

**Table A-5**

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

<b>GUIDELINE</b>	<b>N</b>	<b>%</b>
<b>NUMBER OF GOVERNMENT APPEALS</b>	<b>16</b>	<b>--</b>
§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

<sup>1</sup> 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.