

Table 53

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 1997

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
TOTAL	6,163	100.0	2,385	38.7	1,306	21.2	2,472	40.1
D.C. CIRCUIT	98	1.6	26	26.5	28	28.6	44	44.9
District of Columbia	98	1.6	26	26.5	28	28.6	44	44.9
FIRST CIRCUIT	168	2.7	63	37.5	31	18.4	74	44.1
Maine	24	0.4	13	54.2	2	8.3	9	37.5
Massachusetts	62	1.0	21	33.8	11	17.7	30	48.4
New Hampshire	18	0.3	9	50.0	1	5.6	8	44.4
Puerto Rico	37	0.6	14	37.8	7	18.9	16	43.2
Rhode Island	27	0.4	6	22.2	10	37.0	11	40.7
SECOND CIRCUIT	330	5.4	110	33.3	80	24.2	140	42.4
Connecticut	22	0.4	10	45.4	5	22.7	7	31.8
New York								
Eastern	117	1.9	36	30.8	29	24.8	52	44.4
Northern	30	0.5	13	43.3	3	10.0	14	46.7
Southern	126	2.0	38	30.2	35	27.8	53	42.1
Western	25	0.4	8	32.0	5	20.0	12	48.0
Vermont	10	0.2	5	50.0	3	30.0	2	20.0
THIRD CIRCUIT	350	5.7	160	45.7	56	16.0	134	38.3
Delaware	17	0.3	8	47.1	3	17.6	6	35.3
New Jersey	98	1.6	46	46.9	13	13.3	39	39.8
Pennsylvania								
Eastern	135	2.2	63	46.7	25	18.5	47	34.8
Middle	42	0.7	20	47.6	4	9.5	18	42.9
Western	41	0.7	17	41.5	9	22.0	15	36.6
Virgin Islands	17	0.3	6	35.3	2	11.8	9	52.9
FOURTH CIRCUIT	781	12.7	262	33.6	208	26.6	311	39.8
Maryland	81	1.3	20	24.7	23	28.4	38	46.9
North Carolina								
Eastern	67	1.1	30	44.8	18	26.9	19	28.4
Middle	99	1.6	34	34.3	23	23.2	42	42.4
Western	79	1.3	31	39.2	23	29.1	25	31.6
South Carolina	99	1.6	39	39.4	20	20.2	40	40.4
Virginia								
Eastern	171	2.8	32	18.7	54	31.6	85	49.7
Western	65	1.1	18	27.7	20	30.8	27	41.5
West Virginia								
Northern	54	0.9	23	42.6	13	24.1	18	33.3
Southern	66	1.1	35	53.0	14	21.2	17	25.8

Table 53 (cont.)

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
FIFTH CIRCUIT	785	12.7	268	34.1	176	22.4	341	43.4
Louisiana								
Eastern	56	0.9	24	42.9	7	12.5	25	44.6
Middle	10	0.2	6	60.0	2	20.0	2	20.0
Western	50	0.8	19	38.0	16	32.0	15	30.0
Mississippi								
Northern	25	0.4	3	12.0	9	36.0	13	52.0
Southern	18	0.3	2	11.1	5	27.8	11	61.1
Texas								
Eastern	79	1.3	40	50.6	16	20.2	23	29.1
Northern	170	2.8	61	35.9	36	21.2	73	42.9
Southern	235	3.8	66	28.1	55	23.4	114	48.5
Western	142	2.3	47	33.1	30	21.1	65	45.8
SIXTH CIRCUIT	467	7.6	174	37.3	113	24.2	180	38.5
Kentucky								
Eastern	58	0.9	31	53.4	12	20.7	15	25.9
Western	31	0.5	11	35.5	9	29.0	11	35.5
Michigan								
Eastern	97	1.6	43	44.3	18	18.6	36	37.1
Western	47	0.8	15	31.9	17	36.2	15	31.9
Ohio								
Northern	36	0.6	5	13.9	13	36.1	18	50.0
Southern	33	0.5	12	36.4	13	39.4	8	24.2
Tennessee								
Eastern	75	1.2	30	40.0	16	21.3	29	38.7
Middle	23	0.4	10	43.5	5	21.7	8	34.8
Western	67	1.1	17	25.4	10	14.9	40	59.7
SEVENTH CIRCUIT	448	7.3	192	42.9	81	18.1	175	39.1
Illinois								
Central	65	1.1	30	46.2	15	23.1	20	30.8
Northern	136	2.2	57	41.9	19	14.0	60	44.1
Southern	79	1.3	30	38.0	22	27.8	27	34.2
Indiana								
Northern	49	0.8	24	49.0	11	22.4	14	28.6
Southern	28	0.5	6	21.4	3	10.7	19	67.9
Wisconsin								
Eastern	59	1.0	32	54.2	5	8.5	22	37.3
Western	32	0.5	13	40.6	6	18.8	13	40.6
EIGHTH CIRCUIT	508	8.2	204	40.2	99	19.5	205	40.4
Arkansas								
Eastern	46	0.7	17	37.0	10	21.7	19	41.3
Western	25	0.4	12	48.0	4	16.0	9	36.0
Iowa								
Northern	24	0.4	11	45.8	4	16.7	9	37.5
Southern	38	0.6	15	39.5	9	23.7	14	36.8
Minnesota	74	1.2	31	41.9	8	10.8	35	47.3
Missouri								
Eastern	103	1.7	40	38.8	17	16.5	46	44.7
Western	97	1.6	45	46.4	27	27.8	25	25.8
Nebraska	43	0.7	18	41.9	9	20.9	16	37.2
North Dakota	11	0.2	4	36.4	2	18.2	5	45.4
South Dakota	47	0.8	11	23.4	9	19.2	27	57.4

Table 53 (cont.)

CIRCUIT District	Total		Sentencing Only		Sentencing and Conviction		Conviction Only	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
NINTH CIRCUIT	1,203	19.5	466	38.7	188	15.6	549	45.6
Alaska	45	0.7	16	35.6	8	17.8	21	46.7
Arizona	115	1.9	28	24.4	13	11.3	74	64.4
California								
Central	323	5.2	123	38.1	55	17.0	145	44.9
Eastern	125	2.0	49	39.2	15	12.0	61	48.8
Northern	63	1.0	17	27.0	10	15.9	36	57.1
Southern	165	2.7	76	46.1	30	18.2	59	35.8
Guam	16	0.3	6	37.5	2	12.5	8	50.0
Hawaii	36	0.6	17	47.2	5	13.9	14	38.9
Idaho	14	0.2	6	42.9	3	21.4	5	35.7
Montana	36	0.6	12	33.3	11	30.6	13	36.1
Nevada	47	0.8	18	38.3	8	17.0	21	44.7
Northern Mariana Islands	1	0.0	0	0.0	0	0.0	1	100.0
Oregon	93	1.5	51	54.8	10	10.8	32	34.4
Washington								
Eastern	34	0.6	13	38.2	5	14.7	16	47.1
Western	90	1.5	34	37.8	13	14.4	43	47.8
TENTH CIRCUIT	392	6.4	129	32.9	62	15.8	201	51.3
Colorado	60	1.0	16	26.7	2	3.3	42	70.0
Kansas	84	1.4	22	26.2	17	20.2	45	53.6
New Mexico	63	1.0	25	39.7	13	20.6	25	39.7
Oklahoma								
Eastern	29	0.5	12	41.4	6	20.7	11	37.9
Northern	43	0.7	19	44.2	7	16.3	17	39.5
Western	67	1.1	26	38.8	8	11.9	33	49.2
Utah	24	0.4	6	25.0	6	25.0	12	50.0
Wyoming	22	0.4	3	13.6	3	13.6	16	72.7
ELEVENTH CIRCUIT	633	10.3	331	52.3	184	29.1	118	18.6
Alabama								
Middle	18	0.3	9	50.0	8	44.4	1	5.6
Northern	30	0.5	11	36.7	12	40.0	7	23.3
Southern	47	0.8	28	59.6	11	23.4	8	17.0
Florida								
Middle	102	1.7	41	40.2	37	36.3	24	23.5
Northern	43	0.7	17	39.5	17	39.5	9	20.9
Southern	243	3.9	145	59.7	61	25.1	37	15.2
Georgia								
Middle	19	0.3	12	63.2	3	15.8	4	21.0
Northern	106	1.7	55	51.9	27	25.5	24	22.6
Southern	25	0.4	13	52.0	8	32.0	4	16.0

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¹Of the 6,496 appeals cases, 333 were excluded due to one or both of the following reasons: missing district information (10) or missing type of appeal information (327). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 1997 Appeals Datafile, APPFY97.