

Table 56A

DISPOSITION OF GOVERNMENT SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2006

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
TOTAL	212	48	22.6	119	(115)	56.1	10	(10)	4.7	3	1.4	32	15.1
D.C. CIRCUIT	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
District of Columbia	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
FIRST CIRCUIT	5	0	0.0	5	(5)	100.0	0	(0)	0.0	0	0.0	0	0.0
Maine	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Massachusetts	3	0	0.0	3	(3)	100.0	0	(0)	0.0	0	0.0	0	0.0
New Hampshire	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Puerto Rico	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Rhode Island	2	0	0.0	2	(2)	0.0	0	(0)	0.0	0	0.0	0	0.0
SECOND CIRCUIT	8	3	37.5	4	(4)	50.0	1	(1)	12.5	0	0.0	0	0.0
Connecticut	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
New York													
Eastern	2	0	0.0	1	(1)	50.0	1	(1)	50.0	0	0.0	0	0.0
Northern	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
Southern	3	1	33.3	2	(2)	66.7	0	(0)	0.0	0	0.0	0	0.0
Western	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Vermont	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
THIRD CIRCUIT	3	0	0.0	3	(3)	100.0	0	(0)	0.0	0	0.0	0	0.0
Delaware	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
New Jersey	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
Pennsylvania													
Eastern	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Virgin Islands	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
FOURTH CIRCUIT	26	1	3.8	17	(15)	65.4	1	(1)	3.8	3	11.5	4	15.4
Maryland	5	0	0.0	1	(1)	20.0	0	(0)	0.0	3	60.0	1	20.0
North Carolina													
Eastern	5	0	0.0	5	(5)	100.0	0	(0)	0.0	0	0.0	0	0.0
Middle	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Western	4	0	0.0	4	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
South Carolina	3	1	33.3	2	(2)	66.7	0	(0)	0.0	0	0.0	0	0.0
Virginia													
Eastern	7	0	0.0	4	(4)	57.1	1	(1)	14.3	0	0.0	2	28.6
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
West Virginia													
Northern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Southern	2	0	0.0	1	(1)	50.0	0	(0)	0.0	0	0.0	1	50.0

Table 56A (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
FIFTH CIRCUIT	14	4	28.6	9	(9)	64.3	0	(0)	0.0	0	0.0	1	7.1
Louisiana													
Eastern	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Middle	1	0	0.0	1 (1)	100.0		0 (0)		0.0	0	0.0	0	0.0
Western	5	2	40.0	2 (2)	40.0		0 (0)		0.0	0	0.0	1	20.0
Mississippi													
Northern	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Southern	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Texas													
Eastern	1	0	0.0	1 (1)	100.0		0 (0)		0.0	0	0.0	0	0.0
Northern	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Southern	6	2	33.3	4 (4)	66.7		0 (0)		0.0	0	0.0	0	0.0
Western	1	0	0.0	1 (1)	100.0		0 (0)		0.0	0	0.0	0	0.0
SIXTH CIRCUIT	11	4	36.4	6	(6)	54.5	0	(0)	0.0	0	0.0	1	9.1
Kentucky													
Eastern	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Western	1	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	1	100.0
Michigan													
Eastern	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Western	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Ohio													
Northern	3	2	66.7	1 (1)	33.3		0 (0)		0.0	0	0.0	0	0.0
Southern	2	0	0.0	2 (2)	100.0		0 (0)		0.0	0	0.0	0	0.0
Tennessee													
Eastern	1	0	0.0	1 (1)	100.0		0 (0)		0.0	0	0.0	0	0.0
Middle	1	1	100.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Western	3	1	33.3	2 (2)	66.7		0 (0)		0.0	0	0.0	0	0.0
SEVENTH CIRCUIT	12	4	33.3	6	(5)	50.0	0	(0)	0.0	0	0.0	2	16.7
Illinois													
Central	2	1	50.0	1 (1)		0.0	0 (0)		0.0	0	0.0	0	0.0
Northern	1	0	0.0	1 (1)	100.0		0 (0)		0.0	0	0.0	0	0.0
Southern	1	1	100.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
Indiana													
Northern	4	1	25.0	1 (1)	25.0		0 (0)		0.0	0	0.0	2	50.0
Southern	1	0	0.0	1 (1)		0.0	0 (0)		0.0	0	0.0	0	0.0
Wisconsin													
Eastern	3	1	33.3	2 (1)	66.7		0 (0)		0.0	0	0.0	0	0.0
Western	0	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	0	0.0
EIGHTH CIRCUIT	56	9	16.1	32	(32)	57.1	3	(3)	5.4	0	0.0	12	21.4
Arkansas													
Eastern	1	0	0.0	0 (0)		0.0	0 (0)		0.0	0	0.0	1	100.0
Western	1	0	0.0	0 (0)		0.0	1 (1)	100.0		0	0.0	0	0.0
Iowa													
Northern	7	1	14.3	6 (6)	85.7		0 (0)		0.0	0	0.0	0	0.0
Southern	8	3	37.5	4 (4)	50.0		0 (0)		0.0	0	0.0	1	12.5
Minnesota	3	1	33.3	2 (2)	66.7		0 (0)		0.0	0	0.0	0	0.0
Missouri													
Eastern	8	0	0.0	5 (5)	62.5		0 (0)		0.0	0	0.0	3	37.5
Western	14	1	7.1	9 (9)	64.3		1 (1)	7.1		0	0.0	3	21.4
Nebraska	10	1	10.0	5 (5)	50.0		1 (1)	10.0		0	0.0	3	30.0
North Dakota	3	2	66.7	0 (0)		0.0	0 (0)		0.0	0	0.0	1	33.3
South Dakota	1	0	0.0	1 (1)	100.0		0 (0)		0.0	0	0.0	0	0.0

Table 56A (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²		DISMISSED		REMANDED			
		n	%	n	%	n	%	n	%	n	%		
NINTH CIRCUIT	34	10	29.4	14	(14)	41.2	2	(0)	5.9	0	0.0	8	23.5
Alaska	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Arizona	6	1	16.7	2	(2)	33.3	0	(0)	0.0	0	0.0	3	50.0
California													
Central	12	3	25.0	6	(6)	50.0	2	(0)	16.7	0	0.0	1	8.3
Eastern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Northern	1	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	1	100.0
Southern	1	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	1	100.0
Guam	2	2	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Hawaii	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Idaho	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Montana	3	0	0.0	1	(1)	33.3	0	(0)	0.0	0	0.0	2	66.7
Nevada	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Northern Mariana Islands	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Oregon	3	0	0.0	3	(3)	100.0	0	(0)	0.0	0	0.0	0	0.0
Washington													
Eastern	5	3	60.0	2	(2)	40.0	0	(0)	0.0	0	0.0	0	0.0
Western	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
TENTH CIRCUIT	13	4	30.8	7	(7)	53.8	0	(0)	0.0	0	0.0	2	15.4
Colorado	4	3	75.0	1	(1)	25.0	0	(0)	0.0	0	0.0	0	0.0
Kansas	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
New Mexico	5	1	20.0	2	(2)	40.0	0	(0)	0.0	0	0.0	2	40.0
Oklahoma													
Eastern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Northern	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Western	1	0	0.0	1	(1)	100.0	0	(0)	0.0	0	0.0	0	0.0
Utah	2	0	0.0	2	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0
Wyoming	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
ELEVENTH CIRCUIT	29	8	27.6	16	(15)	55.2	3	(3)	10.3	0	0.0	2	6.9
Alabama													
Middle	0	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Northern	7	2	28.6	3	(3)	42.9	2	(2)	28.6	0	0.0	0	0.0
Southern	1	0	0.0	0	(0)	0.0	0	(0)	0.0	0	0.0	1	100.0
Florida													
Middle	8	3	37.5	5	(5)	62.5	0	(0)	0.0	0	0.0	0	0.0
Northern	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0	0	0.0
Southern	4	0	0.0	3	(3)	75.0	0	(0)	0.0	0	0.0	1	25.0
Georgia													
Middle	2	1	50.0	1	(1)	50.0	0	(0)	0.0	0	0.0	0	0.0
Northern	3	1	33.3	1	(1)	33.3	1	(1)	33.3	0	0.0	0	0.0
Southern	3	0	0.0	3	(2)	100.0	0	(0)	0.0	0	0.0	0	0.0

¹Of the 10,052 appeals cases, 1,625 were excluded because the type of appeal was “conviction only.” Of the 8,427 remaining cases, 144 were excluded due to missing type of appeal. Of the 8,283 cases, 8,071 were excluded as the appeal was by the defendant only. Of the remaining 212 cases, none were excluded due to missing district information or disposition of the appeal. Descriptions of variables used in this table are provided in Appendix A.

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

SOURCE: U.S. Sentencing Commission, 2006 Appeals Datafile, APPFY06.