

Table 56

GUIDELINE INVOLVED IN ISSUES APPEALED BY THE GOVERNMENT¹
Fiscal Year 1997

GUIDELINE	Number	Percent	Affirmance Rate²
TOTAL	113	100.0	39.8
5K2.0 (Departures)	21	18.6	9.5
2D1.1 (Drug Trafficking)	12	10.6	16.7
2F1.1 (Fraud)	10	8.8	70.0
3C1.1 (Obstruction of Justice)	10	8.8	40.0
3E1.1 (Acceptance of Responsibility)	7	6.2	57.1
1B1.2 (Applicable Guidelines)	6	5.3	16.7
1B1.3 (Relevant Conduct)	4	3.5	75.0
2L1.2 (Unlawfully Entering or Remaining in the United States)	4	3.5	75.0
2S1.1 (Money Laundering)	4	3.5	75.0
3B1.2 (Mitigating Role)	4	3.5	75.0
4A1.2 (Definitions and Instructions of Criminal History)	3	2.6	66.7
2B3.1 (Robbery)	2	1.8	0.0
2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	2	1.8	100.0
4A1.3 (Adequacy of Criminal History)	2	1.8	50.0
4B1.1 (Career Offender)	2	1.8	0.0
5E1.4 (Forfeiture)	2	1.8	50.0
Other Guidelines	14	12.4	50.0
Other Non-guideline Issues	4	3.5	0.0

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¹Based on 3,692 appeals with sentencing as at least one of the reasons for appeal. Information on issues was available in 3,368 of these cases which cited 5,552 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, 1997 Appeals Datafile, APPFY97.