



Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 1995

Federal criminal case processing, 1995



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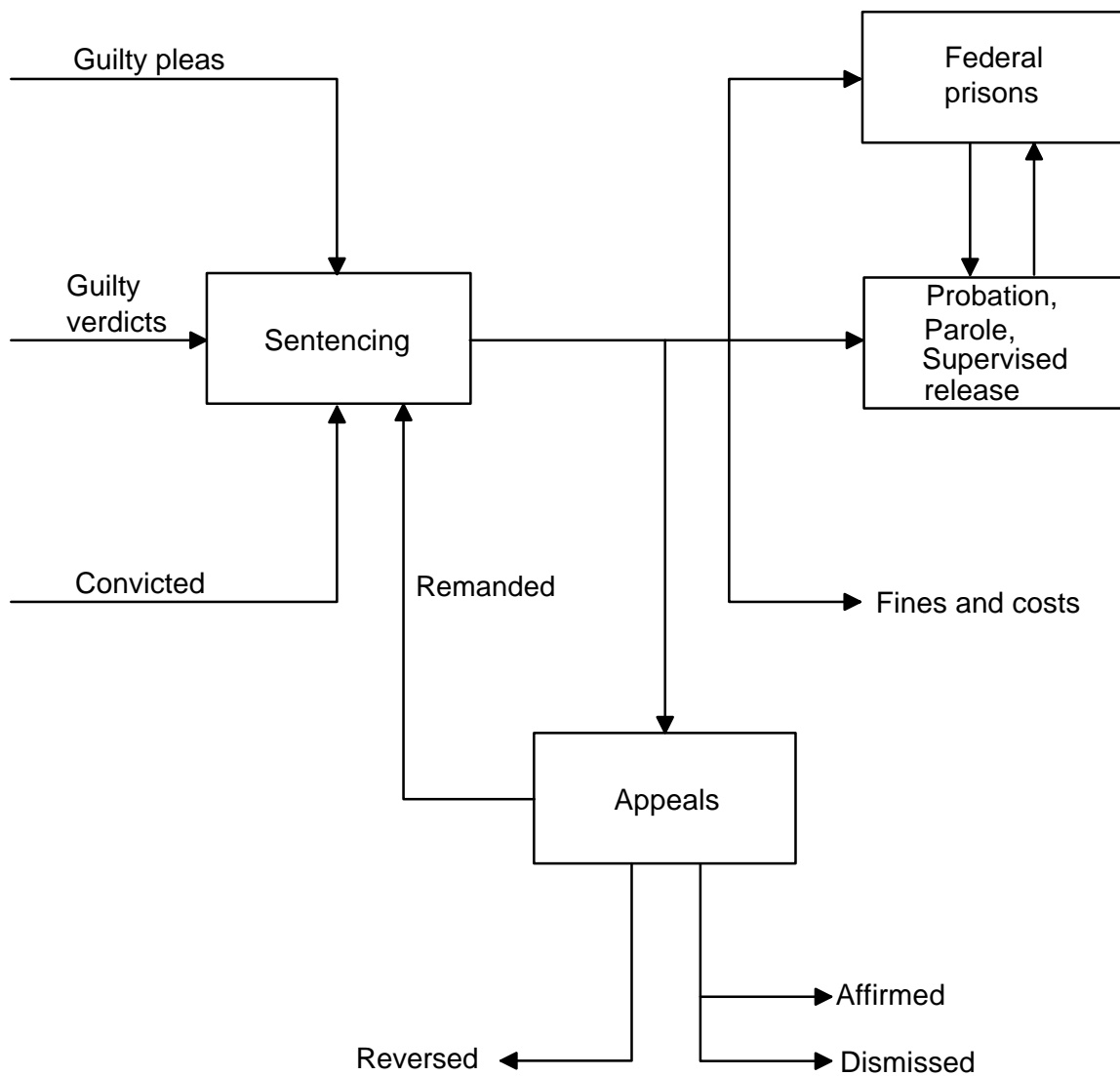
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Appeals



Prior to implementation of the Sentencing Reform Act of 1984, only criminal convictions could be appealed. However, the Sentencing Reform Act provided for the appellate review of sentences imposed provided the sentence was (1) imposed in violation of the law; (2) imposed as the result of an incorrect sentencing guideline application; (3) outside the recommended guideline sentencing range; or (4) imposed for an offense for which no sentencing guideline exists and is plainly unreasonable. Both the defendant and the Government have the right to appeal an imposed sentence (18 U.S.C. § 3742).

Appeals filed (tables 5.1 and 5.2)

During 1995 the U.S. Court of Appeals received 10,162 criminal appeals. About 21% of all criminal cases resulted in an appeal; 4% of appeals (441) were filed by the Government. The appeal rate varied substantially across offense categories. During 1995 offenses with high rates of appeal included kidnaping; communications charges; perjury, contempt, and intimidation charges; arson and explosive charges; and civil rights charges. Offenses with lower rates of appeal included immigration offenses, agriculture violations, larceny, embezzlement, postal law violations, and violations of customs laws.

Forty-four percent of the appeals filed challenged both the conviction and the sentence imposed. About 1 in 4 challenged only the sentence imposed, and about 14% were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect.

The type of appeal filed (sentence, conviction, or both) was relatively constant across the offense categories underlying the appeal. However, for immigration offenders, 40% of those convicted appealed only their sentences, compared to 23% for public-order offenses and 25% for all criminal categories.

Appeals from drug convictions comprised 49% of all appeals filed.

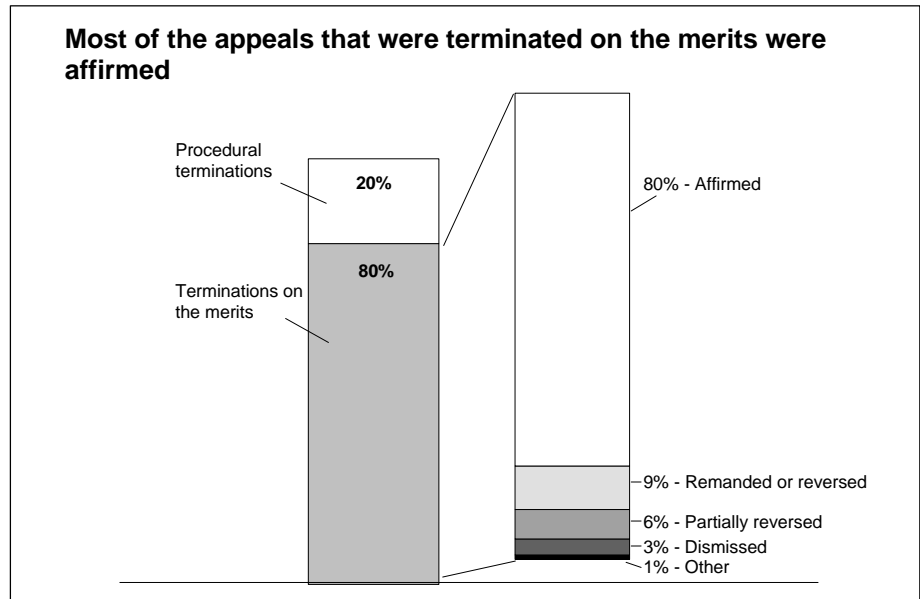


Figure 5.1. Outcomes of criminal appeals terminated during October 1, 1994–September 30, 1995

Public-order offenses were about 24% of all appeals, and property offenses made up 19% of appeals. Violent offenders comprised 8% of appeals filed.

Appeals terminated (tables 5.3-5.5)

Of the 10,852 appeals terminated during 1995, 8,684 (80% of all appeals) were terminated on the merits (table 5.4). In 86% of cases terminated on the merits, at least part of the district court ruling was affirmed. District court decisions were remanded or reversed in 9% of these cases. Cases were dismissed or remanded to criminal court relatively infrequently. In addition, 2,168 appeals terminated on procedural grounds (20% of all appeals).



Table 5.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1994–September 30, 1995

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,162	1,431	8,731	2,496	1,066	4,517	652
Violent offenses	700	54	646	189	86	324	47
Murder*	113	11	102	20	14	59	9
Negligent manslaughter	2	1	1	1	0	0	0
Assault	103	9	94	17	17	54	6
Robbery	336	27	309	115	30	140	24
Rape	49	2	47	12	7	28	0
Other sex offenses*	39	3	36	11	10	11	4
Kidnaping	56	1	55	12	8	31	4
Threats against the President	2	0	2	1	0	1	0
Property offenses	1,767	230	1,537	460	193	771	113
Fraudulent	1,323	174	1,149	354	137	575	83
Embezzlement	114	16	98	25	14	51	8
Fraud*	1,077	146	931	299	102	469	61
Forgery	35	2	33	10	7	16	0
Counterfeiting	97	10	87	20	14	39	14
Other	444	56	388	106	56	196	30
Burglary	17	2	15	3	3	9	0
Larceny*	180	29	151	43	23	71	14
Motor vehicle theft	92	7	85	24	7	49	5
Arson and explosives	65	10	55	11	7	31	6
Transportation of stolen property	70	6	64	19	14	26	5
Other property offenses*	20	2	18	6	2	10	0
Drug offenses	4,499	469	4,030	1,096	453	2,149	332
Public-order offenses	2,197	233	1,964	501	267	1,071	125
Regulatory	220	54	166	40	34	85	7
Agriculture	11	4	7	3	0	4	0
Antitrust	5	0	5	0	4	1	0
Food and drug	7	1	6	4	0	2	0
Transportation	13	2	11	1	3	7	0
Civil rights	23	6	17	2	1	14	0
Communications	16	3	13	1	6	5	1
Custom laws	4	1	3	1	1	0	1
Postal laws	10	3	7	3	2	2	0
Other regulatory offenses	131	34	97	25	17	50	5
Other	1,977	179	1,798	461	233	986	118
Weapons	1,034	70	964	207	142	558	57
Immigration offenses	277	19	258	112	20	113	13
Tax law violations*	103	19	84	18	11	51	4
Bribery	49	0	49	12	7	30	0
Perjury, contempt, and intimidation	104	15	89	27	13	43	6
National defense	21	4	17	2	1	13	1
Escape	93	5	88	25	7	48	8
Racketeering and extortion	247	35	212	52	24	109	27
Gambling	14	5	9	1	1	7	0
Liquor offenses	0	0	0	0	0	0	0
Obscene material*	7	2	5	1	0	4	0
Traffic	1	0	1	0	1	0	0
Migratory birds	25	5	20	4	6	8	2
All other offenses	2	0	2	0	0	2	0
Unknown or indeterminable offense	999	445	554	250	67	202	35

Note: For further information, see *Chapter notes*, p. 68.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; and "Obscene material" denotes the mail or transport thereof.

Table 5.2. Criminal appeals filed and percent of convictions appealed, by offense, October 1, 1994–September 30, 1995

Offense of conviction	Number of criminal appeals filed	Number of criminal convictions	Percent of criminal convictions appealed	Percent of appeals filed ^a
All offenses	10,162	47,556	21.4%	100%
Violent offenses	700	2,581	27.1%	7.6%
Murder ^b	113	326	34.7	1.2
Negligent manslaughter	2	5	—*	—
Assault	103	476	21.6	1.1
Robbery	336	1,373	24.5	3.7
Rape	49	204	24.0	0.5
Other sex offenses ^b	39	105	37.1	0.4
Kidnaping	56	73	76.7	0.6
Threats against the President	2	19	10.5	—
Property offenses	1,767	13,373	13.2%	19.3%
Fraudulent	1,323	9,819	13.5%	14.4%
Embezzlement	114	1,175	9.7	1.2
Fraud ^b	1,077	7,592	14.2	11.8
Forgery	35	307	11.4	0.4
Counterfeiting	97	745	13.0	1.1
Other	444	3,554	12.5%	4.8%
Burglary	17	89	19.1	0.2
Larceny ^b	180	2,443	7.4	2.0
Motor vehicle theft	92	314	29.3	1.0
Arson and explosives	65	171	38.0	0.7
Transportation of stolen property	70	298	23.5	0.8
Other property offenses ^b	20	239	8.4	0.2
Drug offenses	4,499	16,103	27.9%	49.1%
Public-order offenses	2,197	15,474	14.2%	24.0%
Regulatory	220	1,816	12.1%	2.4%
Agriculture	11	184	6.0	0.1
Antitrust	5	41	12.2	0.1
Food and drug	7	67	10.4	0.1
Transportation	13	108	12.0	0.1
Civil rights	23	67	34.3	0.3
Communications	16	25	64.0	0.2
Custom laws	4	112	3.6	—
Postal laws	10	204	4.9	0.1
Other regulatory offenses	131	1,008	13.0	1.4
Other	1,977	13,658	14.5%	21.6%
Weapons	1,034	3,132	33.0	11.3
Immigration offenses	277	3,652	7.6	3.0
Tax law violations ^b	103	871	11.8	1.1
Bribery	49	268	18.3	0.5
Perjury, contempt, and intimidation	104	237	43.9	1.1
National defense	21	145	14.5	0.2
Escape	93	604	15.4	1.0
Racketeering and extortion	247	805	30.7	2.7
Gambling	14	108	13.0	0.2
Obscene material ^b	7	25	28.0	0.1
Traffic	25	3,523	0.7	0.3
Migratory birds	1	29	3.4	—
All other offenses ^b	2	255	0.8	—
Unknown or indeterminable offense	999	25		

Note: For further information, see *Chapter notes*, p. 68.

Note: Liquor offenses were excluded, due to too few cases for statistically reliable data.

—Less than .05%.

—*Too few cases to obtain statistically reliable data.

^aPercentage distribution based on appeals for which an offense category could be determined.

^bIn this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses;

"Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 1994–September 30, 1995

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,852	1,468	9,384	2,472	1,450	5,009	453
Violent offenses	781	105	676	232	99	308	37
Murder*	75	29	46	12	8	24	2
Assault	101	16	85	24	17	39	5
Robbery	474	47	427	166	53	185	23
Rape	43	5	38	13	8	17	0
Other sex offenses*	35	4	31	7	7	14	3
Kidnaping	45	2	43	7	6	28	2
Threats against the President	8	2	6	3	0	1	2
Property offenses	1,978	303	1,675	505	254	834	82
Fraudulent	1,447	228	1,219	386	182	587	64
Embezzlement	101	18	83	26	9	42	6
Fraud*	1,211	192	1,019	323	148	494	54
Forgery	59	7	52	18	12	21	1
Counterfeiting	76	11	65	19	13	30	3
Other	531	75	456	119	72	247	18
Burglary	22	3	19	5	4	10	0
Larceny*	227	43	184	56	37	84	7
Motor vehicle theft	121	10	111	28	6	76	1
Arson and explosives	70	10	60	5	16	33	6
Transportation of stolen property	71	7	64	18	6	37	3
Other property offenses*	20	2	18	7	3	7	1
Drug offenses	5,182	537	4,645	1,120	703	2,600	222
Public-order offenses	2,337	274	2,063	508	319	1,142	94
Regulatory	258	55	203	44	33	114	12
Agriculture	13	3	10	3	0	7	0
Antitrust	10	0	10	1	3	6	0
Food and drug	10	2	8	3	1	3	1
Transportation	6	0	6	2	1	3	0
Civil rights	24	7	17	2	4	10	1
Communications	11	4	7	1	2	3	1
Custom laws	19	2	17	4	2	8	3
Postal laws	9	1	8	3	3	1	1
Other regulatory offenses	156	36	120	25	17	73	5
Other	2,079	219	1,860	464	286	1,028	82
Weapons	1,108	83	1,025	241	155	582	47
Immigration offenses	254	23	231	88	28	111	4
Tax law violations*	134	30	104	23	17	61	3
Bribery	50	0	50	13	6	29	2
Perjury, contempt, and intimidation	102	14	88	15	22	45	6
National defense	24	9	15	1	6	8	0
Escape	103	11	92	23	8	59	2
Racketeering and extortion	266	38	228	52	35	125	16
Gambling	7	2	5	2	1	2	0
Liquor offenses	1	0	1	1	0	0	0
Obscene material*	5	3	2	2	0	0	0
Traffic	19	4	15	3	5	5	2
Migratory birds	3	1	2	0	2	0	0
All other offenses*	3	1	2	0	1	1	0
Unknown or indeterminable offense	574	249	325	107	75	125	18

Note: For further information, see *Chapter notes*, p. 68.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.4. Disposition of criminal appeals terminated on the merits, by offense, October 1, 1994–September 30, 1995

Offense of conviction	Total criminal appeals	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partial part	Dismissed	Other	
All offenses	10,852	8,684	80.0%	6,943	815	549	298	79	2,168
Violent offenses	781	664	85.0%	530	73	21	32	8	117
Murder*	75	58	77.3	42	12	1	2	1	17
Assault	101	86	85.1	75	3	3	5	0	15
Robbery	474	407	85.9	320	47	13	22	5	67
Rape	43	41	95.3	34	5	0	1	1	2
Other sex offenses*	35	25	71.4	18	3	1	2	1	10
Kidnaping	45	40	88.9	37	1	2	0	0	5
Threats against the President	8	7	—	4	2	1	0	0	1
Property offenses	1,978	1,514	76.5%	1,149	172	129	42	22	464
Fraudulent	1,447	1,075	74.3%	807	132	91	36	9	372
Embezzlement	101	72	71.3	54	12	4	1	1	29
Fraud*	1,211	894	73.8	660	109	84	33	8	317
Forgery	59	49	83.1	41	6	2	0	0	10
Counterfeiting	76	60	78.9	52	5	1	2	0	16
Other	531	439	82.7%	342	40	38	6	13	92
Burglary	22	20	90.9	17	2	0	0	1	2
Larceny*	227	188	82.8	150	17	12	2	7	39
Motor vehicle theft	121	107	88.4	80	11	14	2	0	14
Arson and explosives	70	52	74.3	35	3	10	0	4	18
Transportation of stolen property	71	61	85.9	50	7	1	2	1	10
Other property offenses*	20	11	55.0	10	0	1	0	0	9
Drug offenses	5,182	4,259	82.2%	3,494	365	247	127	26	923
Public-order offenses	2,337	1,895	81.1%	1,495	175	133	77	15	442
Regulatory	258	189	73.3%	128	22	33	2	4	69
Agriculture	13	6	46.2	5	0	1	0	0	7
Antitrust	10	5	—	2	0	3	0	0	5
Food and drug	10	7	—	4	3	0	0	0	3
Transportation	6	5	—	5	0	0	0	0	1
Civil rights	24	18	75.0	10	1	7	0	0	6
Communications	11	11	100	9	1	0	1	0	0
Custom laws	19	13	68.4	12	1	0	0	0	6
Postal laws	9	6	—	5	0	1	0	0	3
Other regulatory offenses	156	118	75.6	76	16	21	1	4	38
Other	2,079	1,706	82.1%	1,367	153	100	75	11	373
Weapons	1,108	935	84.4	777	74	44	34	6	173
Immigration offenses	254	200	78.7	147	30	2	21	0	54
Tax law violations*	134	107	79.9	80	12	12	2	1	27
Bribery	50	37	74.0	31	2	4	0	0	13
Perjury, contempt, and intimidation	102	84	82.4	69	3	10	1	1	18
National defense	24	19	79.2	14	1	3	1	0	5
Escape	103	89	86.4	75	4	1	8	1	14
Racketeering and extortion	266	208	78.2	154	23	21	8	2	58
Gambling	7	6	—	4	1	1	0	0	1
Liquor offenses	1	1	—	1	0	0	0	0	0
Obscene material*	5	4	—	3	1	0	0	0	1
Traffic	19	12	63.2	9	1	2	0	0	7
Migratory birds	3	1	—	1	0	0	0	0	2
All other offenses*	3	3	—	2	1	0	0	0	0
Unknown or indeterminable offense	574	352	61.3%	275	30	19	20	8	222

Note: For further information, see *Chapter notes*, p. 68.

—Too few cases to obtain statistically reliable data.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.5. Criminal appeals cases terminated on the merits, by nature of offense, October 1, 1994–September 30, 1995

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partial part	Dismissed	Other
All offenses	8,684	80.0%	9.4%	6.3%	3.4%	0.9%
Violent offenses	664	79.8%	11.0%	3.2%	4.8%	1.2%
Murder*	58	72.4	20.7	1.7	3.4	1.7
Negligent manslaughter	0
Assault	86	87.2	3.5	3.5	5.8	0
Robbery	407	78.6	11.5	3.2	5.4	1.2
Rape	41	82.9	12.2	0	2.4	2.4
Other sex offenses*	25	72.0	12.0	4.0	8.0	4.0
Kidnaping	40	92.5	2.5	5.0	0	0
Threats against the President	7	—	—	—	—	—
Property offenses	1,514	75.9%	11.4%	8.5%	2.8%	1.5%
Fraudulent	1,075	75.1%	12.3%	8.5%	3.3%	0.8%
Embezzlement	72	75.0	16.7	5.6	1.4	1.4
Fraud*	894	73.8	12.2	9.4	3.7	0.9
Forgery	49	83.7	12.2	4.1	0	0
Counterfeiting	60	86.7	8.3	1.7	3.3	0
Other	439	77.9%	9.1%	8.7%	1.4%	3.0%
Burglary	20	85.0	10.0	0	0	5.0
Larceny*	188	79.8	9.0	6.4	1.1	3.7
Motor vehicle theft	107	74.8	10.3	13.1	1.9	0
Arson and explosives	52	67.3	5.8	19.2	0	7.7
Transportation of stolen property	61	82.0	11.5	1.6	3.3	1.6
Other property offenses*	11	90.9	0	9.1	0	0
Drug offenses	4,259	82.0%	8.6%	5.8%	3.0%	0.6%
Public-order offenses	1,895	78.9%	9.2%	7.0%	4.1%	0.8%
Regulatory	189	67.7%	11.6%	17.5%	1.1%	2.1%
Agriculture	6	—	—	—	—	—
Antitrust	5	—	—	—	—	—
Food and drug	7	—	—	—	—	—
Transportation	5	—	—	—	—	—
Civil rights	18	55.6	5.6	38.9	0	0
Communications	11	81.8	9.1	0	9.1	0
Custom laws	13	92.3	7.7	0	0	0
Postal laws	6	—	—	—	—	—
Other regulatory offenses	118	64.4	13.6	17.8	0.8	3.4
Other	1,706	80.1%	9.0%	5.9%	4.4%	0.6%
Weapons	935	83.1	7.9	4.7	3.6	0.6
Immigration offenses	200	73.5	15.0	1.0	10.5	0
Tax law violations*	107	74.8	11.2	11.2	1.9	0.9
Bribery	37	83.8	5.4	10.8	0	0
Perjury, contempt, and intimidation	84	82.1	3.6	11.9	1.2	1.2
National defense	19	73.7	5.3	15.8	5.3	0
Escape	89	84.3	4.5	1.1	9.0	1.1
Racketeering and extortion	208	74.0	11.1	10.1	3.8	1.0
Gambling	6	—	—	—	—	—
Liquor offenses	1	—	—	—	—	—
Obscene material*	4	—	—	—	—	—
Traffic	12	75.0	8.3	16.7	0	0
Migratory birds	1	—	—	—	—	—
All other offenses*	3	—	—	—	—	—
Unknown or indeterminable offense	352	78.1%	8.5%	5.4%	5.7%	2.3%

Note: For further information, see *Chapter notes*, p. 68.

—Too few cases to obtain statistically reliable data.

...No case of this type occurred in the data.

*In this table, "Murder" includes nonnegligent manslaughter; "Other sex offenses" may include some nonviolent offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespass; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Chapter notes

Tables in chapter 5 were created from the AOUSC appeals database. Records of appellants in appeals filed or terminated during October 1, 1994, through September 30, 1995, were selected. Data include records of 10,162 appellants in criminal appeals filed during fiscal year 1995 and 10,852 appellants in appeals terminated during the same period. Appeals were classified into the offense categories that represent the underlying offense of conviction. Offenses represent the statutory offense charged against a defendant in a criminal appeal. Offenses were classified by the AOUSC into their four-digit offense codes. These were then aggregated into the offense categories shown in the tables.