

Table 55

TYPES OF APPEAL IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 2009

CIRCUIT District	Total		Sentence Only		Sentence and Conviction		Conviction Only	
	N	%	N	%	N	%	N	%
TOTAL	8,774	100.0	5,006	57.1	1,501	17.1	2,267	25.8
D.C. CIRCUIT	45	0.5	19	42.2	12	26.7	14	31.1
District of Columbia	45	0.5	19	42.2	12	26.7	14	31.1
FIRST CIRCUIT	182	2.1	59	32.4	50	27.5	73	40.1
Maine	27	0.3	14	51.9	6	22.2	7	25.9
Massachusetts	64	0.7	15	23.4	20	31.3	29	45.3
New Hampshire	16	0.2	5	31.3	5	31.3	6	37.5
Puerto Rico	65	0.7	22	33.8	14	21.5	29	44.6
Rhode Island	10	0.1	3	30.0	5	50.0	2	20.0
SECOND CIRCUIT	532	6.1	220	41.4	133	25.0	179	33.6
Connecticut	40	0.5	20	50.0	10	25.0	10	25.0
New York								
Eastern	160	1.8	71	44.4	32	20.0	57	35.6
Northern	44	0.5	20	45.5	13	29.5	11	25.0
Southern	234	2.7	80	34.2	71	30.3	83	35.5
Western	44	0.5	20	45.5	7	15.9	17	38.6
Vermont	10	0.1	9	90.0	0	0.0	1	10.0
THIRD CIRCUIT	569	6.5	316	55.5	117	20.6	136	23.9
Delaware	44	0.5	24	54.5	8	18.2	12	27.3
New Jersey	132	1.5	76	57.6	26	19.7	30	22.7
Pennsylvania								
Eastern	169	1.9	85	50.3	37	21.9	47	27.8
Middle	124	1.4	89	71.8	21	16.9	14	11.3
Western	81	0.9	37	45.7	22	27.2	22	27.2
Virgin Islands	19	0.2	5	26.3	3	15.8	11	57.9
FOURTH CIRCUIT	1,433	16.3	977	68.2	166	11.6	290	20.2
Maryland	98	1.1	45	45.9	26	26.5	27	27.6
North Carolina								
Eastern	151	1.7	102	67.6	18	11.9	31	20.5
Middle	96	1.1	60	62.5	13	13.5	23	24.0
Western	231	2.6	152	65.8	27	11.7	52	22.5
South Carolina	262	3.0	192	73.3	29	11.1	41	15.6
Virginia								
Eastern	311	3.5	231	74.3	23	7.4	57	18.3
Western	127	1.4	85	66.9	13	10.2	29	22.8
West Virginia								
Northern	74	0.8	50	67.6	10	13.5	14	18.9
Southern	83	0.9	60	72.3	7	8.4	16	19.3

Table 55 (cont.)

CIRCUIT	Total		Sentence Only		Sentence and Conviction		Conviction Only	
	N	%	N	%	N	%	N	%
FIFTH CIRCUIT	1,186	13.5	709	59.8	170	14.3	307	25.9
Louisiana								
Eastern	48	0.5	20	41.7	12	25.0	16	33.3
Middle	18	0.2	6	33.3	0	0.0	12	66.7
Western	74	0.8	31	41.9	13	17.6	30	40.5
Mississippi								
Northern	10	0.1	3	30.0	2	20.0	5	50.0
Southern	53	0.6	19	35.8	10	18.9	24	45.3
Texas								
Eastern	67	0.8	28	41.8	21	31.3	18	26.9
Northern	239	2.7	141	59.0	41	17.2	57	23.8
Southern	340	3.9	216	63.5	46	13.5	78	22.9
Western	337	3.8	245	72.7	25	7.4	67	19.9
SIXTH CIRCUIT	605	6.9	303	50.1	147	24.3	155	25.6
Kentucky								
Eastern	61	0.7	31	50.8	14	23.0	16	26.2
Western	23	0.3	13	56.5	3	13.0	7	30.4
Michigan								
Eastern	91	1.0	39	42.9	25	27.5	27	29.7
Western	65	0.7	45	69.2	17	26.2	3	4.6
Ohio								
Northern	97	1.1	56	57.7	20	20.6	21	21.6
Southern	79	0.9	35	44.3	22	27.8	22	27.8
Tennessee								
Eastern	86	1.0	33	38.4	27	31.4	26	30.2
Middle	38	0.4	18	47.4	7	18.4	13	34.2
Western	65	0.7	33	50.8	12	18.5	20	30.8
SEVENTH CIRCUIT	567	6.5	317	55.9	110	19.4	140	24.7
Illinois								
Central	59	0.7	31	52.5	11	18.6	17	28.8
Northern	215	2.5	121	56.3	38	17.7	56	26.0
Southern	48	0.5	27	56.3	12	25.0	9	18.8
Indiana								
Northern	82	0.9	35	42.7	16	19.5	31	37.8
Southern	34	0.4	18	52.9	12	35.3	4	11.8
Wisconsin								
Eastern	58	0.7	33	56.9	13	22.4	12	20.7
Western	71	0.8	52	73.2	8	11.3	11	15.5
EIGHTH CIRCUIT	664	7.6	399	60.1	111	16.7	154	23.2
Arkansas								
Eastern	45	0.5	35	77.8	5	11.1	5	11.1
Western	24	0.3	13	54.2	3	12.5	8	33.3
Iowa								
Northern	86	1.0	57	66.3	12	14.0	17	19.8
Southern	59	0.7	33	55.9	10	16.9	16	27.1
Minnesota	102	1.2	67	65.7	18	17.6	17	16.7
Missouri								
Eastern	99	1.1	59	59.6	17	17.2	23	23.2
Western	121	1.4	79	65.3	19	15.7	23	19.0
Nebraska	74	0.8	39	52.7	10	13.5	25	33.8
North Dakota	18	0.2	6	33.3	8	44.4	4	22.2
South Dakota	36	0.4	11	30.6	9	25.0	16	44.4

Table 55 (cont.)

CIRCUIT	Total		Sentence Only		Sentence and Conviction		Conviction Only	
	N	%	N	%	N	%	N	%
NINTH CIRCUIT	1,054	12.0	532	50.5	197	18.7	325	30.8
Alaska	22	0.3	8	36.4	4	18.2	10	45.5
Arizona	157	1.8	83	52.9	33	21.0	41	26.1
California								
Central	210	2.4	119	56.7	45	21.4	46	21.9
Eastern	49	0.6	20	40.8	7	14.3	22	44.9
Northern	39	0.4	15	38.5	8	20.5	16	41.0
Southern	168	1.9	88	52.4	28	16.7	52	31.0
Guam	4	0.0	2	50.0	0	0.0	2	50.0
Hawaii	29	0.3	8	27.6	9	31.0	12	41.4
Idaho	22	0.3	7	31.8	4	18.2	11	50.0
Montana	118	1.3	66	55.9	22	18.6	30	25.4
Nevada	57	0.7	31	54.4	6	10.5	20	35.1
Northern Mariana Islands	4	0.0	3	75.0	0	0.0	1	25.0
Oregon	44	0.5	21	47.7	7	15.9	16	36.4
Washington								
Eastern	71	0.8	35	49.3	8	11.3	28	39.4
Western	60	0.7	26	43.3	16	26.7	18	30.0
TENTH CIRCUIT	612	7.0	320	52.3	95	15.5	197	32.2
Colorado	59	0.7	26	44.1	13	22.0	20	33.9
Kansas	132	1.5	85	64.4	17	12.9	30	22.7
New Mexico	125	1.4	71	56.8	15	12.0	39	31.2
Oklahoma								
Eastern	31	0.4	16	51.6	4	12.9	11	35.5
Northern	69	0.8	39	56.5	9	13.0	21	30.4
Western	77	0.9	36	46.8	15	19.5	26	33.8
Utah	73	0.8	26	35.6	18	24.7	29	39.7
Wyoming	46	0.5	21	45.7	4	8.7	21	45.7
ELEVENTH CIRCUIT	1,325	15.1	835	63.0	193	14.6	297	22.4
Alabama								
Middle	37	0.4	17	45.9	9	24.3	11	29.7
Northern	74	0.8	38	51.4	18	24.3	18	24.3
Southern	48	0.5	31	64.6	5	10.4	12	25.0
Florida								
Middle	349	4.0	238	68.2	38	10.9	73	20.9
Northern	130	1.5	84	64.6	17	13.1	29	22.3
Southern	406	4.6	252	62.1	68	16.7	86	21.2
Georgia								
Middle	50	0.6	36	72.0	6	12.0	8	16.0
Northern	147	1.7	75	51.0	23	15.6	49	33.3
Southern	84	1.0	64	76.2	9	10.7	11	13.1

¹Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 Appeals Datafile, APPFY09.