

Table 58

**GUIDELINE INVOLVED IN ISSUES APPEALED BY THE GOVERNMENT¹
Fiscal Year 2000**

GUIDELINE	Number	Percent	Affirmance Rate²
TOTAL	77	100.0	18.2
2D1.1 (Drug Trafficking)	24	31.2	4.2
5K2.0 (Departures)	13	16.9	15.4
2F1.1 (Fraud)	9	11.7	11.1
3B1.1 (Aggravating Role)	4	5.2	0.0
2L1.2 (Unlawfully Entering or Remaining in the United States)	2	2.6	50.0
3B1.3 (Abuse of a Position of Trust or Use of Special Skill)	2	2.6	0.0
3C1.1 (Obstruction of Justice)	2	2.6	100.0
4B1.4 (Armed Career Criminal)	2	2.6	0.0
5E1.1 (Restitution)	2	2.6	50.0
5H1.6 (Family Ties and Responsibilities)	2	2.6	0.0
Other Guidelines	13	16.9	38.5
Other Non-guideline Issues	2	2.6	50.0

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¹Based on 3,800 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was of these cases which cited 5,916 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.

²Affirmance Rate includes all appeals cases not reversed by the circuit court.

SOURCE: U.S. Sentencing Commission, 2000 Appeals Datafile, APPFY00.