

**Table 53**

**TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 1998**

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>6,364</b>	<b>100.0</b>	<b>2,235</b>	<b>35.1</b>	<b>1,398</b>	<b>22.0</b>	<b>2,731</b>	<b>42.9</b>
<b>D.C. CIRCUIT</b>	<b>101</b>	<b>1.6</b>	<b>25</b>	<b>24.8</b>	<b>12</b>	<b>11.9</b>	<b>64</b>	<b>63.4</b>
District of Columbia	101	1.6	25	24.8	12	11.9	64	63.4
<b>FIRST CIRCUIT</b>	<b>120</b>	<b>1.9</b>	<b>35</b>	<b>29.2</b>	<b>27</b>	<b>22.5</b>	<b>58</b>	<b>48.3</b>
Maine	14	0.2	4	28.6	3	21.4	7	50.0
Massachusetts	48	0.8	13	27.1	12	25.0	23	47.9
New Hampshire	4	0.1	1	25.0	2	50.0	1	25.0
Puerto Rico	32	0.5	7	21.9	5	15.6	20	62.5
Rhode Island	22	0.3	10	45.5	5	22.7	7	31.8
<b>SECOND CIRCUIT</b>	<b>300</b>	<b>4.7</b>	<b>118</b>	<b>39.3</b>	<b>72</b>	<b>24.0</b>	<b>110</b>	<b>36.7</b>
Connecticut	18	0.3	7	38.9	6	33.3	5	27.8
New York								
Eastern	116	1.8	54	46.6	15	12.9	47	40.5
Northern	46	0.7	8	17.4	24	52.2	14	30.4
Southern	95	1.5	33	34.7	23	24.2	39	41.1
Western	15	0.2	8	53.3	3	20.0	4	26.7
Vermont	10	0.2	8	80.0	1	10.0	1	10.0
<b>THIRD CIRCUIT</b>	<b>300</b>	<b>4.7</b>	<b>126</b>	<b>42.0</b>	<b>56</b>	<b>18.7</b>	<b>118</b>	<b>39.3</b>
Delaware	17	0.3	9	52.9	2	11.8	6	35.3
New Jersey	95	1.5	51	53.7	17	17.9	27	28.4
Pennsylvania								
Eastern	120	1.9	42	35.0	29	24.2	49	40.8
Middle	35	0.6	14	40.0	3	8.6	18	51.4
Western	17	0.3	6	35.3	5	29.4	6	35.3
Virgin Islands	16	0.3	4	25.0	0	0.0	12	75.0
<b>FOURTH CIRCUIT</b>	<b>1065</b>	<b>16.7</b>	<b>328</b>	<b>30.8</b>	<b>301</b>	<b>28.3</b>	<b>436</b>	<b>40.9</b>
Maryland	127	2.0	28	22.0	31	24.4	68	53.5
North Carolina								
Eastern	102	1.6	30	29.4	25	24.5	47	46.1
Middle	89	1.4	41	46.1	20	22.5	28	31.5
Western	95	1.5	29	30.5	36	37.9	30	31.6
South Carolina	157	2.5	51	32.5	47	29.9	59	37.6
Virginia								
Eastern	224	3.5	40	17.9	67	29.9	117	52.2
Western	152	2.4	39	25.7	53	34.9	60	39.5
West Virginia								
Northern	51	0.8	33	64.7	10	19.6	8	15.7

Southern

68

1.1

37

54.4

12

17.6

19

27.9

**Table 53 (cont.)**

CIRCUIT	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>909</b>	<b>14.3</b>	<b>251</b>	<b>27.6</b>	<b>195</b>	<b>21.5</b>	<b>463</b>	<b>50.9</b>
Louisiana								
Eastern	52	0.8	13	25.0	10	19.2	29	55.8
Middle	21	0.3	8	38.1	5	23.8	8	38.1
Western	48	0.8	16	33.3	11	22.9	21	43.8
Mississippi								
Northern	22	0.3	6	27.3	6	27.3	10	45.5
Southern	34	0.5	5	14.7	7	20.6	22	64.7
Texas								
Eastern	118	1.9	42	35.6	31	26.3	45	38.1
Northern	169	2.7	52	30.8	20	11.8	97	57.4
Southern	234	3.7	67	28.6	43	18.4	124	53.0
Western	211	70.3	42	19.9	62	29.4	107	50.7
<b>SIXTH CIRCUIT</b>	<b>376</b>	<b>5.9</b>	<b>120</b>	<b>31.9</b>	<b>105</b>	<b>27.9</b>	<b>151</b>	<b>40.2</b>
Kentucky								
Eastern	40	0.6	10	25.0	5	12.5	25	62.5
Western	19	0.3	3	15.8	6	31.6	10	52.6
Michigan								
Eastern	86	1.4	29	33.7	28	32.6	29	33.7
Western	23	0.4	9	39.1	6	26.1	8	34.8
Ohio								
Northern	33	0.5	5	15.2	12	36.4	16	48.5
Southern	34	0.5	11	32.4	9	26.5	14	41.2
Tennessee								
Eastern	38	0.6	12	31.6	13	34.2	13	34.2
Middle	28	0.4	11	39.3	10	35.7	7	25.0
Western	75	1.2	30	40.0	16	21.3	29	38.7
<b>SEVENTH CIRCUIT</b>	<b>459</b>	<b>7.2</b>	<b>160</b>	<b>34.9</b>	<b>105</b>	<b>22.9</b>	<b>194</b>	<b>42.3</b>
Illinois								
Central	69	1.1	22	31.9	16	23.2	31	44.9
Northern	139	2.2	49	35.3	24	17.3	66	47.5
Southern	70	1.1	30	42.9	20	28.6	20	28.6
Indiana								
Northern	27	0.4	14	51.9	5	18.5	8	29.6
Southern	38	0.6	6	15.8	10	26.3	22	57.9
Wisconsin								
Eastern	66	1.0	20	30.3	20	30.3	26	39.4
Western	50	0.8	19	38.0	10	20.0	21	42.0
<b>EIGHTH CIRCUIT</b>	<b>364</b>	<b>5.7</b>	<b>141</b>	<b>38.7</b>	<b>79</b>	<b>21.7</b>	<b>144</b>	<b>39.6</b>
Arkansas								
Eastern	44	0.7	17	38.6	4	9.1	23	52.3
Western	20	0.3	8	40.0	3	15.0	9	45.0
Iowa								
Northern	34	0.5	14	41.2	11	32.4	9	26.5
Southern	28	0.4	9	32.1	6	21.4	13	46.4
Minnesota	49	0.8	19	38.8	8	16.3	22	44.9
Missouri								
Eastern	46	0.7	21	45.7	6	13.0	19	41.3

**Table 53 (cont.)**

Western	63	1.0	31	49.2	18	28.6	14	22.2
Nebraska	40	0.6	12	30.0	9	22.5	19	47.5
North Dakota	6	0.1	0	0.0	1	16.7	5	83.3
South Dakota	34	0.5	10	29.4	13	38.2	11	32.4

**Table 53 (cont.)**

CIRCUIT	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>1162</b>	<b>18.3</b>	<b>444</b>	<b>38.2</b>	<b>182</b>	<b>15.7</b>	<b>536</b>	<b>46.1</b>
Alaska	23	0.4	9	39.1	5	21.7	9	39.1
Arizona	143	2.2	47	32.9	21	14.7	75	52.4
California								
Central	274	4.3	111	40.5	49	17.9	114	41.6
Eastern	82	1.3	31	37.8	18	22.0	33	40.2
Northern	84	1.3	20	23.8	12	14.3	52	61.9
Southern	159	2.5	66	41.5	20	12.6	73	45.9
Guam	9	0.1	2	22.2	0	0.0	7	77.8
Hawaii	29	0.5	9	31.0	5	17.2	15	51.7
Idaho	26	0.4	10	38.5	5	19.2	11	42.3
Montana	41	0.6	13	31.7	7	17.1	21	51.2
Nevada	64	1.0	23	35.9	17	26.6	24	37.5
Northern Mariana Islands	2	0.0	1	50.0	0	0.0	1	50.0
Oregon	108	1.7	53	49.1	11	10.2	44	40.7
Washington								
Eastern	39	0.6	17	43.6	2	5.1	20	51.3
Western	79	1.2	32	40.5	10	12.7	37	46.8
<b>TENTH CIRCUIT</b>	<b>572</b>	<b>9.0</b>	<b>191</b>	<b>33.4</b>	<b>93</b>	<b>16.3</b>	<b>288</b>	<b>50.4</b>
Colorado	72	1.1	18	25.0	23	31.9	31	43.1
Kansas	101	1.6	49	48.5	14	13.9	38	37.6
New Mexico	140	2.2	37	26.4	16	11.4	87	62.1
Oklahoma								
Eastern	22	0.3	6	27.3	5	22.7	11	50.0
Northern	58	0.9	18	31.0	10	17.2	30	51.7
Western	88	1.4	29	33.0	18	20.5	41	46.6
Utah	65	1.0	23	35.4	2	3.1	40	61.5
Wyoming	26	0.4	11	42.3	5	19.2	10	38.5
<b>ELEVENTH CIRCUIT</b>	<b>636</b>	<b>10.0</b>	<b>296</b>	<b>46.5</b>	<b>171</b>	<b>26.9</b>	<b>169</b>	<b>26.6</b>
Alabama								
Middle	32	0.5	7	21.9	18	56.3	7	21.9
Northern	25	0.4	7	28.0	9	36.0	9	36.0
Southern	42	0.7	23	54.8	12	28.6	7	16.7
Florida								
Middle	105	1.7	38	36.2	28	26.7	39	37.1
Northern	58	0.9	23	39.7	12	20.7	23	39.7
Southern	238	3.7	131	55.0	55	23.1	52	21.8
Georgia								
Middle	39	0.6	20	51.3	14	35.9	5	12.8
Northern	73	1.1	38	52.1	18	24.7	17	23.3
Southern	24	0.4	9	37.5	5	20.8	10	41.7

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<sup>1</sup>Of the 6,387 appeals cases, 23 were excluded due to one or both of the following reasons: missing district information (5) or missing type of appeal information (19). Descriptions of variables used in this table are provided in Appendix A.

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