



Bureau of Justice Statistics

Compendium of Federal Justice Statistics, 1994

Federal criminal case processing, 1994



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October 1, 1993–September 30, 1994

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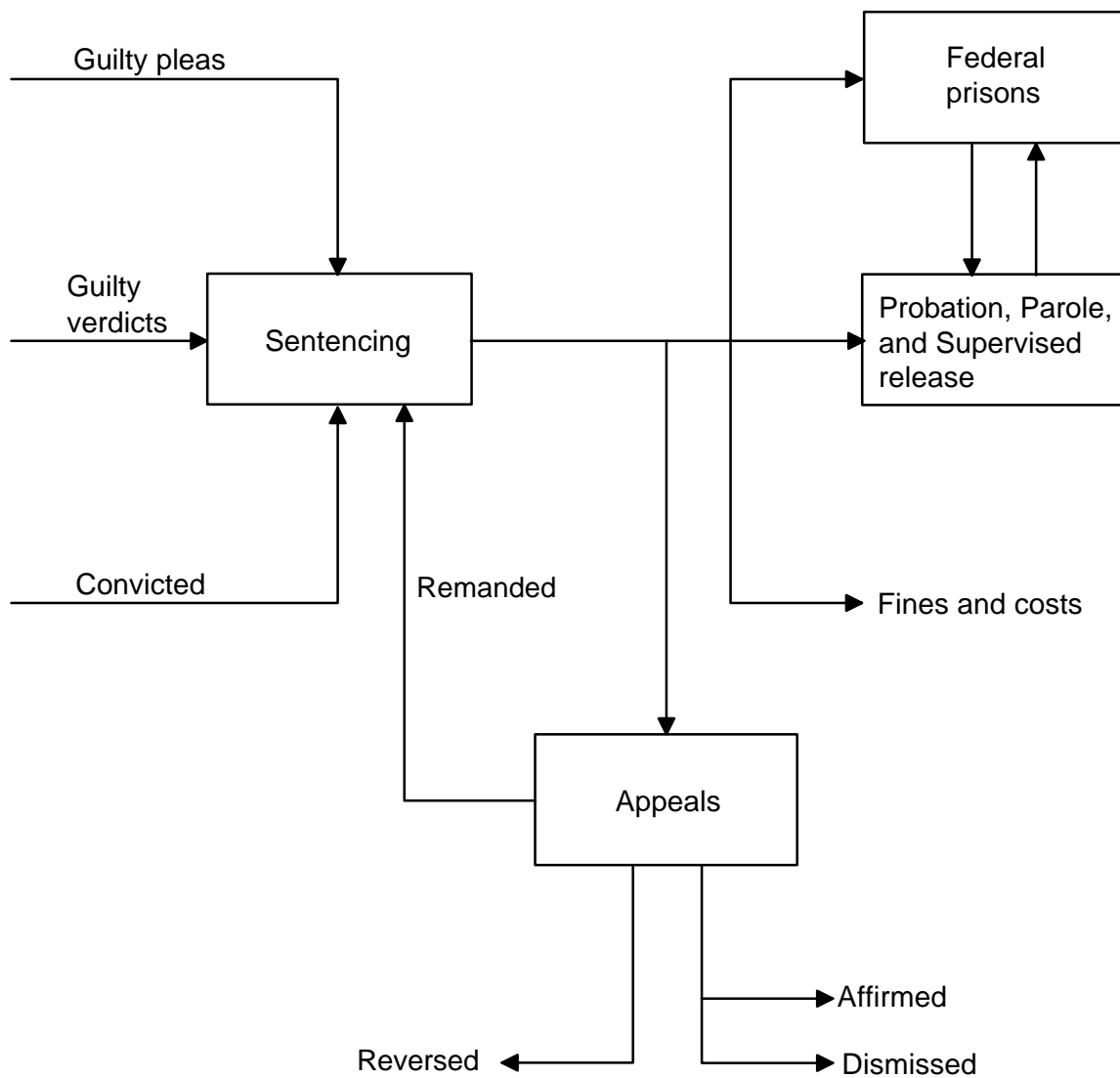
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Prior to implementation of the Sentencing Reform Act of 1984, only criminal convictions could be appealed. However, the Sentencing Reform Act provided for the appellate review of sentences imposed provided the sentence was (1) imposed in violation 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 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 1994 the U.S. Court of Appeals received 10,674 criminal appeals. About 21% of all criminal cases resulted in an appeal and fewer than 5% of appeals (522) were filed by the Government. The appeal rate varied substantially across offense categories. More than 75% of murder convictions were appealed. Other offenses with high rates of appeal included kidnaping, threats against the President, civil rights offenses, perjury, contempt and intimidation charges, and weapons charges. Offenses with lower rates of appeal included immigration offenses, counterfeiting, larceny, embezzlement, postal law violations and gambling offenses.

Forty-five percent of these appeals 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 the sentencing guidelines took effect in 1987.

The type of appeal filed (sentence, conviction, or both) was relatively constant across the offense categories underlying the appeal. However, for immigration offenders, almost 40% of those convicted appealed only their sentences, compared to 24% for public-order offenses and 25% for all criminal categories.

Appeals from drug convictions comprised almost half (48%) of all

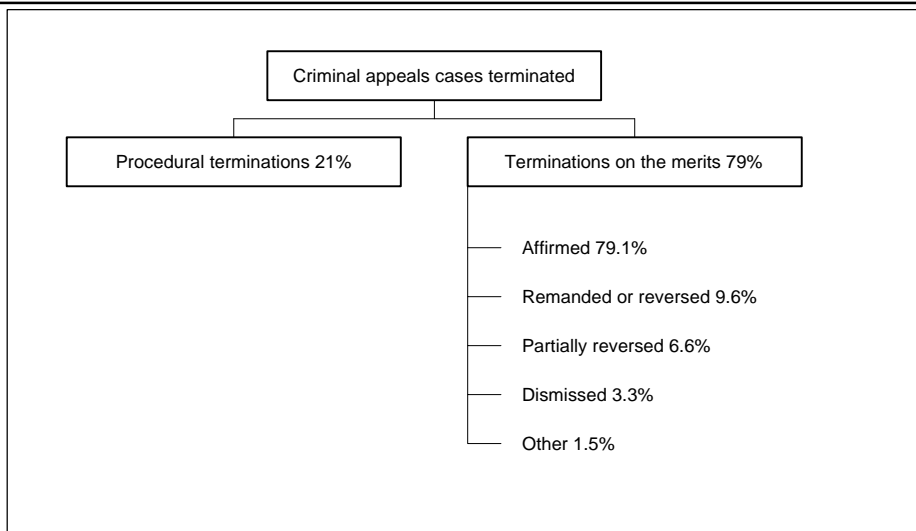


Figure 5.1. Outcomes of criminal appeals terminated during October 1, 1993–September 30, 1994

appeals filed. Public-order offenses were about 23% of all appeals, and property offenses made up another 18% of appeals. Violent offenders comprised 8% of appeals filed.

Appeals terminated (tables 5.3–5.5)

Of the 11,708 appeals terminated during 1994, 9,265 (79% of all appeals) were terminated on the merits. 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 approximately 10% of these cases. Cases were dismissed or remanded to criminal court relatively infrequently. In addition, 2,443 appeals were terminated on procedural grounds.

Table 5.1. Criminal appeals filed, by type of criminal case and offense, October 1, 1993–September 30, 1994

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and conviction	
All offenses	10,674	1,450	9,224	2,614	1,344	4,824	442
Violent offenses	856	124	732	256	91	342	43
Murder*	125	57	68	9	11	43	5
Negligent manslaughter	1	0	1	1	0	0	0
Assault	103	19	84	28	12	40	4
Robbery	504	40	464	181	55	201	27
Rape	44	3	41	18	5	18	0
Other sex offenses*	26	1	25	6	6	12	1
Kidnaping	45	2	43	12	2	25	4
Threats against the President	8	2	6	1	0	3	2
Property offenses	1,949	244	1,705	556	227	845	77
Fraudulent	1,410	183	1,227	412	159	595	61
Embezzlement	101	14	87	22	12	46	7
Fraud*	1,182	150	1,032	351	130	503	48
Forgery	68	12	56	22	12	20	2
Counterfeiting	59	7	52	17	5	26	4
Other	539	61	478	144	68	250	16
Burglary	23	3	20	7	4	8	1
Larceny*	240	28	212	74	34	98	6
Motor vehicle theft	135	11	124	31	16	76	1
Arson and explosives	66	11	55	12	9	31	3
Transportation of stolen property	62	6	56	17	2	33	4
Other property offenses*	13	2	11	3	3	4	1
Drug offenses	5,102	607	4,495	1,160	675	2,445	215
Public-order offenses	2,439	329	2,110	577	319	1,118	96
Regulatory	288	59	229	63	35	121	10
Agriculture	12	1	11	3	1	7	0
Antitrust	7	0	7	1	1	5	0
Food and drug	12	2	10	5	0	4	1
Transportation	13	0	13	2	3	6	2
Civil rights	26	8	18	1	6	10	1
Communications	8	2	6	1	2	2	1
Custom laws	18	4	14	4	2	7	1
Postal laws	12	1	11	3	6	1	1
Other regulatory offenses	180	41	139	43	14	79	3
Other	2,151	270	1,881	514	284	997	86
Weapons	1,141	115	1,026	246	167	570	43
Immigration offenses	261	24	237	103	23	106	5
Tax law violations*	146	38	108	26	13	62	7
Bribery	54	5	49	15	6	26	2
Perjury, contempt, and intimidation	108	16	92	16	23	46	7
National defense	19	6	13	4	4	5	0
Escape	119	18	101	37	12	47	5
Racketeering and extortion	259	37	222	58	27	125	12
Gambling	9	2	7	1	2	2	2
Liquor offenses	2	0	2	2	0	0	0
Obscene material*	5	1	4	3	0	0	1
Traffic	21	4	17	3	5	7	2
Migratory birds	2	1	1	0	1	0	0
All other offenses*	5	3	2	0	1	1	0
Unknown or indeterminable offense	328	146	182	65	32	74	11

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, and "All other offenses" includes offenses with unknown or unclassifiable offense type.

Table 5.2. Criminal appeals filed, percent of convictions appealed, by offense, October 1, 1993–September 30, 1994

Offense of conviction	Number of criminal appeals filed	Number of criminal convictions	Percent of criminal convictions appealed	Percent of appeals filed ^a
All offenses	10,674	50,701	21.1%	100 %
Violent offenses	856	2,836	30.2%	8.0%
Murder ^b	125	161	77.6	1.2
Negligent manslaughter	1	21	—	—
Assault	103	423	24.3	1.0
Robbery	504	1,872	26.9	4.7
Rape	44	182	24.2	0.4
Other sex offenses ^b	26	84	31.0	0.2
Kidnaping	45	75	60.0	0.4
Threats against the President	8	18	—	—
Property offenses	1,949	13,977	13.9%	18.3%
Fraudulent	1,410	10,003	14.1%	13.2%
Embezzlement	101	1,440	7.0	0.9
Fraud ^b	1,182	7,341	16.1	11.1
Forgery	68	541	12.6	0.6
Counterfeiting	59	681	8.7	0.6
Other	539	3,974	13.6%	5.0%
Burglary	23	151	15.2	0.2
Larceny ^b	240	2,842	8.4	2.2
Motor vehicle theft	135	407	33.2	1.3
Arson and explosives	66	179	36.9	0.6
Transportation of stolen property	62	238	26.1	0.6
Other property offenses ^b	13	157	8.3	0.1
Drug offenses	5,102	17,885	28.5%	47.8%
Public-order offenses	2,439	15,998	15.2%	22.8%
Regulatory	288	1,965	14.7%	2.7%
Agriculture	12	171	7.0	0.1
Antitrust	7	82	—	—
Food and drug	12	106	11.3	0.1
Transportation	13	114	11.4	0.1
Civil rights	26	69	37.7	0.2
Communications	8	57	—	—
Custom laws	18	92	19.6	0.2
Postal laws	12	261	4.6	0.1
Other regulatory offenses	180	1,013	17.8	1.7
Other	2,151	14,033	15.3%	20.2%
Weapons	1,141	3,343	34.1	10.7
Immigration offenses	261	2,691	9.7	2.4
Tax law violations ^b	146	1,037	14.1	1.4
Bribery	54	298	18.1	0.5
Perjury, contempt, and intimidation	108	277	39.0	1.0
National defense	19	120	15.8	0.2
Escape	119	522	22.8	1.1
Racketeering and extortion	259	786	33.0	2.4
Gambling	9	166	—	0.1
Liquor offenses	2	4	—	—
Obscene material ^b	5	25	—	—
Traffic	21	4,460	0.5	0.2
Migratory birds	2	30	—	—
All other offenses ^b	5	274	—	—
Unknown or indeterminable offense	328	5		3.1%

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, 1993–September 30, 1994

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Sentence only	Conviction only	Sentence and convicted	
All offenses	11,708	1,721	9,987	2,710	1,496	5,347	434
Violent offenses	913	108	805	250	132	405	18
Murder*	108	38	70	5	24	38	3
Negligent manslaughter	1	0	1	1	0	0	0
Assault	105	12	93	16	18	53	6
Robbery	548	46	502	190	68	236	8
Rape	60	2	58	19	11	28	0
Other sex offenses*	32	3	29	2	6	21	0
Kidnaping	49	7	42	13	5	23	1
Threats against the President	10	0	10	4	0	6	0
Property offenses	2,024	358	1,666	538	244	815	69
Fraudulent	1,564	292	1,272	415	180	623	54
Embezzlement	151	31	120	35	9	66	10
Fraud*	1,271	242	1,029	343	150	496	40
Forgery	62	13	49	17	6	24	2
Counterfeiting	80	6	74	20	15	37	2
Other	460	66	394	123	64	192	15
Burglary	31	5	26	8	5	12	1
Larceny*	188	24	164	66	22	70	6
Motor vehicle theft	69	5	64	13	14	35	2
Arson and explosives	74	12	62	17	15	28	2
Transportation of stolen property	86	16	70	16	7	43	4
Other property offenses*	12	4	8	3	1	4	0
Drug offenses	5,870	728	5,142	1,272	749	2,871	250
Public-order offenses	2,594	387	2,207	587	350	1,183	87
Regulatory	298	59	239	65	44	116	14
Agriculture	12	2	10	2	2	6	0
Antitrust	10	0	10	3	3	4	0
Food and drug	11	6	5	3	1	1	0
Transportation	12	0	12	1	3	6	2
Civil rights	33	8	25	2	6	14	3
Communications	6	0	6	2	3	1	0
Custom laws	12	3	9	3	1	5	0
Postal laws	11	2	9	1	5	1	2
Other regulatory offenses	191	38	153	48	20	78	7
Other	2,296	328	1,968	522	306	1,067	73
Weapons	1,246	150	1,096	268	187	605	36
Immigration offenses	254	25	229	90	14	120	5
Tax law violations*	170	37	133	28	28	71	6
Bribery	52	15	37	10	2	24	1
Perjury, contempt, and intimidation	114	16	98	21	20	50	7
National defense	21	9	12	5	3	4	0
Escape	111	18	93	42	9	38	4
Racketeering and extortion	266	48	218	48	32	128	10
Gambling	10	1	9	0	1	6	2
Liquor offenses	3	0	3	2	0	1	0
Obscene material*	14	4	10	4	0	5	1
Traffic	26	3	23	4	7	11	1
Migratory birds	2	0	2	0	1	1	0
All other offenses*	7	2	5	0	2	3	0
Unknown or indeterminable offense	307	140	167	63	21	73	10

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, 1993–September 30, 1994

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	11,708	9,265	79.1%	7,324	885	612	309	135	2,443
Violent offenses	913	764	83.7%	583	78	41	36	26	149
Murder*	108	91	84.3	72	7	8	0	4	17
Negligent manslaughter	1	0	—	0	0	0	0	0	1
Assault	105	86	81.9	66	13	4	2	1	19
Robbery	548	458	83.6	342	47	19	32	18	90
Rape	60	51	85.0	42	4	1	1	3	9
Other sex offenses*	32	27	84.4	21	2	4	0	0	5
Kidnaping	49	42	85.7	35	1	5	1	0	7
Threats against the President	10	9	—	5	4	0	0	0	1
Property offenses	2,024	1,504	74.3%	1,118	187	118	51	30	520
Fraudulent	1,564	1,153	73.7%	858	142	92	35	26	411
Embezzlement	151	115	76.2	88	13	11	2	1	36
Fraud*	1,271	926	72.9	688	117	70	27	24	345
Forgery	62	52	83.9	37	5	6	4	0	10
Counterfeiting	80	60	75.0	45	7	5	2	1	20
Other	460	351	76.3%	260	45	26	16	4	109
Burglary	31	25	80.6	18	3	0	2	2	6
Larceny*	188	133	70.7	91	19	10	12	1	55
Motor vehicle theft	69	55	79.7	45	6	4	0	0	14
Arson and explosives	74	56	75.7	48	3	4	1	0	18
Transportation of stolen property	86	71	82.6	53	8	8	1	1	15
Other property offenses*	12	11	91.7	5	6	0	0	0	1
Drug offenses	5,870	4,775	81.3%	3,897	364	325	140	49	1,095
Public-order offenses	2,594	2,031	78.3%	1,568	241	126	71	25	563
Regulatory	298	231	77.5%	157	38	21	9	6	67
Agriculture	12	12	100	11	1	0	0	0	0
Antitrust	10	10	—	5	0	4	0	1	0
Food and drug	11	10	90.9	8	1	0	1	0	1
Transportation	12	11	91.7	9	1	0	0	1	1
Civil rights	33	27	81.8	17	6	4	0	0	6
Communications	6	6	—	6	0	0	0	0	0
Custom laws	12	10	83.3	3	2	5	0	0	2
Postal laws	11	6	54.5	6	0	0	0	0	5
Other regulatory offenses	191	139	72.8	92	27	8	8	4	52
Other	2,296	1,800	78.4%	1,411	203	105	62	19	496
Weapons	1,246	1,025	82.3	808	119	54	35	9	221
Immigration offenses	254	195	76.8	165	13	2	9	6	59
Tax law violations*	170	115	67.6	93	8	11	3	0	55
Bribery	52	35	67.3	25	3	4	3	0	17
Perjury, contempt, and intimidation	114	77	67.5	58	11	7	1	0	37
National defense	21	17	81.0	11	4	0	2	0	4
Escape	111	71	64.0	61	4	2	2	2	40
Racketeering and extortion	266	220	82.7	163	31	17	7	2	46
Gambling	10	8	—	3	5	0	0	0	2
Liquor offenses	3	1	—	1	0	0	0	0	2
Obscene material*	14	12	85.7	3	1	8	0	0	2
Traffic	26	16	61.5	13	3	0	0	0	10
Migratory birds	2	2	—	1	1	0	0	0	0
All other offenses*	7	6	—	6	0	0	0	0	1
Unknown or indeterminable offense	307	191	62.2%	158	15	2	11	5	116

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, 1993–September 30, 1994

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partial part	Dismissed	Other
All offenses	9,265	79.1%	9.6%	6.6%	3.3%	1.5%
Violent offenses	764	76.3%	10.2%	5.4%	4.7%	3.4%
Murder*	91	79.1	7.7	8.8	0	4.4
Negligent manslaughter	0
Assault	86	76.7	15.1	4.7	2.3	1.2
Robbery	458	74.7	10.3	4.1	7.0	3.9
Rape	51	82.4	7.8	2.0	2.0	5.9
Other sex offenses*	27	77.8	7.4	14.8	0	0
Kidnaping	42	83.3	2.4	11.9	2.4	0
Threats against the President	9	—	—	—	—	—
Property offenses	1,504	74.3%	12.4%	7.8%	3.4%	2.0%
Fraudulent	1,153	74.4%	12.3%	8.0%	3.0%	2.3%
Embezzlement	115	76.5	11.3	9.6	1.7	0.9
Fraud*	926	74.3	12.6	7.6	2.9	2.6
Forgery	52	71.2	9.6	11.5	7.7	0
Counterfeiting	60	75.0	11.7	8.3	3.3	1.7
Other	351	74.1%	12.8%	7.4%	4.6%	1.1%
Burglary	25	72.0	12.0	0	8.0	8.0
Larceny*	133	68.4	14.3	7.5	9.0	0.8
Motor vehicle theft	55	81.8	10.9	7.3	0	0
Arson and explosives	56	85.7	5.4	7.1	1.8	0
Transportation of stolen property	71	74.6	11.3	11.3	1.4	1.4
Other property offenses*	11	45.5	54.5	0	0	0
Drug offenses	4,775	81.6%	7.6%	6.8%	2.9%	1.0%
Public-order offenses	2,031	77.2%	11.9%	6.2%	3.5%	1.2%
Regulatory	231	68.0%	16.5%	9.1%	3.9%	2.6%
Agriculture	12	91.7	8.3	0	0	0
Antitrust	10	50.0	0	40.0	0	10.0
Food and drug	10	80.0	10.0	0	10.0	0
Transportation	11	81.8	9.1	0	0	9.1
Civil rights	27	63.0	22.2	14.8	0	0
Communications	6	—	—	—	—	—
Custom laws	10	30.0	20.0	50.0	0	0
Postal laws	6	—	—	—	—	—
Other regulatory offenses	139	66.2	19.4	5.8	5.8	2.9
Other	1,800	78.4%	11.3%	5.8%	3.4%	1.1%
Weapons	1,025	78.8	11.6	5.3	3.4	0.9
Immigration offenses	195	84.6	6.7	1.0	4.6	3.1
Tax law violations*	115	80.9	7.0	9.6	2.6	0
Bribery	35	71.4	8.6	11.4	8.6	0
Perjury, contempt, and intimidation	77	75.3	14.3	9.1	1.3	0
National defense	17	64.7	23.5	0	11.8	0
Escape	71	85.9	5.6	2.8	2.8	2.8
Racketeering and extortion	220	74.1	14.1	7.7	3.2	0.9
Gambling	8	—	—	—	—	—
Liquor offenses	1	—	—	—	—	—
Obscene material*	12	25.0	8.3	66.7	0	0
Traffic	16	81.3	18.8	0	0	0
Migratory birds	2	—	—	—	—	—
All other offenses*	6	—	—	—	—	—
Unknown or indeterminable offense	191	82.7%	7.9%	1.0%	5.8%	2.6%

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.

Tables in chapter 5 were created from the AOUSC appeals database. Records of appellants in appeals filed or terminated during October 1, 1993, through September 30, 1994, were selected. Data include records of 10,162 appellants in criminal appeals filed during fiscal year 1994 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.