence based on clearly erroneous facts	11	2.5
Procedural: Court failed to address/improperly considered 18 U.S.C. § 3553(a) factors	10	2.3
Procedural: General	3	0.7
Substantive: Unreasonable weighing decision	2	0.5
Substantive: General	1	0.2
Procedural: Lack of empirical basis for a guideline	1	0.2
General reasonableness challenge	1	0.2
Procedural: Court did not treat the guidelines as advisory	1	0.2

¹ Based on 4,249 appeals where the sentence imposed was at least one of the reasons for appeal. Of these 4,249 cases, 2,680 were appeals of the original sentence. Of these 2,680 appeals of the original sentence, 418 were reversed or remanded. Often more than one reasonableness issue was appealed; consequently, the number of issues may be more than the number of sentencing appeals that were reversed or remanded. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.

Table A-7

**OFFENSE AND SENTENCED INDIVIDUAL CHARACTERISTICS IN
ORIGINAL SENTENCE APPEALS CASES
Fiscal Year 2023**

OFFENSE AND SENTENCED INDIVIDUAL CHARACTERISTICS	APPELLATE COURT CASES ¹		DISTRICT COURT CASES ²	
	N	%	N	%
Race				
White	668	25.0	14,064	22.1
Black	1,150	43.1	15,694	24.7
Hispanic	738	27.7	31,169	49.0
Other	112	4.2	2,723	4.3
TOTAL	2,668	100.0	63,650	100.0
Gender				
Male	2,517	94.1	55,806	87.1
Female	159	5.9	8,279	12.9
TOTAL	2,676	100.0	64,085	100.0
Education				
Less than High School Graduate	861	32.4	25,458	41.8
High School Graduate	1,072	40.3	20,663	33.9
Some College	516	19.4	11,139	18.3
College Graduate	208	7.8	3,713	6.1
TOTAL	2,657	100.0	60,973	100.0
Citizenship				
U.S. Citizen	2,204	82.4	42,295	66.3
Non-U.S. Citizen	471	17.6	21,504	33.7
TOTAL	2,675	100.0	63,799	100.0
Criminal History Category				
Category I	722	27.1	27,948	43.9
Category II	252	9.4	8,993	14.1
Category III	427	16.0	10,194	16.0
Category IV	364	13.6	6,283	9.9
Category V	273	10.2	3,877	6.1
Category VI	631	23.6	6,410	10.1
TOTAL	2,669	100.0	63,705	100.0
Mandatory Minimum				
No Mandatory Minimum	1,403	52.4	47,044	73.4
Gun Mandatory Minimum	312	11.7	2,019	3.1
Drug Mandatory Minimum	582	21.7	11,208	17.5
Gun and Drug Mandatory Minimum	83	3.1	1,000	1.6
Other Mandatory Minimum	296	11.1	2,853	4.4
TOTAL	2,676	100.0	64,124	100.0

¹ Based on 4,249 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,249 cases, 2,680 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989 - 2023 (MONFY89, MONFY90, USSCFY91 - USSCFY23). Of the 2,680 cases, four could not be matched with its original case.

² All original sentencing of an individual in fiscal year 2023. Totals may vary slightly due to the different numbers of missing cases by specific variables. Descriptions of variables used in this table are provided in Appendix A.

Table A-8

**SENTENCE LENGTH IN ORIGINAL SENTENCE APPEALS CASES
BY TYPE OF CRIME
Fiscal Year 2023**

TYPE OF CRIME	APPELLATE COURT CASES ¹				DISTRICT COURT CASES ²			
	N	%	Mean Mths	Median Mths	N	%	Mean Mths	Median Mths
TOTAL	2,675	100.0	154	120	64,123	100.0	52	24
Administration of Justice	12	0.4	62	36	647	1.0	16	10
Antitrust	0	0.0	--	--	18	0.0	6	6
Arson	4	0.1	159	98	106	0.2	58	57
Assault	57	2.1	177	120	852	1.3	71	47
Bribery/Corruption	11	0.4	48	46	366	0.6	21	14
Burglary/Trespass	0	0.0	--	--	85	0.1	16	8
Child Pornography	102	3.8	182	169	1,408	2.2	115	97
Commercialized Vice	3	0.1	101	91	84	0.1	21	12
Drug Possession	0	0.0	--	--	139	0.2	2	0
Drug Trafficking	815	30.5	183	168	19,007	29.6	82	63
Environmental	1	0.0	--	--	160	0.2	3	0
Extortion/Racketeering	12	0.4	202	154	130	0.2	32	24
Firearms	575	21.5	109	96	8,832	13.8	49	40
Food and Drug	2	0.1	--	--	55	0.1	10	0
Forgery/Counter/Copyright	3	0.1	24	24	112	0.2	18	12
Fraud/Theft/Embezzlement	233	8.7	77	60	5,205	8.1	22	12
Immigration	257	9.6	37	30	19,225	30.0	12	8
Individual Rights	9	0.3	174	144	113	0.2	55	15
Kidnapping	27	1.0	312	300	151	0.2	199	168
Manslaughter	10	0.4	176	120	86	0.1	75	69
Money Laundering	62	2.3	160	132	1,312	2.0	63	36
Murder	69	2.6	369	470	489	0.8	285	276
National Defense	13	0.5	189	150	237	0.4	38	24
Obscenity/Other Sex Offenses	16	0.6	51	35	326	0.5	23	18
Prison Offenses	16	0.6	38	24	455	0.7	14	12
Robbery	144	5.4	207	177	1,503	2.3	110	96
Sexual Abuse	178	6.7	312	332	1,395	2.2	213	180
Stalking/Harassing	25	0.9	59	48	240	0.4	29	20
Tax	13	0.5	40	36	446	0.7	15	12
Other	6	0.2	25	21	939	1.5	4	0

¹ Based on 4,249 appeals cases where the sentence imposed was at least one of the reasons for appeal. Of these 4,249 cases, 2,680 were appeals of the original sentence. These cases were merged with the U.S. Sentencing Commission's Monitoring Datafiles from 1989 - 2023 (MONFY89, MONFY90, USSCFY91 - USSCFY23). Of the 2,680 cases, four could not be matched with its original case. Of 2,676 matched cases, one was excluded due to missing information on the sentence imposed. Descriptions of variables used in this table are provided in Appendix A.

² All original sentencings of an individual in fiscal year 2023. Of the 64,124 cases, one was excluded due to missing or indeterminable sentencing information.

SOURCE: U.S. Sentencing Commission, 2023 Appeals Datafile, APPFY23.