

Table 54

DISPOSITION OF SENTENCING APPEALS IN EACH CIRCUIT AND DISTRICT¹
Fiscal Year 1998

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED	
		n	%	n	%	n	%	n	%		
TOTAL	3,633	2,977	81.9	210	(191)	5.8	214	(199)	5.9	232	6.4
D.C. CIRCUIT	37	25	67.6	7	(7)	18.9	2	(2)	5.4	3	8.1
District of Columbia	37	25	67.6	7	(7)	18.9	2	(2)	5.4	3	8.1
FIRST CIRCUIT	62	54	87.1	4	(4)	6.5	3	(3)	4.8	1	1.6
Maine	7	7	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Massachusetts	25	21	84.0	2	(2)	8.0	1	(1)	4.0	1	4.0
New Hampshire	3	3	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Puerto Rico	12	12	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Rhode Island	15	11	73.3	2	(2)	13.3	2	(2)	13.3	0	0.0
SECOND CIRCUIT	190	163	85.8	8	(6)	4.2	1	(1)	0.5	18	9.5
Connecticut	13	12	92.3	0	(0)	0.0	0	(0)	0.0	1	7.7
New York											
Eastern	69	51	73.9	6	(5)	8.7	1	(1)	1.4	11	15.9
Northern	32	30	93.8	0	(0)	0.0	0	(0)	0.0	2	6.3
Southern	56	50	89.3	2	(1)	3.6	0	(0)	0.0	4	7.1
Western	11	11	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Vermont	9	9	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
THIRD CIRCUIT	182	158	86.8	9	(9)	4.9	7	(7)	3.8	8	4.4
Delaware	11	10	90.9	0	(0)	0.0	0	(0)	0.0	1	9.1
New Jersey	68	61	89.7	2	(2)	2.9	2	(2)	2.9	3	4.4
Pennsylvania											
Eastern	71	58	81.7	5	(5)	7.0	4	(4)	5.6	4	5.6
Middle	17	16	94.1	0	(0)	0.0	1	(1)	5.9	0	0.0
Western	11	10	90.9	1	(1)	9.1	0	(0)	0.0	0	0.0
Virgin Islands	4	3	75.0	1	(1)	25.0	0	(0)	0.0	0	0.0
FOURTH CIRCUIT	629	548	87.1	23	(22)	3.7	40	(34)	6.4	18	2.9
Maryland	59	51	86.4	1	(1)	1.7	5	(5)	8.5	2	3.4
North Carolina											
Eastern	55	47	85.5	1	(1)	1.8	5	(5)	9.1	2	3.6
Middle	61	57	93.4	0	(0)	0.0	3	(1)	4.9	1	1.6
Western	65	59	90.8	0	(0)	0.0	3	(3)	4.6	3	4.6
South Carolina	98	87	88.8	4	(4)	4.1	5	(2)	5.1	2	2.0
Virginia											
Eastern	107	88	82.2	9	(9)	8.4	7	(7)	6.5	3	2.8
Western	92	78	84.8	5	(5)	5.4	8	(8)	8.7	1	1.1
West Virginia											
Northern	43	37	86.0	2	(1)	4.7	1	(1)	2.3	3	7.0

Southern

49

44

89.8

1

(1)

2.0

3

(2)

6.1

1

2.0

Table 54 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²		AFFIRMED AND REVERSED ²				DISMISSED	
		n	%	n	%	n	%	n	%	n	%
FIFTH CIRCUIT	446	368	82.5	18	(18)	4.0	13	(12)	2.9	47	10.5
Louisiana											
Eastern	23	20	87.0	1	(1)	4.3	1	(1)	4.3	1	4.3
Middle	13	10	76.9	0	(0)	0.0	3	(3)	23.1	0	0.0
Western	27	23	85.2	1	(1)	3.7	0	(0)	0.0	3	11.1
Mississippi											
Northern	12	7	58.3	5	(5)	41.7	0	(0)	0.0	0	0.0
Southern	12	11	91.7	1	(1)	8.3	0	(0)	0.0	0	0.0
Texas											
Eastern	73	60	82.2	3	(3)	4.1	2	(2)	2.7	8	11.0
Northern	72	60	83.3	2	(2)	2.8	1	(0)	1.4	9	12.5
Southern	110	89	80.9	2	(2)	1.8	2	(2)	1.8	17	15.5
Western	104	88	84.6	3	(3)	2.9	4	(4)	3.8	9	8.7
SIXTH CIRCUIT	225	191	84.9	15	(14)	6.7	13	(13)	5.8	6	2.7
Kentucky											
Eastern	15	12	80.0	2	(2)	13.3	1	(1)	6.7	0	0.0
Western	9	6	66.7	1	(1)	11.1	2	(2)	22.2	0	0.0
Michigan											
Eastern	57	52	91.2	0	(0)	0.0	3	(3)	5.3	2	3.5
Western	15	14	93.3	1	(1)	6.7	0	(0)	0.0	0	0.0
Ohio											
Northern	17	15	88.2	1	(1)	5.9	0	(0)	0.0	1	5.9
Southern	20	19	95.0	0	(0)	0.0	0	(0)	0.0	1	5.0
Tennessee											
Eastern	25	18	72.0	4	(3)	16.0	2	(2)	8.0	1	4.0
Middle	21	15	71.4	4	(4)	19.0	2	(2)	9.5	0	0.0
Western	46	40	87.0	2	(2)	4.3	3	(3)	6.5	1	2.2
SEVENTH CIRCUIT	265	197	74.3	13	(9)	4.9	11	(10)	4.2	44	16.6
Illinois											
Central	38	28	73.7	2	(2)	5.3	2	(2)	5.3	6	15.8
Northern	73	53	72.6	3	(1)	4.1	5	(4)	6.8	12	16.4
Southern	50	38	76.0	2	(2)	4.0	1	(1)	2.0	9	18.0
Indiana											
Northern	19	17	89.5	0	(0)	0.0	1	(1)	5.3	1	5.3
Southern	16	13	81.3	1	(1)	6.3	0	(0)	0.0	2	12.5
Wisconsin											
Eastern	40	30	75.0	1	(0)	2.5	1	(1)	2.5	8	20.0
Western	29	18	62.1	4	(3)	13.8	1	(1)	3.4	6	20.7
EIGHTH CIRCUIT	220	191	86.8	17	(14)	7.7	7	(7)	3.2	5	2.3
Arkansas											
Eastern	21	20	95.2	0	(0)	0.0	0	(0)	0.0	1	4.8
Western	11	10	90.9	0	(0)	0.0	0	(0)	0.0	1	9.1
Iowa											

Northern	25	22	88.0	2	(1)	8.0	0	(0)	0.0	1	4.0
Southern	15	15	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Minnesota	27	22	81.5	4	(4)	14.8	0	(0)	0.0	1	3.7
Missouri											
Eastern	27	26	96.3	1	(1)	3.7	0	(0)	0.0	0	0.0
Western	49	38	77.6	6	(6)	12.2	5	(5)	10.2	0	0.0
Nebraska	21	18	85.7	2	(1)	9.5	1	(1)	4.8	0	0.0
North Dakota	1	1	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
South Dakota	23	19	82.6	2	(1)	8.7	1	(1)	4.3	1	4.3

Table 54 (cont.)

CIRCUIT District	TOTAL	AFFIRMED		REVERSED ²			AFFIRMED AND REVERSED ²			DISMISSED	
		n	%	n	%		n	%	n	%	
NINTH CIRCUIT	626	497	79.4	37	(36)	5.9	45	(43)	7.2	47	7.5
Alaska	14	11	78.6	0	(0)	0.0	0	(0)	0.0	3	21.4
Arizona	68	48	70.6	6	(6)	8.8	2	(2)	2.9	12	17.6
California											
Central	160	137	85.6	8	(8)	5.0	6	(6)	3.8	9	5.6
Eastern	49	39	79.6	2	(2)	4.1	3	(3)	6.1	5	10.2
Northern	32	25	78.1	2	(2)	6.3	3	(3)	9.4	2	6.3
Southern	86	62	72.1	5	(5)	5.8	10	(9)	11.6	9	10.5
Guam	2	2	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Hawaii	14	11	78.6	0	(0)	0.0	3	(3)	21.4	0	0.0
Idaho	15	11	73.3	2	(1)	13.3	1	(1)	6.7	1	6.7
Montana	20	16	80.0	2	(2)		2	(2)	10.0	0	0.0
						10.0					
Nevada	40	33	82.5	2	(2)	5.0	3	(3)	7.5	2	5.0
Northern Mariana Islands	1	1		0	(0)	0.0	0	(0)	0.0	0	0.0
			100.0								
Oregon	64	56	87.5	2	(2)	3.1	3	(2)	4.7	3	4.7
Washington											
Eastern	19	14	73.7	2	(2)		3	(3)	15.8	0	0.0
						10.5					
Western	42	31	73.8	4	(4)	9.5	6	(6)	14.3	1	2.4
TENTH CIRCUIT	284	219	77.1	25	(23)	8.8	12	(12)	4.2	28	9.9
Colorado	41	36	87.8	0	(0)	0.0	4	(4)	9.8	1	2.4
Kansas	63	51	81.0	5	(4)	7.9	1	(1)	1.6	6	9.5
New Mexico	53	31	58.5	8	(8)	15.1	4	(4)	7.5	10	18.9
Oklahoma											
Eastern	11	8	72.7	1	(1)	9.1	0	(0)	0.0	2	18.2
Northern	28	23	82.1	2	(2)	7.1	0	(0)	0.0	3	10.7
Western	47	37	78.7	3	(3)	6.4	3	(3)	6.4	4	8.5
Utah	25	19	76.0	5	(4)		0	(0)	0.0	1	4.0
						20.0					
Wyoming	16	14	87.5	1	(1)	6.3	0	(0)	0.0	1	6.3
ELEVENTH CIRCUIT	467	366	78.4	34	(29)	7.3	60	(55)	12.8	7	1.5
Alabama											
Middle	25	25	100.0	0	(0)	0.0	0	(0)	0.0	0	0.0
Northern	16	14	87.5	0	(0)	0.0	2	(2)	12.5	0	0.0
Southern	35	28	80.0	4	(4)		3	(3)	8.6	0	0.0
						11.4					
Florida											
Middle	66	55	83.3	2	(2)	3.0	3	(3)	4.5	6	9.1
Northern	35	30	85.7	3	(3)	8.6	2	(1)	5.7	0	0.0
Southern	186	132	71.0	17	(13)	9.1	36	(35)	19.4	1	0.5
Georgia											
Middle	34	30	88.2	2	(1)	5.9	2	(2)	5.9	0	0.0
Northern	56	40	71.4	5	(5)	8.9	11	(8)	19.6	0	0.0
Southern	14	12	85.7	1	(1)	7.1	1	(1)	7.1	0	0.0

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¹Of the 6,387 appeals cases, 2,733 were excluded because the type of appeal was “conviction only.” Of the 3,654 remaining cases, 21 were excluded due to one or both of the following reasons: missing district information (5), missing disposition of the appeal (1), or missing type of appeal information (19). 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, 1998 Appeals Datafile, APPFY98.