

**Table A-6**  
**REASONABLENESS ISSUES APPEALED IN CASES WHERE THE**  
**ORIGINAL SENTENCE WAS REVERSED OR REMANDED<sup>1</sup>**  
**Fiscal Year 2023**

<b>ISSUE</b>	<b>N</b>	<b>%</b>
<b>REASONABLENESS ISSUES</b>	<b>433</b>	<b>100.0</b>
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

<sup>1</sup> 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.