

Table 56

DISPOSITION OF SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2001

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
TOTAL	4,226	3,293	77.9	324 (304)	7.7	323 (294)	7.6	286	6.8
D.C. CIRCUIT	39	19	48.7	5 (5)	12.8	3 (3)	7.7	12	30.8
District of Columbia	39	19	48.7	5 (5)	12.8	3 (3)	7.7	12	30.8
FIRST CIRCUIT	58	45	77.6	9 (7)	15.5	4 (4)	6.9	0	0.0
Maine	10	8	80.0	1 (1)	10.0	1 (1)	10.0	0	0.0
Massachusetts	18	15	83.3	2 (2)	11.1	1 (1)	5.6	0	0.0
New Hampshire	4	3	75.0	0 (0)	0.0	1 (1)	25.0	0	0.0
Puerto Rico	20	16	80.0	4 (4)	20.0	0 (0)	0.0	0	0.0
Rhode Island	6	3	50.0	2 (0)	33.3	1 (1)	16.7	0	0.0
SECOND CIRCUIT	88	78	88.6	1 (1)	1.1	2 (2)	2.3	7	8.0
Connecticut	11	11	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
New York									
Eastern	27	22	81.5	0 (0)	0.0	1 (1)	3.7	4	14.8
Northern	5	3	60.0	0 (0)	0.0	0 (0)	0.0	2	40.0
Southern	43	41	95.3	1 (1)	2.3	1 (1)	2.3	0	0.0
Western	1	0	0.0	0 (0)	0.0	0 (0)	0.0	1	100.0
Vermont	1	1	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
THIRD CIRCUIT	170	143	84.1	9 (9)	5.3	3 (2)	1.8	15	8.8
Delaware	4	3	75.0	0 (0)	0.0	1 (1)	25.0	0	0.0
New Jersey	58	50	86.2	3 (3)	5.2	1 (0)	1.7	4	6.9
Pennsylvania									
Eastern	72	58	80.6	5 (5)	6.9	1 (1)	1.4	8	11.1
Middle	24	20	83.3	1 (1)	4.2	0 (0)	0.0	3	12.5
Western	8	8	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Virgin Islands	4	4	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
FOURTH CIRCUIT	569	454	79.8	34 (29)	6.0	50 (44)	8.8	31	5.4
Maryland	62	43	69.4	5 (3)	8.1	13 (13)	21.0	1	1.6
North Carolina									
Eastern	50	44	88.0	4 (3)	8.0	1 (1)	2.0	1	2.0
Middle	68	54	79.4	3 (2)	4.4	5 (5)	7.4	6	8.8
Western	68	47	69.1	6 (6)	8.8	9 (9)	13.2	6	8.8
South Carolina	100	85	85.0	3 (3)	3.0	7 (6)	7.0	5	5.0
Virginia									
Eastern	91	75	82.4	2 (2)	2.2	8 (5)	8.8	6	6.6
Western	45	38	84.4	5 (5)	11.1	2 (2)	4.4	0	0.0
West Virginia									
Northern	23	14	60.9	2 (2)	8.7	4 (2)	17.4	3	13.0
Southern	62	54	87.1	4 (3)	6.5	1 (1)	1.6	3	4.8

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
FIFTH CIRCUIT	926	784	84.7	77	(74)	8.3	27	(23)	2.9	38	4.1
Louisiana											
Eastern	28	14	50.0	9	(9)	32.1	3	(2)	10.7	2	7.1
Middle	6	4	66.7	1	(1)	16.7	0	(0)	0.0	1	16.7
Western	44	36	81.8	2	(2)	4.5	2	(2)	4.5	4	9.1
Mississippi											
Northern	14	10	71.4	3	(3)	21.4	1	(1)	7.1	0	0.0
Southern	7	7	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Texas											
Eastern	53	46	86.8	5	(5)	9.4	2	(2)	3.8	0	0.0
Northern	121	92	76.0	12	(12)	9.9	4	(4)	3.3	13	10.7
Southern	340	299	87.9	21	(19)	6.2	7	(7)	2.1	13	3.8
Western	313	276	88.2	24	(23)	7.7	8	(6)	2.6	5	1.6
SIXTH CIRCUIT	265	211	79.6	28	(26)	10.6	15	(13)	5.7	11	4.2
Kentucky											
Eastern	18	15	83.3	2	(2)	11.1	0	(0)	0.0	1	5.6
Western	13	11	84.6	1	(1)	7.7	0	(0)	0.0	1	7.7
Michigan											
Eastern	66	51	77.3	10	(10)	15.2	2	(2)	3.0	3	4.5
Western	17	17	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Ohio											
Northern	26	22	84.6	1	(1)	3.8	3	(1)	11.5	0	0.0
Southern	22	13	59.1	5	(3)	22.7	0	(0)	0.0	4	18.2
Tennessee											
Eastern	43	36	83.7	2	(1)	4.7	4	(4)	9.3	1	2.3
Middle	21	16	76.2	1	(1)	4.8	3	(3)	14.3	1	4.8
Western	39	30	76.9	6	(6)	15.4	3	(2)	7.7	0	0.0
SEVENTH CIRCUIT	214	136	63.6	17	(16)	7.9	13	(12)	6.1	48	22.4
Illinois											
Central	14	8	57.1	2	(1)	14.3	1	(1)	7.1	3	21.4
Northern	68	45	66.2	3	(3)	4.4	3	(3)	4.4	17	25.0
Southern	42	27	64.3	6	(6)	14.3	2	(2)	4.8	7	16.7
Indiana											
Northern	27	16	59.3	2	(2)	7.4	5	(5)	18.5	4	14.8
Southern	17	9	52.9	0	(0)	0.0	1	(1)	5.9	7	41.2
Wisconsin											
Eastern	28	17	60.7	3	(3)	10.7	1	(0)	3.6	7	25.0
Western	18	14	77.8	1	(1)	5.6	0	(0)	0.0	3	16.7
EIGHTH CIRCUIT	360	286	79.4	26	(22)	7.2	35	(34)	9.7	13	3.6
Arkansas											
Eastern	26	16	61.5	2	(2)	7.7	7	(7)	26.9	1	3.8
Western	16	12	75.0	2	(2)	12.5	2	(2)	12.5	0	0.0
Iowa											
Northern	37	24	64.9	5	(4)	13.5	7	(7)	18.9	1	2.7
Southern	33	24	72.7	2	(2)	6.1	6	(6)	18.2	1	3.0
Minnesota	44	39	88.6	2	(1)	4.5	0	(0)	0.0	3	6.8
Missouri											
Eastern	31	27	87.1	0	(0)	0.0	3	(3)	9.7	1	3.2
Western	74	60	81.1	4	(4)	5.4	5	(4)	6.8	5	6.8
Nebraska	69	60	87.0	7	(5)	10.1	2	(2)	2.9	0	0.0
North Dakota	5	3	60.0	2	(2)	40.0	0	(0)	0.0	0	0.0
South Dakota	25	21	84.0	0	(0)	0.0	3	(3)	12.0	1	4.0

Table 56 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED			
		n	%	n	%	n	%	n	%		
NINTH CIRCUIT	835	585	70.1	75	(73)	9.0	102	(99)	12.2	73	8.7
Alaska	14	10	71.4	0	(0)	0.0	3	(3)	21.4	1	7.1
Arizona	72	38	52.8	8	(8)	11.1	11	(11)	15.3	15	20.8
California											
Central	267	218	81.6	18	(18)	6.7	19	(19)	7.1	12	4.5
Eastern	43	28	65.1	7	(7)	16.3	7	(7)	16.3	1	2.3
Northern	47	31	66.0	5	(5)	10.6	4	(4)	8.5	7	14.9
Southern	125	80	64.0	11	(11)	8.8	15	(15)	12.0	19	15.2
Guam	4	4	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Hawaii	21	17	81.0	1	(1)	4.8	1	(1)	4.8	2	9.5
Idaho	11	8	72.7	0	(0)	0.0	0	(0)	0.0	3	27.3
Montana	32	23	71.9	3	(3)	9.4	5	(5)	15.6	1	3.1
Nevada	94	52	55.3	12	(12)	12.8	24	(22)	25.5	6	6.4
Northern Mariana Islands	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Oregon	29	18	62.1	4	(4)	13.8	5	(5)	17.2	2	6.9
Washington											
Eastern	29	24	82.8	0	(0)	0.0	3	(3)	10.3	2	6.9
Western	47	34	72.3	6	(4)	12.8	5	(4)	10.6	2	4.3
TENTH CIRCUIT	216	148	68.5	15	(15)	6.9	16	(15)	7.4	37	17.1
Colorado	38	28	73.7	3	(3)	7.9	0	(0)	0.0	7	18.4
Kansas	49	35	71.4	3	(3)	6.1	3	(3)	6.1	8	16.3
New Mexico	30	15	50.0	5	(5)	16.7	4	(4)	13.3	6	20.0
Oklahoma											
Eastern	8	3	37.5	2	(2)	25.0	2	(2)	25.0	1	12.5
Northern	30	23	76.7	1	(1)	3.3	1	(1)	3.3	5	16.7
Western	29	24	82.8	1	(1)	3.4	3	(2)	10.3	1	3.4
Utah	22	13	59.1	0	(0)	0.0	1	(1)	4.5	8	36.4
Wyoming	10	7	70.0	0	(0)	0.0	2	(2)	20.0	1	10.0
ELEVENTH CIRCUIT	486	404	83.1	28	(27)	5.8	53	(43)	10.9	1	0.2
Alabama											
Middle	13	9	69.2	2	(2)	15.4	2	(2)	15.4	0	0.0
Northern	19	15	78.9	0	(0)	0.0	4	(2)	21.1	0	0.0
Southern	35	29	82.9	3	(3)	8.6	3	(1)	8.6	0	0.0
Florida											
Middle	79	68	86.1	6	(6)	7.6	4	(4)	5.1	1	1.3
Northern	38	31	81.6	4	(3)	10.5	3	(3)	7.9	0	0.0
Southern	209	179	85.6	9	(9)	4.3	21	(17)	10.0	0	0.0
Georgia											
Middle	8	8	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Northern	66	49	74.2	3	(3)	4.5	14	(12)	21.2	0	0.0
Southern	19	16	84.2	1	(1)	5.3	2	(2)	10.5	0	0.0

¹Of the 6,230 appeals cases, 1,609 were excluded because the type of appeal was “conviction only.” Of the 4,621 remaining cases, 395 were excluded due to one or both of the following reasons: missing district information (94) or missing type of appeal information (346). Descriptions of variables used in this table are provided in Appendix A.

²This category (in parentheses) includes cases that were remanded for sentencing purposes.

SOURCE: U.S. Sentencing Commission, 2001 Appeals Datafile, APPFY01.