

Table 55

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 1999

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	6641	100.0	2,492	37.5	1,532	23.1	2,617	39.4
D.C. CIRCUIT	97	1.5	24	24.7	11	11.3	62	63.9
District of Columbia	97	1.5	24	24.7	11	11.3	62	63.9
FIRST CIRCUIT	235	3.5	70	29.8	47	20.0	118	50.2
Maine	33	0.5	14	42.4	6	18.2	13	39.4
Massachusetts	79	1.2	25	31.6	11	13.9	43	54.4
New Hampshire	14	0.2	3	21.4	3	21.4	8	57.1
Puerto Rico	73	1.1	19	26.0	21	28.8	33	45.2
Rhode Island	36	0.5	9	25.0	6	16.7	21	58.3
SECOND CIRCUIT	251	3.8	99	39.4	56	22.3	96	38.2
Connecticut	36	0.5	15	41.7	7	19.4	14	38.9
New York								
Eastern	93	1.4	43	46.2	16	17.2	34	36.6
Northern	23	0.3	11	47.8	5	21.7	7	30.4
Southern	75	1.1	23	30.7	22	29.3	30	40.0
Western	16	0.2	5	31.3	4	25.0	7	43.8
Vermont	8	0.1	2	25.0	2	25.0	4	50.0
THIRD CIRCUIT	302	4.5	133	44.0	67	22.2	102	33.8
Delaware	15	0.2	9	60.0	1	6.7	5	33.3
New Jersey	87	1.3	46	52.9	17	19.5	24	27.6
Pennsylvania								
Eastern	128	1.9	58	45.3	31	24.2	39	30.5
Middle	38	0.6	12	31.6	13	34.2	13	34.2
Western	16	0.2	4	25.0	2	12.5	10	62.5
Virgin Islands	18	0.3	4	22.2	3	16.7	11	61.1
FOURTH CIRCUIT	987	14.9	322	32.6	275	27.9	390	39.5
Maryland	127	1.9	25	19.7	30	23.6	72	56.7
North Carolina								
Eastern	101	1.5	31	30.7	18	17.8	52	51.5
Middle	102	1.5	48	47.1	28	27.5	26	25.5
Western	88	1.3	28	31.8	28	31.8	32	36.4
South Carolina	179	2.7	70	39.1	60	33.5	49	27.4
Virginia								
Eastern	183	2.8	37	20.2	47	25.7	99	54.1
Western	102	1.5	42	41.2	26	25.5	34	33.3
West Virginia								
Northern	42	0.6	19	45.2	9	21.4	14	33.3

Southern

63

0.9

22

34.9

29

46.0

12

19.0

Table 55 (cont.)

CIRCUIT	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
FIFTH CIRCUIT	962	14.5	319	33.2	209	21.7	434	45.1
Louisiana								
Eastern	48	0.7	8	16.7	17	35.4	23	47.9
Middle	11	0.2	4	36.4	3	27.3	4	36.4
Western	53	0.8	22	41.5	9	17.0	22	41.5
Mississippi								
Northern	14	0.2	8	57.1	1	7.1	5	35.7
Southern	18	0.3	2	11.1	4	22.2	12	66.7
Texas								
Eastern	103	1.6	45	43.7	12	11.7	46	44.7
Northern	150	2.3	57	38.0	41	27.3	52	34.7
Southern	332	5.0	113	34.0	51	15.4	168	50.6
Western	233	92.8	60	25.8	71	30.5	102	43.8
SIXTH CIRCUIT	841	12.7	271	32.2	221	26.3	349	41.5
Kentucky								
Eastern	57	0.9	11	19.3	17	29.8	29	50.9
Western	75	1.1	14	18.7	23	30.7	38	50.7
Michigan								
Eastern	201	3.0	58	28.9	61	30.3	82	40.8
Western	49	0.7	22	44.9	10	20.4	17	34.7
Ohio								
Northern	81	1.2	25	30.9	17	21.0	39	48.1
Southern	102	1.5	39	38.2	21	20.6	42	41.2
Tennessee								
Eastern	93	1.4	29	31.2	25	26.9	39	41.9
Middle	53	0.8	21	39.6	17	32.1	15	28.3
Western	130	2.0	52	40.0	30	23.1	48	36.9
SEVENTH CIRCUIT	352	5.3	143	40.6	90	25.6	119	33.8
Illinois								
Central	50	0.8	23	46.0	6	12.0	21	42.0
Northern	91	1.4	37	40.7	20	22.0	34	37.4
Southern	43	0.6	21	48.8	14	32.6	8	18.6
Indiana								
Northern	36	0.5	11	30.6	11	30.6	14	38.9
Southern	31	0.5	7	22.6	8	25.8	16	51.6
Wisconsin								
Eastern	55	0.8	18	32.7	19	34.5	18	32.7
Western	46	0.7	26	56.5	12	26.1	8	17.4
EIGHTH CIRCUIT	524	7.9	188	35.9	117	22.3	219	41.8
Arkansas								
Eastern	42	0.6	16	38.1	8	19.0	18	42.9
Western	18	0.3	10	55.6	0	0.0	8	44.4
Iowa								
Northern	43	0.6	19	44.2	15	34.9	9	20.9
Southern	31	0.5	13	41.9	2	6.5	16	51.6
Minnesota	103	1.6	33	32.0	21	20.4	49	47.6
Missouri								
Eastern	70	1.1	25	35.7	20	28.6	25	35.7

Table 55 (cont.)

Western	90	1.4	35	38.9	26	28.9	29	32.2
Nebraska	64	1.0	25	39.1	17	26.6	22	34.4
North Dakota	13	0.2	2	15.4	3	23.1	8	61.5
South Dakota	50	0.8	10	20.0	5	10.0	35	70.0

Table 55 (cont.)

CIRCUIT	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
NINTH CIRCUIT	999	15.0	372	37.2	188	18.8	439	43.9
Alaska	23	0.3	10	43.5	3	13.0	10	43.5
Arizona	103	1.6	35	34.0	18	17.5	50	48.5
California								
Central	252	3.8	109	43.3	45	17.9	98	38.9
Eastern	94	1.4	30	31.9	24	25.5	40	42.6
Northern	57	0.9	19	33.3	10	17.5	28	49.1
Southern	163	2.5	46	28.2	33	20.2	84	51.5
Guam	19	0.3	6	31.6	1	5.3	12	63.2
Hawaii	30	0.5	5	16.7	8	26.7	17	56.7
Idaho	20	0.3	13	65.0	1	5.0	6	30.0
Montana	46	0.7	19	41.3	4	8.7	23	50.0
Nevada	55	0.8	25	45.5	16	29.1	14	25.5
Northern Mariana Islands	1	0.0	1	100.0	0	0.0	0	0.0
Oregon	61	0.9	20	32.8	14	23.0	27	44.3
Washington								
Eastern	23	0.3	11	47.8	3	13.0	9	39.1
Western	52	0.8	23	44.2	8	15.4	21	40.4
TENTH CIRCUIT	478	7.2	166	34.7	94	19.7	218	45.6
Colorado	54	0.8	20	37.0	10	18.5	24	44.4
Kansas	86	1.3	25	29.1	19	22.1	42	48.8
New Mexico	120	1.8	23	19.2	17	14.2	80	66.7
Oklahoma								
Eastern	23	0.3	7	30.4	10	43.5	6	26.1
Northern	36	0.5	12	33.3	13	36.1	11	30.6
Western	69	1.0	37	53.6	11	15.9	21	30.4
Utah	67	1.0	36	53.7	7	10.4	24	35.8
Wyoming	23	0.3	6	26.1	7	30.4	10	43.5
ELEVENTH CIRCUIT	613	9.2	385	62.8	157	25.6	71	11.6
Alabama								
Middle	22	0.3	7	31.8	15	68.2	0	0.0
Northern	24	0.4	16	66.7	8	33.3	0	0.0
Southern	21	0.3	15	71.4	5	23.8	1	4.8
Florida								
Middle	82	1.2	44	53.7	30	36.6	8	9.8
Northern	48	0.7	26	54.2	15	31.3	7	14.6
Southern	287	4.3	198	69.0	57	19.9	32	11.2
Georgia								
Middle	38	0.6	21	55.3	12	31.6	5	13.2
Northern	63	0.9	40	63.5	10	15.9	13	20.6
Southern	28	0.4	18	64.3	5	17.9	5	17.9

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¹Of the 7,034 appeals cases, 393 were excluded due to one or both of the following reasons: missing district information (135) or missing type of appeal information (296). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1999 Appeals Datafile, APPFY99.