

**Table 55**

**TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**Fiscal Year 2007**

<b>CIRCUIT</b> <b>District</b>	<b>Total</b>		<b>Sentence Only</b>		<b>Sentence and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>TOTAL</b>	<b>8,523</b>	<b>100.0</b>	<b>4,593</b>	<b>53.9</b>	<b>2,046</b>	<b>24.0</b>	<b>1,884</b>	<b>22.1</b>
<b>D.C. CIRCUIT</b>	<b>81</b>	<b>1.0</b>	<b>21</b>	<b>25.9</b>	<b>19</b>	<b>23.5</b>	<b>41</b>	<b>50.6</b>
District of Columbia	81	1.0	21	25.9	19	23.5	41	50.6
<b>FIRST CIRCUIT</b>	<b>163</b>	<b>1.9</b>	<b>56</b>	<b>34.4</b>	<b>66</b>	<b>40.5</b>	<b>41</b>	<b>25.2</b>
Maine	23	0.3	8	34.8	12	52.2	3	13.0
Massachusetts	63	0.7	17	27.0	25	39.7	21	33.3
New Hampshire	8	0.1	2	25.0	3	37.5	3	37.5
Puerto Rico	55	0.6	24	43.6	20	36.4	11	20.0
Rhode Island	14	0.2	5	35.7	6	42.9	3	21.4
<b>SECOND CIRCUIT</b>	<b>312</b>	<b>3.7</b>	<b>156</b>	<b>50.0</b>	<b>70</b>	<b>22.4</b>	<b>86</b>	<b>27.6</b>
Connecticut	20	0.2	11	55.0	4	20.0	5	25.0
New York								
Eastern	71	0.8	33	46.5	16	22.5	22	31.0
Northern	21	0.2	8	38.1	6	28.6	7	33.3
Southern	156	1.8	82	52.6	36	23.1	38	24.4
Western	40	0.5	21	52.5	6	15.0	13	32.5
Vermont	4	0.0	1	25.0	2	50.0	1	25.0
<b>THIRD CIRCUIT</b>	<b>490</b>	<b>5.7</b>	<b>298</b>	<b>60.8</b>	<b>82</b>	<b>16.7</b>	<b>110</b>	<b>22.4</b>
Delaware	19	0.2	9	47.4	4	21.1	6	31.6
New Jersey	86	1.0	60	69.8	14	16.3	12	14.0
Pennsylvania								
Eastern	196	2.3	98	50.0	38	19.4	60	30.6
Middle	93	1.1	71	76.3	9	9.7	13	14.0
Western	79	0.9	52	65.8	13	16.5	14	17.7
Virgin Islands	17	0.2	8	47.1	4	23.5	5	29.4
<b>FOURTH CIRCUIT</b>	<b>1,096</b>	<b>12.9</b>	<b>644</b>	<b>58.8</b>	<b>271</b>	<b>24.7</b>	<b>181</b>	<b>16.5</b>
Maryland	109	1.3	49	45.0	27	24.8	33	30.3
North Carolina								
Eastern	121	1.4	88	72.7	23	19.0	10	8.3
Middle	129	1.5	93	72.1	18	14.0	18	14.0
Western	173	2.0	102	59.0	50	28.9	21	12.1
South Carolina	179	2.1	114	63.7	47	26.3	18	10.1
Virginia								
Eastern	170	2.0	72	42.4	57	33.5	41	24.1
Western	84	1.0	44	52.4	19	22.6	21	25.0
West Virginia								
Northern	46	0.5	23	50.0	14	30.4	9	19.6
Southern	85	1.0	59	69.4	16	18.8	10	11.8

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentence Only</b>		<b>Sentence and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>FIFTH CIRCUIT</b>	<b>1,499</b>	<b>17.6</b>	<b>817</b>	<b>54.5</b>	<b>403</b>	<b>26.9</b>	<b>279</b>	<b>18.6</b>
Louisiana								
Eastern	42	0.5	26	61.9	2	4.8	14	33.3
Middle	17	0.2	10	58.8	2	11.8	5	29.4
Western	103	1.2	61	59.2	15	14.6	27	26.2
Mississippi								
Northern	17	0.2	9	52.9	4	23.5	4	23.5
Southern	32	0.4	10	31.3	7	21.9	15	46.9
Texas								
Eastern	78	0.9	35	44.9	20	25.6	23	29.5
Northern	223	2.6	134	60.1	54	24.2	35	15.7
Southern	624	7.3	343	55.0	207	33.2	74	11.9
Western	363	4.3	189	52.1	92	25.3	82	22.6
<b>SIXTH CIRCUIT</b>	<b>770</b>	<b>9.0</b>	<b>424</b>	<b>55.1</b>	<b>173</b>	<b>22.5</b>	<b>173</b>	<b>22.5</b>
Kentucky								
Eastern	55	0.6	27	49.1	14	25.5	14	25.5
Western	41	0.5	22	53.7	11	26.8	8	19.5
Michigan								
Eastern	89	1.0	53	59.6	11	12.4	25	28.1
Western	71	0.8	51	71.8	10	14.1	10	14.1
Ohio								
Northern	88	1.0	39	44.3	25	28.4	24	27.3
Southern	92	1.1	48	52.2	23	25.0	21	22.8
Tennessee								
Eastern	147	1.7	75	51.0	35	23.8	37	25.2
Middle	47	0.6	28	59.6	14	29.8	5	10.6
Western	140	1.6	81	57.9	30	21.4	29	20.7
<b>SEVENTH CIRCUIT</b>	<b>594</b>	<b>7.0</b>	<b>301</b>	<b>50.7</b>	<b>146</b>	<b>24.6</b>	<b>147</b>	<b>24.7</b>
Illinois								
Central	55	0.6	25	45.5	11	20.0	19	34.5
Northern	223	2.6	108	48.4	58	26.0	57	25.6
Southern	62	0.7	37	59.7	11	17.7	14	22.6
Indiana								
Northern	51	0.6	21	41.2	19	37.3	11	21.6
Southern	49	0.6	20	40.8	16	32.7	13	26.5
Wisconsin								
Eastern	77	0.9	41	53.2	14	18.2	22	28.6
Western	77	0.9	49	63.6	17	22.1	11	14.3
<b>EIGHTH CIRCUIT</b>	<b>604</b>	<b>7.1</b>	<b>374</b>	<b>61.9</b>	<b>105</b>	<b>17.4</b>	<b>125</b>	<b>20.7</b>
Arkansas								
Eastern	39	0.5	20	51.3	11	28.2	8	20.5
Western	9	0.1	8	88.9	0	0.0	1	11.1
Iowa								
Northern	93	1.1	66	71.0	16	17.2	11	11.8
Southern	67	0.8	32	47.8	20	29.9	15	22.4
Minnesota	89	1.0	60	67.4	14	15.7	15	16.9
Missouri								
Eastern	61	0.7	38	62.3	7	11.5	16	26.2
Western	105	1.2	71	67.6	15	14.3	19	18.1
Nebraska	89	1.0	54	60.7	11	12.4	24	27.0
North Dakota	14	0.2	4	28.6	4	28.6	6	42.9
South Dakota	38	0.4	21	55.3	7	18.4	10	26.3

**Table 55 (cont.)**

<b>CIRCUIT</b>	<b>Total</b>		<b>Sentence Only</b>		<b>Sentence and Conviction</b>		<b>Conviction Only</b>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>NINTH CIRCUIT</b>	<b>1,253</b>	<b>14.7</b>	<b>630</b>	<b>50.3</b>	<b>329</b>	<b>26.3</b>	<b>294</b>	<b>23.5</b>
Alaska	27	0.3	14	51.9	4	14.8	9	33.3
Arizona	123	1.4	46	37.4	33	26.8	44	35.8
California								
Central	257	3.0	144	56.0	64	24.9	49	19.1
Eastern	65	0.8	30	46.2	19	29.2	16	24.6
Northern	48	0.6	16	33.3	20	41.7	12	25.0
Southern	208	2.4	94	45.2	78	37.5	36	17.3
Guam	15	0.2	6	40.0	3	20.0	6	40.0
Hawaii	51	0.6	15	29.4	18	35.3	18	35.3
Idaho	38	0.4	22	57.9	6	15.8	10	26.3
Montana	132	1.5	80	60.6	22	16.7	30	22.7
Nevada	81	1.0	43	53.1	19	23.5	19	23.5
Northern Mariana Islands	6	0.1	2	33.3	3	50.0	1	16.7
Oregon	66	0.8	34	51.5	15	22.7	17	25.8
Washington								
Eastern	66	0.8	45	68.2	10	15.2	11	16.7
Western	70	0.8	39	55.7	15	21.4	16	22.9
<b>TENTH CIRCUIT</b>	<b>671</b>	<b>7.9</b>	<b>349</b>	<b>52.0</b>	<b>141</b>	<b>21.0</b>	<b>181</b>	<b>27.0</b>
Colorado	72	0.8	44	61.1	10	13.9	18	25.0
Kansas	119	1.4	57	47.9	23	19.3	39	32.8
New Mexico	172	2.0	97	56.4	29	16.9	46	26.7
Oklahoma								
Eastern	30	0.4	6	20.0	11	36.7	13	43.3
Northern	67	0.8	33	49.3	16	23.9	18	26.9
Western	68	0.8	34	50.0	20	29.4	14	20.6
Utah	105	1.2	58	55.2	21	20.0	26	24.8
Wyoming	38	0.4	20	52.6	11	28.9	7	18.4
<b>ELEVENTH CIRCUIT</b>	<b>990</b>	<b>11.6</b>	<b>523</b>	<b>52.8</b>	<b>241</b>	<b>24.3</b>	<b>226</b>	<b>22.8</b>
Alabama								
Middle	27	0.3	10	37.0	9	33.3	8	29.6
Northern	42	0.5	19	45.2	12	28.6	11	26.2
Southern	56	0.7	29	51.8	14	25.0	13	23.2
Florida								
Middle	280	3.3	181	64.6	51	18.2	48	17.1
Northern	78	0.9	43	55.1	16	20.5	19	24.4
Southern	275	3.2	134	48.7	75	27.3	66	24.0
Georgia								
Middle	42	0.5	19	45.2	8	19.0	15	35.7
Northern	133	1.6	63	47.4	42	31.6	28	21.1
Southern	57	0.7	25	43.9	14	24.6	18	31.6

<sup>1</sup>Of the 8,530 appeals cases, seven were excluded due to missing information on type of appeal. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2007 Appeals Datafile, APPFY07.