

**Table A-4**

**GUIDELINE FORMING THE BASIS FOR REVERSAL OR REMAND  
IN SENTENCING APPEALS OF THE ORIGINAL SENTENCE  
BY THE SENTENCED INDIVIDUAL<sup>1</sup>  
Fiscal Year 2023**

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF APPEALS</b>	<b>407</b>	<b>--</b>
§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

<sup>1</sup> 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.