

**Table 58****GUIDELINE INVOLVED IN ISSUES APPEALED BY THE GOVERNMENT<sup>1</sup>  
Fiscal Year 2001**

<b>GUIDELINE</b>	<b>Number</b>	<b>Percent</b>	<b>Affirmance Rate<sup>2</sup></b>
<b>TOTAL</b>	<b>94</b>	<b>100.0</b>	<b>30.8</b>
5K2.0 (Departures)	19	20.2	21.0
3E1.1 (Acceptance of Responsibility)	6	6.4	16.7
2D1.1 (Drug Trafficking)	5	5.3	40.0
3C1.1 (Obstruction of Justice)	5	5.3	60.0
5H1.6 (Family Ties and Responsibilities)	4	4.3	25.0
5C1.2 (Limitation on Applicability of Statutory Minimums)	3	3.2	0.0
5K2.8 (Extreme Conduct)	3	3.2	33.3
1B1.3 (Relevant Conduct)	2	2.1	0.0
2F1.1 (Fraud)	2	2.1	100.0
2G2.2 (Trafficking in Material Involving Sexual Exploitation of a Minor)	2	2.1	50.0
3B1.2 (Mitigating Role)	2	2.1	50.0
4B1.1 (Career Offender)	2	2.1	100.0
5K2.13 (Diminished Capacity)	2	2.1	50.0
Other Guidelines	23	24.5	26.1
Other Non-guideline Issues	14	14.9	28.6

<sup>1</sup>Based on 4,275 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was available in 4,275 of these cases which cited 7,657 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.

<sup>2</sup>Affirmance Rate includes all appeals cases not reversed by the circuit court.

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