

Table 49

SENTENCING APPEALS CASE DISPOSITION BY CIRCUIT AND DISTRICT¹
(October 1, 1995, through September 30, 1996)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
TOTAL	4,039	3,218	79.7	279 (255)	6.9	403 (373)	10.0	139	3.4
D.C. CIRCUIT	59	44	74.6	6 (6)	10.2	8 (8)	13.6	1	1.7
District of Columbia	59	44	74.6	6(6)	10.2	8(8)	13.6	1	1.7
FIRST CIRCUIT	180	143	79.4	14 (13)	7.8	17 (16)	9.4	6	3.3
Maine	31	22	71.0	2 (2)	6.4	7 (7)	22.6	0	0.0
Massachusetts	48	40	83.3	5 (5)	10.4	3 (2)	6.2	0	0.0
New Hampshire	14	10	71.4	1 (1)	7.1	2 (2)	14.3	1	7.1
Puerto Rico	58	47	81.0	4 (3)	6.9	3 (3)	5.2	4	6.9
Rhode Island	29	24	82.8	2 (2)	6.9	2 (2)	6.9	1	3.4
SECOND CIRCUIT	208	166	79.8	23 (19)	11.1	8 (8)	3.9	11	5.3
Connecticut	23	18	78.3	3 (3)	13.0	2 (2)	8.7	0	0.0
New York									
Eastern	97	84	86.6	5 (4)	5.2	2 (2)	2.1	6	6.2
Northern	13	8	61.5	3 (3)	23.1	1 (1)	7.7	1	7.7
Southern	48	36	75.0	7 (4)	14.6	2 (2)	4.2	3	6.2
Western	10	7	70.0	1 (1)	10.0	1 (1)	10.0	1	10.0
Vermont	17	13	76.5	4 (4)	23.5	0 (0)	0.0	0	0.0
THIRD CIRCUIT	262	223	85.1	19 (18)	7.2	16 (15)	6.1	4	1.5
Delaware	16	15	93.8	1 (1)	6.2	0 (0)	0.0	0	0.0
New Jersey	71	60	84.5	5 (5)	7.0	3 (3)	4.2	3	4.2
Pennsylvania									
Eastern	103	83	80.6	11 (10)	10.7	8 (8)	7.8	1	1.0
Middle	22	21	95.4	1 (1)	4.6	0 (0)	0.0	0	0.0
Western	45	40	88.9	1 (1)	2.2	4 (4)	8.9	0	0.0
Virgin Islands	5	4	80.0	0 (0)	0.0	1 (0)	20.0	0	0.0
FOURTH CIRCUIT	484	390	80.6	28 (27)	5.8	40 (34)	8.3	26	5.4
Maryland	58	47	81.0	3 (3)	5.2	5 (3)	8.6	3	5.2
North Carolina									
Eastern	50	35	70.0	6 (6)	12.0	7 (7)	14.0	2	4.0
Middle	79	65	82.3	3 (3)	3.8	9 (7)	11.4	2	2.5
Western	44	32	72.7	5 (5)	11.4	2 (2)	4.6	5	11.4
South Carolina	50	46	92.0	1 (1)	2.0	1 (1)	2.0	2	4.0
Virginia									
Eastern	79	50	63.3	8 (7)	10.2	12 (11)	15.2	9	11.4
Western	46	39	87.8	2 (2)	4.4	4 (3)	8.7	1	2.2
West Virginia									
Northern	36	36	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Southern	42	40	95.2	0 (0)	0.0	0 (0)	0.0	2	4.8

Table 49 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
FIFTH CIRCUIT	387	324	83.7	16 (16)	6.9	32 (26)	8.3	15	3.9
Louisiana									
Eastern	14	13	92.9	1 (1)	7.1	0 (0)	0.0	0	0.0
Middle	12	8	75.0	1 (1)	8.3	2 (2)	16.7	1	8.3
Western	26	20	76.9	3 (3)	11.5	3 (3)	11.5	0	0.0
Mississippi									
Northern	9	9	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Southern	18	15	83.3	1 (1)	5.6	0 (0)	0.0	2	11.1
Texas									
Eastern	44	40	90.9	2 (2)	4.6	0 (0)	0.0	2	4.6
Northern	92	79	85.9	2 (2)	2.2	8 (6)	8.7	3	3.3
Southern	96	80	83.3	4 (4)	4.2	8 (5)	8.3	4	4.2
Western	76	60	79.0	2 (2)	2.6	11 (10)	14.5	3	4.0
SIXTH CIRCUIT	428	358	83.6	23 (21)	5.4	44 (39)	10.3	3	0.7
Kentucky									
Eastern	30	21	70.0	3 (3)	10.0	6 (6)	20.0	0	0.0
Western	29	20	69.0	5 (4)	17.2	3 (2)	10.4	1	3.4
Michigan									
Eastern	89	78	87.6	2 (2)	2.2	9 (8)	10.1	0	0.0
Western	50	39	78.0	2 (2)	4.0	9 (8)	18.0	0	0.0
Ohio									
Northern	57	48	84.2	4 (4)	7.0	5 (3)	8.8	0	0.0
Southern	34	32	94.1	0 (0)	0.0	2 (2)	5.9	0	0.0
Tennessee									
Eastern	45	41	91.1	1 (1)	2.2	1 (1)	2.2	2	4.4
Middle	29	22	75.9	2 (1)	6.9	5 (5)	17.2	0	0.0
Western	65	57	87.7	4 (4)	6.2	4 (4)	6.2	0	0.0
SEVENTH CIRCUIT	278	216	77.7	20 (16)	7.2	17 (17)	6.1	25	9.0
Illinois									
Central	41	33	80.5	1 (1)	2.4	0 (0)	0.0	7	17.1
Northern	102	89	87.2	4 (3)	3.9	3 (3)	2.9	6	5.9
Southern	28	14	50.0	4 (3)	14.3	6 (6)	21.4	4	14.3
Indiana									
Northern	31	27	87.1	2 (1)	6.4	2 (2)	6.4	0	0.0
Southern	19	15	79.0	0 (0)	0.0	1 (1)	4.6	1	5.3
Wisconsin									
Eastern	35	22	62.9	6 (5)	17.1	2 (2)	5.7	5	14.3
Western	22	16	72.7	3 (3)	13.6	1 (1)	4.6	2	9.1
EIGHTH CIRCUIT	343	299	87.2	22 (20)	6.4	19 (19)	5.5	3	0.9
Arkansas									
Eastern	26	22	84.6	1 (1)	3.8	2 (2)	7.7	1	3.8
Western	9	8	88.9	1 (1)	11.1	0 (0)	0.0	0	0.0
Iowa									
Northern	16	11	68.8	3 (3)	18.8	2 (2)	12.5	0	0.0
Southern	29	28	96.6	0 (0)	0.0	0 (0)	0.0	1	3.4
Minnesota	63	50	79.4	6 (5)	9.5	7 (7)	11.1	0	0.0
Missouri									
Eastern	77	72	93.5	1 (1)	1.3	4 (4)	5.2	0	0.0
Western	58	47	81.0	6 (5)	10.3	4 (4)	6.9	1	1.7
Nebraska	35	35	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
North Dakota	6	3	50.0	3 (3)	50.0	0 (0)	0.0	0	0.0
South Dakota	24	23	95.8	1 (1)	4.2	0 (0)	0.0	0	0.0

Table 49 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED	
		n	%	n	%	n	%	n	%
NINTH CIRCUIT	593	411	69.3	62 (55)	10.5	91 (82)	15.4	29	4.9
Alaska	17	10	58.8	1 (1)	5.9	4 (3)	13.5	2	11.8
Arizona	45	30	66.7	8 (4)	17.8	2 (2)	4.4	5	11.1
California									
Central	178	121	68.0	16 (16)	8.9	33 (31)	18.5	8	4.5
Eastern	43	36	83.7	2 (2)	4.6	5 (5)	11.6	0	0.0
Northern	34	22	64.7	4 (4)	11.8	6 (3)	17.6	2	5.9
Southern	64	53	82.8	4 (4)	6.2	3 (3)	4.7	4	6.2
Guam	6	1	16.7	2 (2)	33.3	3 (1)	50.0	0	0.0
Hawaii	16	11	68.8	2 (2)	12.5	2 (2)	12.5	1	6.3
Idaho	12	8	75.0	1 (1)	8.3	3 (3)	25.0	0	0.0
Montana	28	13	46.4	3 (2)	10.7	12 (12)	42.9	0	0.0
Nevada	39	28	71.8	2 (2)	5.1	8 (8)	20.5	1	2.6
Northern Mariana Islands	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Oregon	47	36	76.6	5 (5)	10.6	5 (4)	10.6	1	2.1
Washington									
Eastern	29	24	82.8	3 (2)	10.3	0 (0)	0.0	2	6.9
Western	35	18	51.4	9 (8)	25.7	5 (5)	14.3	3	8.6
TENTH CIRCUIT	278	206	74.1	17 (16)	6.1	41 (41)	14.8	14	5.0
Colorado	41	34	82.9	3 (2)	7.3	3 (3)	7.3	1	2.4
Kansas	80	52	65.0	6 (6)	7.5	18 (18)	22.5	4	5.0
New Mexico	24	20	83.3	1 (1)	4.2	0 (0)	0.0	3	12.5
Oklahoma									
Eastern	10	8	80.0	0 (0)	0.0	1 (1)	10.0	1	10.0
Northern	34	29	85.3	2 (2)	5.9	3 (3)	8.8	0	0.0
Western	51	39	76.5	2 (2)	3.9	7 (7)	13.7	3	5.9
Utah	24	16	66.7	2 (2)	8.3	5 (5)	20.8	1	4.2
Wyoming	14	8	57.1	1 (1)	7.1	4 (4)	28.6	1	7.1
ELEVENTH CIRCUIT	539	438	81.3	29 (28)	5.4	70 (68)	13.0	2	0.4
Alabama									
Middle	8	6	75.0	0 (0)	0.0	2 (2)	25.0	0	0.0
Northern	20	16	80.0	3 (3)	15.0	1 (1)	5.0	0	0.0
Southern	29	22	75.9	0 (0)	0.0	7 (7)	24.1	0	0.0
Florida									
Middle	102	83	81.4	3 (3)	2.9	15 (14)	14.7	1	1.0
Northern	56	50	89.3	1 (1)	1.8	5 (5)	8.9	0	0.0
Southern	194	157	80.9	15 (15)	7.7	21 (20)	10.3	1	0.5
Georgia									
Middle	28	22	78.6	2 (1)	7.1	4 (4)	14.3	0	0.0
Northern	72	62	86.1	3 (3)	4.2	7 (7)	9.7	0	0.0
Southern	30	20	66.7	2 (2)	6.7	8 (8)	26.7	0	0.0

)))))))))

¹ Of the 6,710 appeals cases, 2,448 were excluded because the type of appeal was "conviction only." Of the 4,262 remaining cases, 223 were excluded due to one or both of the following reasons: missing district information (10), or missing type of appeal information (223). Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 1996 Appeals Datafile, APPFY96.