

**Table 56**

**GUIDELINE INVOLVED IN ISSUES APPEALED BY THE GOVERNMENT<sup>1</sup>  
Fiscal Year 1998**

<b>GUIDELINE</b>	<b>Number</b>	<b>Percent</b>	<b>Affirmance Rate<sup>2</sup></b>
<b>TOTAL</b>	<b>122</b>	<b>100.0</b>	<b>49.2</b>
5K2.0 (Departures)	33	27.0	33.3
2D1.1 (Drug Trafficking)	8	6.6	62.5
2F1.1 (Fraud)	8	6.6	50.0
2S1.1 (Money Laundering)	7	5.7	100.0
5E1.1 (Restitution)	5	4.1	20.0
1B1.2 (Applicable Guidelines)	4	3.3	0.0
3B1.2 (Mitigating Role)	4	3.3	75.0
3C1.1 (Obstruction of Justice)	4	3.3	100.0
4B1.4 (Armed Career Criminal)	4	3.3	0.0
5C1.2 (Limitation on Applicability of Statutory Minimum Sentences)	4	3.3	50.0
5H1.6 (Family Ties and Responsibilities)	4	3.3	50.0
3E1.1 (Acceptance of Responsibility)	3	2.5	66.7
1B1.3 (Relevant Conduct)	2	1.6	0.0
2C1.1 (Bribery)	2	1.6	100.0
5H1.4 (Physical Condition)	2	1.6	50.0
5K2.13 (Diminished Capacity)	2	1.6	50.0
6A1.3 (Resolution of Disputed Factors)	2	1.6	50.0
Other Guidelines	17	13.9	64.7
Other Non-guideline Issues	7	5.7	42.9

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<sup>1</sup>Based on 3,654 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was available in 3,635 of these cases which cited 5,511 issues. Often more than one issue was appealed; consequently, the number of issues is more than the number of defendants. The "Other" category includes all issues appealed fewer than two times among relevant cases.

<sup>2</sup>Affirmance Rate includes all appeals cases not reversed by the circuit court.

SOURCE: U.S. Sentencing Commission, 1998 Appeals Datafile, APPFY98.