

Table 58

**GUIDELINE INVOLVED IN ISSUES APPEALED BY THE GOVERNMENT¹
Fiscal Year 1999**

GUIDELINE	Number	Percent	Affirmance Rate²
TOTAL	54	100.0	68.5
5K2.0 (Departures)	21	38.9	76.2
2D1.1 (Drug Trafficking)	6	11.1	100.0
3E1.1 (Acceptance of Responsibility)	5	9.3	40.0
2C1.1 (Bribery, Extortion Under the Color of Official Right)	3	5.6	100.0
2F1.1 (Fraud)	3	5.6	33.3
3B1.1 (Aggravating Role)	3	5.6	100.0
4A1.3 (Adequacy of Criminal History)	2	3.7	50.0
5C1.1 (Imposition of Term of Imprisonment)	2	3.7	100.0
2G2.2 (Trafficking Material Involving Sexual Exploitation of Minors)	1	1.9	0.0
2J1.3 (Perjury or Subornation of Perjury)	1	1.9	100.0
2S1.1 (Money Laundering)	1	1.9	0.0
3A1.3 (Restraint of Victim)	1	1.9	100.0
3C1.1 (Obstruction of Justice)	1	1.9	0.0
4B1.2 (Definitions of Career Offender)	1	1.9	0.0
5E1.1 (Restitution)	1	1.9	0.0
5H1.6 (Family Ties and Responsibilities)	1	1.9	100.0
5H1.12 (Lack of Guidance as a Youth and Similar Circumstances)	1	1.9	0.0

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¹Based on 4,068 appeals defendants with sentencing as at least one of the reasons for appeal. Information on issues was available in 4,052 of these cases which cited 6,816 issues. Often more than one issue was appealed; consequently, the number of issues is more than the number of defendants.

²Affirmance Rate includes all appeals cases not reversed by the circuit court.

SOURCE: U.S. Sentencing Commission, 1999 Appeals Datafile, APPFY99.