

**Table 54**

**DISPOSITION OF SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 1997**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED	
		n	%	n	%	n	%	n	%
<b>TOTAL</b>	<b>3,691</b>	<b>2,929</b>	<b>79.4</b>	<b>267 (219)</b>	<b>7.2</b>	<b>307 (281)</b>	<b>8.3</b>	<b>188</b>	<b>5.1</b>
<b>D.C. CIRCUIT</b>	<b>54</b>	<b>41</b>	<b>75.9</b>	<b>4 (3)</b>	<b>7.4</b>	<b>8 (7)</b>	<b>14.8</b>	<b>1</b>	<b>1.8</b>
District of Columbia	54	41	75.9	4(3)	7.7	8 (7)	14.8	1	1.8
<b>FIRST CIRCUIT</b>	<b>94</b>	<b>70</b>	<b>74.5</b>	<b>13 (13)</b>	<b>13.8</b>	<b>11 (11)</b>	<b>11.7</b>	<b>0</b>	<b>0.0</b>
Maine	15	7	46.7	7 (7)	46.7	1 (1)	6.7	0	0.0
Massachusetts	32	25	78.1	1 (1)	3.1	6 (6)	18.8	0	0.0
New Hampshire	10	5	50.0	4 (4)	40.0	1 (1)	10.0	0	0.0
Puerto Rico	21	20	95.2	1 (1)	4.8	0 (0)	0.0	0	0.0
Rhode Island	16	13	81.2	0 (0)	0.0	3 (3)	18.8	0	0.0
<b>SECOND CIRCUIT</b>	<b>190</b>	<b>157</b>	<b>82.6</b>	<b>15 (13)</b>	<b>7.9</b>	<b>13 (12)</b>	<b>6.8</b>	<b>5</b>	<b>2.6</b>
Connecticut	15	10	66.7	4 (3)	26.7	1 (1)	6.7	0	0.0
New York									
Eastern	65	50	76.9	7 (6)	10.8	4 (4)	6.2	4	6.2
Northern	16	9	56.2	3 (3)	18.8	4 (4)	25.0	0	0.0
Southern	73	68	93.2	1 (1)	1.4	3 (2)	4.1	1	1.4
Western	13	12	92.3	0 (0)	0.0	1 (1)	7.7	0	0.0
Vermont	8	8	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>216</b>	<b>178</b>	<b>82.4</b>	<b>17 (10)</b>	<b>7.9</b>	<b>10 (10)</b>	<b>4.6</b>	<b>11</b>	<b>5.1</b>
Delaware	11	11	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
New Jersey	59	48	81.4	6 (4)	10.2	1 (1)	1.7	4	6.9
Pennsylvania									
Eastern	88	69	78.4	9 (5)	10.2	6 (6)	6.8	4	4.6
Middle	24	22	91.7	2 (1)	8.3	0 (0)	0.0	0	0.0
Western	26	20	76.9	0 (0)	0.0	3 (3)	11.5	3	11.5
Virgin Islands	8	8	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>470</b>	<b>383</b>	<b>81.5</b>	<b>28 (22)</b>	<b>6.0</b>	<b>42 (42)</b>	<b>8.9</b>	<b>17</b>	<b>3.6</b>
Maryland	43	27	62.8	5 (4)	11.6	7 (7)	16.3	4	9.3
North Carolina									
Eastern	48	44	91.7	1 (1)	2.1	2 (2)	4.2	1	2.1
Middle	57	54	94.7	3 (2)	5.3	0 (0)	0.0	0	0.0
Western	54	37	68.5	3 (3)	5.6	6 (6)	11.1	8	14.8
South Carolina	59	54	91.5	2 (1)	3.4	1 (1)	1.7	2	3.4
Virginia									
Eastern	86	60	69.8	9 (7)	10.5	17 (17)	19.8	0	0.0
Western	38	31	81.6	1 (1)	2.6	6 (6)	15.8	0	0.0
West Virginia									
Northern	36	31	86.1	1 (1)	2.8	2 (2)	5.6	2	5.6
Southern	49	45	91.8	3 (2)	6.2	1 (1)	2.0	0	0.0

**Table 54 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED	
		n	%	n	%	n	%	n	%
<b>FIFTH CIRCUIT</b>	<b>444</b>	<b>351</b>	<b>79.0</b>	<b>33 (26)</b>	<b>7.4</b>	<b>33 (25)</b>	<b>7.4</b>	<b>27</b>	<b>6.1</b>
Louisiana									
Eastern	31	18	58.1	6 (6)	19.4	6 (6)	19.4	1	3.2
Middle	8	7	87.5	1 (1)	12.5	0 (0)	0.0	0	0.0
Western	35	28	80.0	1 (1)	2.9	6 (5)	17.2	0	0.0
Mississippi									
Northern	12	7	58.3	1 (1)	8.3	4 (4)	33.3	0	0.0
Southern	7	6	85.7	0 (0)	0.0	1 (1)	14.3	0	0.0
Texas									
Eastern	56	46	82.1	4 (3)	7.1	2 (2)	3.6	4	7.1
Northern	97	81	83.5	7 (5)	7.2	1 (1)	1.0	8	8.2
Southern	121	102	84.3	5 (3)	4.1	5 (5)	4.1	9	7.4
Western	77	56	72.7	8 (6)	10.4	8 (5)	10.4	5	6.5
<b>SIXTH CIRCUIT</b>	<b>287</b>	<b>239</b>	<b>83.3</b>	<b>21 (17)</b>	<b>7.3</b>	<b>21 (19)</b>	<b>7.3</b>	<b>6</b>	<b>2.1</b>
Kentucky									
Eastern	43	36	83.7	1 (1)	2.3	4 (3)	9.3	2	4.6
Western	20	13	65.0	3 (3)	15.0	2 (2)	10.0	2	10.0
Michigan									
Eastern	61	51	83.6	4 (3)	6.6	4 (4)	6.6	2	3.3
Western	32	29	90.6	3 (2)	9.4	0 (0)	0.0	0	0.0
Ohio									
Northern	18	14	77.8	2 (1)	11.1	2 (2)	11.1	0	0.0
Southern	25	19	76.0	2 (2)	8.0	4 (4)	16.0	0	0.0
Tennessee									
Eastern	46	39	84.8	4 (3)	8.7	3 (3)	6.5	0	0.0
Middle	15	14	93.3	1 (1)	6.7	0 (0)	0.0	0	0.0
Western	27	24	88.9	1 (1)	3.7	2 (1)	7.4	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>273</b>	<b>195</b>	<b>71.4</b>	<b>15 (13)</b>	<b>5.5</b>	<b>17 (16)</b>	<b>6.2</b>	<b>46</b>	<b>16.8</b>
Illinois									
Central	45	33	73.3	2 (2)	4.4	2 (2)	4.4	8	17.8
Northern	76	54	71.0	5 (5)	6.6	5 (5)	6.6	12	15.8
Southern	52	41	78.8	4 (3)	7.7	3 (3)	5.8	4	7.7
Indiana									
Northern	35	22	62.9	2 (2)	5.7	2 (1)	5.7	9	25.7
Southern	9	7	77.8	0 (0)	0.0	0 (0)	0.0	2	22.2
Wisconsin									
Eastern	37	21	56.8	2 (1)	5.4	4 (4)	10.8	10	27.0
Western	19	17	89.5	0 (0)	0.0	1 (1)	5.3	1	5.3
<b>EIGHTH CIRCUIT</b>	<b>303</b>	<b>249</b>	<b>82.2</b>	<b>21 (20)</b>	<b>6.9</b>	<b>26 (18)</b>	<b>5.9</b>	<b>7</b>	<b>2.3</b>
Arkansas									
Eastern	27	24	88.9	2 (2)	7.4	1 (1)	3.7	0	0.0
Western	16	14	87.5	0 (0)	0.0	0 (0)	0.0	2	12.5
Iowa									
Northern	15	13	86.7	1 (1)	6.7	1 (1)	6.7	0	0.0
Southern	24	23	95.8	1 (1)	4.2	0 (0)	0.0	0	0.0
Minnesota	39	30	76.9	5 (5)	12.8	3 (3)	7.7	1	2.6
Missouri									
Eastern	57	46	80.7	6 (6)	10.5	5 (5)	8.8	0	0.0
Western	72	59	81.9	2 (1)	2.8	10 (2)	13.9	1	1.4
Nebraska	27	24	88.9	2 (2)	7.4	0 (0)	0.0	1	3.7
North Dakota	6	4	66.7	0 (0)	0.0	1 (1)	16.7	1	16.7
South Dakota	20	12	60.0	2 (2)	10.0	5 (5)	25.0	1	5.0

**Table 54 (cont.)**

CIRCUIT District	TOTAL	AFFIRMED		REVERSED <sup>2</sup>		AFFIRMED AND REVERSED <sup>2</sup>		DISMISSED	
		n	%	n	%	n	%	n	%
<b>NINTH CIRCUIT</b>	<b>654</b>	<b>496</b>	<b>75.8</b>	<b>57 (47)</b>	<b>8.7</b>	<b>64 (60)</b>	<b>9.8</b>	<b>37</b>	<b>5.7</b>
Alaska	24	19	79.2	2 (2)	8.3	2 (1)	8.3	1	4.2
Arizona	41	27	65.8	4 (3)	9.8	6 (6)	14.6	4	9.8
California									
Central	178	135	75.8	14 (11)	7.9	19 (18)	10.7	10	5.6
Eastern	64	51	79.7	10 (9)	15.6	3 (2)	4.7	0	0.0
Northern	27	21	77.8	1 (0)	3.7	3 (3)	11.1	2	7.4
Southern	106	79	74.5	7 (7)	6.6	12 (11)	11.3	8	7.6
Guam	8	6	75.0	1 (1)	12.5	1 (1)	12.5	0	0.0
Hawaii	22	17	77.3	0 (0)	0.0	2 (2)	9.1	3	13.6
Idaho	9	7	77.8	1 (1)	11.1	0 (0)	0.0	1	11.1
Montana	23	18	78.3	1 (1)	4.4	4 (4)	17.4	0	0.0
Nevada	26	18	69.2	3 (2)	11.5	2 (2)	7.7	3	11.5
Northern Mariana Islands	0	0	0.0	0 (0)	0.0	0 (0)	0.0	0	0.0
Oregon	61	50	82.0	2 (1)	3.3	6 (6)	9.8	3	4.9
Washington									
Eastern	18	15	83.3	1 (1)	5.6	1 (1)	5.6	1	5.6
Western	47	33	70.2	10 (8)	21.3	3 (3)	6.4	1	2.1
<b>TENTH CIRCUIT</b>	<b>191</b>	<b>128</b>	<b>67.0</b>	<b>16 (14)</b>	<b>8.4</b>	<b>18 (18)</b>	<b>9.4</b>	<b>29</b>	<b>15.2</b>
Colorado	18	12	66.7	2 (2)	11.1	0 (0)	0.0	4	22.2
Kansas	39	26	66.7	1 (1)	2.6	6 (6)	15.4	6	15.4
New Mexico	38	21	55.3	6 (6)	15.8	6 (6)	15.8	5	13.2
Oklahoma									
Eastern	18	12	66.7	0 (0)	0.0	0 (0)	0.0	6	33.3
Northern	26	20	76.9	3 (3)	11.5	2 (2)	7.7	1	3.8
Western	34	24	70.6	4 (2)	11.8	2 (2)	5.9	4	11.8
Utah	12	7	58.3	0 (0)	0.0	2 (2)	16.7	3	25.0
Wyoming	6	6	100.0	0 (0)	0.0	0 (0)	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>515</b>	<b>442</b>	<b>85.8</b>	<b>27 (21)</b>	<b>5.2</b>	<b>44 (43)</b>	<b>8.5</b>	<b>2</b>	<b>0.4</b>
Alabama									
Middle	17	12	70.6	3 (2)	17.6	2 (2)	11.8	0	0.0
Northern	23	21	91.3	2 (2)	8.7	0 (0)	0.0	0	0.0
Southern	39	33	84.6	3 (3)	7.7	3 (3)	7.7	0	0.0
Florida									
Middle	78	69	88.5	2 (0)	2.6	6 (6)	7.7	1	1.3
Northern	34	31	91.2	1 (1)	2.9	2 (2)	5.9	0	0.0
Southern	206	188	91.3	4 (3)	1.9	14 (13)	6.8	0	0.0
Georgia									
Middle	15	12	80.0	1 (0)	6.7	2 (2)	13.3	0	0.0
Northern	82	63	76.8	8 (7)	9.8	10 (10)	12.2	1	1.2
Southern	21	13	61.9	3 (3)	14.3	5 (5)	23.8	0	0.0

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<sup>1</sup> Of the 6,496 appeals cases, 2,477 were excluded because the type of appeal was "conviction only." Of the 4,019 remaining cases, 328 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.

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

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