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Compendium of Federal Justice Statistics, 2004

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Office of Justice Programs
Bureau of Justice Statistics

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Highlights

The number of suspects investigated by U.S. attorneys increased between 2003 and 2004, from 130,078 to 141,242. About three-quarters of those for which the investigation was concluded were prosecuted — either before a U.S. district court judge (58%) or before a U.S. magistrate (20%) — and 22% of those investigated were not prosecuted by U.S. attorneys.

The number of defendants prosecuted in Federal courts increased by 23% between 2003 and 2004, from 94,916 to 116,363.

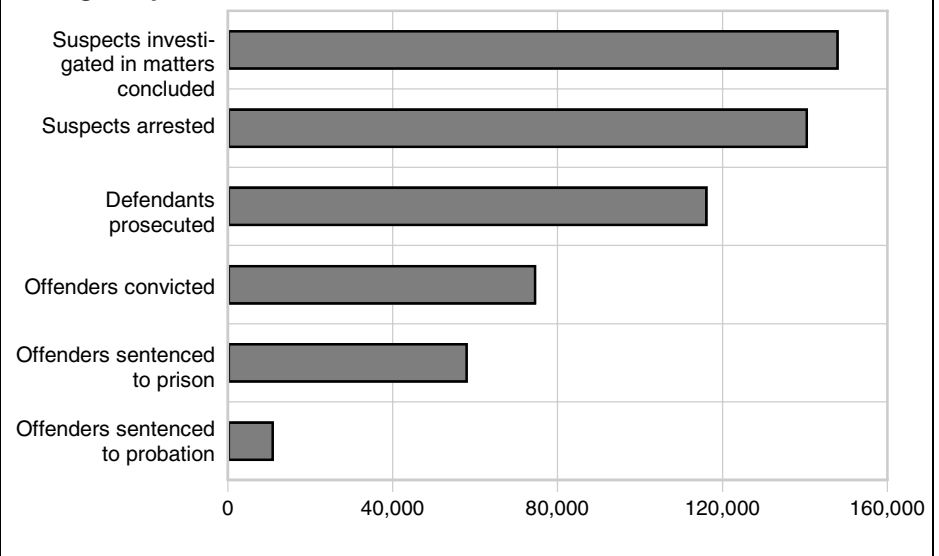
The number of offenders under post-conviction supervision increased 29% between 1990 and 2004. At the end of fiscal year 2004, the number of offenders on post-conviction community supervision was 109,712 compared to 84,801 during 1990. Over 73% of those under post-conviction community supervision were on post-incarceration supervised release (77,332) or parole (3,098).

Arrest

During 2004, Federal law enforcement agencies arrested 140,755 suspects for violations of Federal law. The U.S. Marshals Service arrested and booked 29% of those for immigration offenses, 25% for drug offenses, 17% for supervision violations, 12% for property offenses, 6-7% each for public-order and weapon offenses, and 3-4% each for violent offenses and to secure and safeguard a material witness.

Several Federal agencies were moved to the new Department of Homeland Security in 2003, including the Immigration and Naturalization Service, the Coast Guard, the Customs Service, and the Secret Service. During 2004 the agencies that comprise Homeland Security were responsible for about 37% of arrests and bookings. Within the Department of Justice, the U.S. Marshals Service made 28% of the arrests, the Drug Enforcement Administration 9%, and the Federal Bureau of Investigation 7%.

Federal criminal case processing, October 1, 2003, through September 30, 2004



Prosecution

During 2004 U.S. attorneys initiated criminal investigations involving 141,212 suspects, and they concluded their investigations of 148,229 suspects. Twenty-seven percent of the suspects were investigated for drug, 26% for immigration, 18% for property, 15% for public-order, 10% for weapon, and 4% for violent offenses.

Of the suspects in criminal matters concluded, U.S. attorneys prosecuted 86,482 in U.S. district courts and 29,881 were disposed of before U.S. magistrates. During 2004 U.S. attorneys declined 22% of matters concluded.

Suspects in criminal matters involving drug and weapon offenses were more likely to be prosecuted in a U.S. district court (75% and 70%, respectively) than were suspects involved in violent (59%), property (53%), immigration (51%), or public-order offenses (38%). Suspects involved in property offenses (such as fraud) or public-order offenses were more likely to be declined for prosecution (about 40%) than were suspects investigated for violent offenses (32%), weapon (26%), drug (15%), or immigration (1%) offenses.

Pretrial release

Of 83,364 pretrial cases commenced in 2004, 33% of defendants were released after either an initial or detention hearing, while 67% were detained, and less than 1% were dismissed.

During 2004, 40% of the 78,219 defendants who terminated pretrial services were released at some time prior to their criminal trial. Defendants charged with property offenses or public-order offenses were more likely to be released prior to trial (70% and 63%, respectively) than were defendants charged with weapon (32%), drug (29%), violent (27%), or immigration (5%) offenses.

The proportion of defendants released prior to trial decreased from 62% during 1990 to 40% during 2004.

Defendants having a prior criminal history of serious or violent crimes were less likely to be released than those without a prior criminal history; defendants with a greater number of prior convictions were less likely to be released than those with fewer prior convictions. About 21% of the defendants with a prior violent felony conviction were released before trial, while 60% of defendants with no prior convictions were released. Forty percent of defendants with one prior

conviction were released, as compared to 31% of defendants having two to four prior convictions and about 24% of defendants having five or more prior convictions.

Eighty percent of defendants released prior to trial completed their periods of release without violating the conditions of their release. Twenty percent of defendants released violated the conditions of their release, and 8% of defendants had their release revoked. Defendants charged with weapon or drug offenses were more likely to commit at least one violation of their conditions of release (34% and 29%, respectively), while defendants charged with weapon, violent, or drug offenses were more likely to have their release revoked (16% for weapon offenses and 11% each for violent or drug offenses) than were other defendants.

Defendants released during 2004 were more likely to violate the conditions of their pretrial release than those released during 1990 (20% compared to 12%).

Adjudication

During 2004, 92,645 defendants were charged in Federal courts with a criminal offense, 88% of whom were charged with felonies. Of the defendants charged with felonies, 37% were prosecuted for drug, 22% for immigration, 18% for property, 13% for weapon, 6% for public-order, and 4% for violent offenses. The number of defendants charged with a felony immigration offense increased by 11% between 2003 and 2004, from 15,997 to 17,687.

Criminal cases were concluded against 83,391 defendants during 2004, 87% of whom had been charged with felonies. The proportion of defendants convicted in the Federal courts increased from 81% during 1990 to 90% during 2004. The proportion of convicted defendants who pleaded guilty increased from 87% during 1990 to 96% during 2004.

About 92% of defendants charged with felonies were convicted. The conviction rate was similar for the major offense categories: 96% of defendants charged with immigration offenses, 92% of drug defendants, 91% of property and violent defendants, 90% of weapon defendants, and 87% of public-order defendants.

Sentencing

Defendants convicted during 2004 were more likely to be sentenced to prison than those convicted during 1990. During 2004 about 78% of defendants were sentenced to prison compared to 60% of those sentenced during 1990.

Ninety-three percent of felony violent offenders received prison terms, as did 94% of felony weapon and drug offenders, 90% of felony immigration offenders, 70% of felony public-order offenders, and 60% of felony property offenders.

The 58,106 offenders sentenced to prison received, on average, 59.7 months of imprisonment. Offenders sentenced for felony violent offenses, felony weapon offenses, and felony drug offenses received longer average prison terms (96.2, 84.3, and 83.6 months, respectively) than those convicted of felony property, immigration, or public-order offenses (27.4, 26.9, and 43.6 months, respectively).

While the proportion of defendants sentenced to prison is at an all-time high, average prison sentences have declined from the peak attained during 1992. During 1992 the average prison term imposed was 62.6 months; for drug felony offenders, the average term was 84.1 months. Violent felony offenders, however, received a longer sentence in 2004 (96.2 months compared to 94.8 months in 1992).

Average length of prison sentences imposed, by offense, October 1, 2003 - September 30, 2004

Most serious offense of conviction	Average sentence length
All offenses	59.7 mo
Felonies	61.2
Violent offenses	97.2
Property offenses	27.4
Drug offenses	83.6
Public-order offenses	43.6
Weapon offenses	84.3
Immigration offenses	26.9
Misdemeanors	5.6

Appeals

Between 1994 and 2004, the number of appeals received by the U.S. Courts of Appeals remained relatively stable — between about 9,000 and 12,000 annually. However, the proportion of criminal defendants appealing some aspect of their conviction decreased from 21% during 1994 to 12% during 2004.

During 2003, 12,517 criminal appeals were filed. Eighty-seven percent of all appeals filed were appeals of convictions for offenses sentenced under the sentencing guidelines. Sixty percent of the guideline-based appeals filed challenged both the conviction and sentence imposed. Of the 11,076 appeals terminated during 2004, 73% (or 8,135) were terminated on the merits. In 83% of the appeals terminated on the merits, the district court ruling was affirmed, at least in part.

Corrections

Community supervision

Between 1990 and 2004, the number of offenders on community supervision increased by 29%, from 84,801 during 1990 to 109,712 during 2004. While nearly equal proportions of offenders were serving terms of probation and post-incarceration supervision (parole or supervised release) during 1990, during 2004 over 73% were serving a term of post-incarceration supervision (70% supervised release and 3% parole) while 27% were on probation. Drug offenders comprised 12% of offenders on probation, 54% of offenders serving terms of supervised release, and 40% of offenders on parole. Property offenders comprised 38% of offenders on probation, 22% of offenders serving terms of supervised release, and 8% of offenders on parole.

A total of 15,721 offenders terminated probation during 2004. Most of these offenders (82%) completed their terms of probation successfully. Eleven percent of probationers terminating supervision during 2004 committed technical violations; 5% committed new crimes.

A total of 32,930 offenders completed terms of supervised release during 2004. Of these offenders, 62% successfully completed their terms without violating conditions of release; 22% committed technical violations; and 14% committed new crimes.

A total of 1,391 offenders completed terms of parole during 2004. Of these offenders, 49% successfully completed their terms without violating conditions of release; 27% committed technical violations; and 17% committed new crimes.

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Introduction

This Bureau of Justice Statistics (BJS) report presents an overview of case processing in the Federal criminal justice system. The data presented are compiled from the BJS Federal Justice Statistics Program (FJSP) database. The FJSP database includes data provided by the U.S. Marshals Service, Drug Enforcement Administration, Administrative Office of the U.S. Courts, Executive Office for the U.S. Attorneys, Federal Bureau of Prisons, and U.S. Sentencing Commission. The Administrative Office of the U.S. Courts, in addition to providing data describing defendants in criminal cases processed by the Federal judiciary, provides data describing defendants processed by the Federal pretrial services agencies and the Federal probation and supervision service. The data can be downloaded from the Federal Justice Statistics Resource Center at <<http://fjsrc.urban.org>>.

Each agency reports on cases processed during a given year in an annual statistical report. These reports are often incomparable across agencies due to the varying methods the agencies use to report case processing activities. As reported by an inter-agency working group, headed by BJS, the differences in the case processing statistics are attributable, in part, to the differing needs and missions of the agencies. The working group found the following differences in reported statistics:

- the universe of cases reported during a given period — some agencies report on those case processing events that occurred during a particular period, whereas others report on those events recorded during a particular period; and
- many of the commonly used case processing statistics — suspect/defendant processed, offense committed, disposition, and sentence imposed — are defined differently across agencies.

BJS, through its FJSP, has recognized the incomparability of these annual statistical reports and has

attempted to reconcile many of the differences identified by the working group. For instance, by combining databases from several years, BJS is able to report on those cases that actually occurred during the reporting period. Commonly used case processing statistics are made comparable across stages by applying uniform definitions to data obtained from each agency. Because definitions in the FJSP are consistent with those categories in BJS programs describing State defendants convicted, sentenced, or imprisoned, the comparison of Federal and State case processing statistics is facilitated.

The 2004 *Compendium*, 19th in a series which includes 1984, 1985, 1986, 1988, 1989, 1990, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003 describes defendants processed at each stage of the Federal justice system — arrest by Federal law enforcement agencies (chapter 1), investigation and prosecution by the U.S. attorneys (chapter 2), pretrial release or detention (chapter 3), adjudication in the U.S. district courts (chapter 4), sentencing (chapter 5), appeal of the conviction and/or sentence imposed (chapter 6), and corrections (chapter 7) — for the 12-month period ending September 30, 2004 (the Federal fiscal year). Prior to 1994, the *Compendium* was reported on a calendar-year basis.

The tables presented report events that occurred during the Federal fiscal year — October 1, 2003 - September 30, 2004. Generally, the tables include both individual and organizational defendants. Organizational defendants are not included in tables showing defendants sentenced to incarceration, or tables describing offenders under post-conviction community supervision. Juvenile offenders charged as adults are included in the reported statistics. Felony and misdemeanor distinctions are provided where possible (see "Offense classifications" in *Methodology*).

Organization of the *Compendium*

Each chapter of the *Compendium* describes a major stage in the processing of criminal suspects and defendants. Each chapter contains *Chapter notes* that describe the universes of data used in the tables and information relevant to the interpretation of individual tables. The *Compendium* contains the following:

Chapter 1 describes arrests made by Federal law enforcement agencies for violations of Federal law, including the characteristics of arrestees; warrants initiated and cleared by the U.S. Marshals Service are also reported.

Chapter 2 describes decisions made by Federal prosecutors in screening criminal matters and the characteristics of defendants in cases prosecuted or declined for prosecution.

Chapter 3 describes the pretrial release and detention practices of the Federal judiciary, including the characteristics of defendants detained or released pending trial.

Chapter 4 describes actions by the Federal judiciary in adjudicating defendants in cases filed by the U.S. attorneys.

Chapter 5 describes the sentences imposed by the Federal judiciary on convicted defendants.

Chapter 6 describes appeals of criminal convictions and sentences imposed in the Federal courts, including the original offense charged.

Chapter 7 describes defendants under Federal correctional supervision — probation, parole, and supervised release — including the outcome of the supervision (successful completion or violations).

The Methodology section describes the procedures followed in analyzing data and developing tables.

The Glossary contains definitions for terms used in the *Compendium*. Since many terms used in the text and tables have specialized meanings (either because they refer to Federal law or because of reporting procedures by the Federal agencies supplying the data), readers are encouraged to check the glossary for exact definitions of tabulated data.

Modifications in the 2004 *Compendium*

The 2004 *Compendium* does not contain text or tables describing the demographic characteristics of convicted offenders in chapters 4 and 5, as it has historically. Nor does it contain any text or tables describing Federal prisoners in chapter 7, as is usually the case. The reason for these exclusions is that BJS did not receive 2004 data from the United States Sentencing Commission nor from the Federal Bureau of Prisons, respectively.

Notes to reader

The tables in the *Compendium* were constructed to permit valid comparisons within each table and to allow the reader to compare percentages (but not raw totals) across tables. It should be understood, however, that the total number of subjects/defendants shown in a particular table may not equal the number of subjects/defendants involved in a particular stage of processing, since some records could not be linked and some data sources did not include information on particular data elements classified in a particular table. Data notes indicate the exact universe for individual tables.

The *Compendium* is a statistical presentation of Federal criminal justice information with limited analyses of trends or explanatory factors underlying the statistics. Analyses of Federal justice statistics may be found in special reports and other publications, some of which are cited in the *Compendium*. Assessment of changing patterns in the *Compendium* tabulations may depend on detailed examination of sub-categories not shown in the tabulations or may require other sources of information, such as knowledge of legislation or Federal agency procedures.

System overview

Federal criminal case processing, 2004

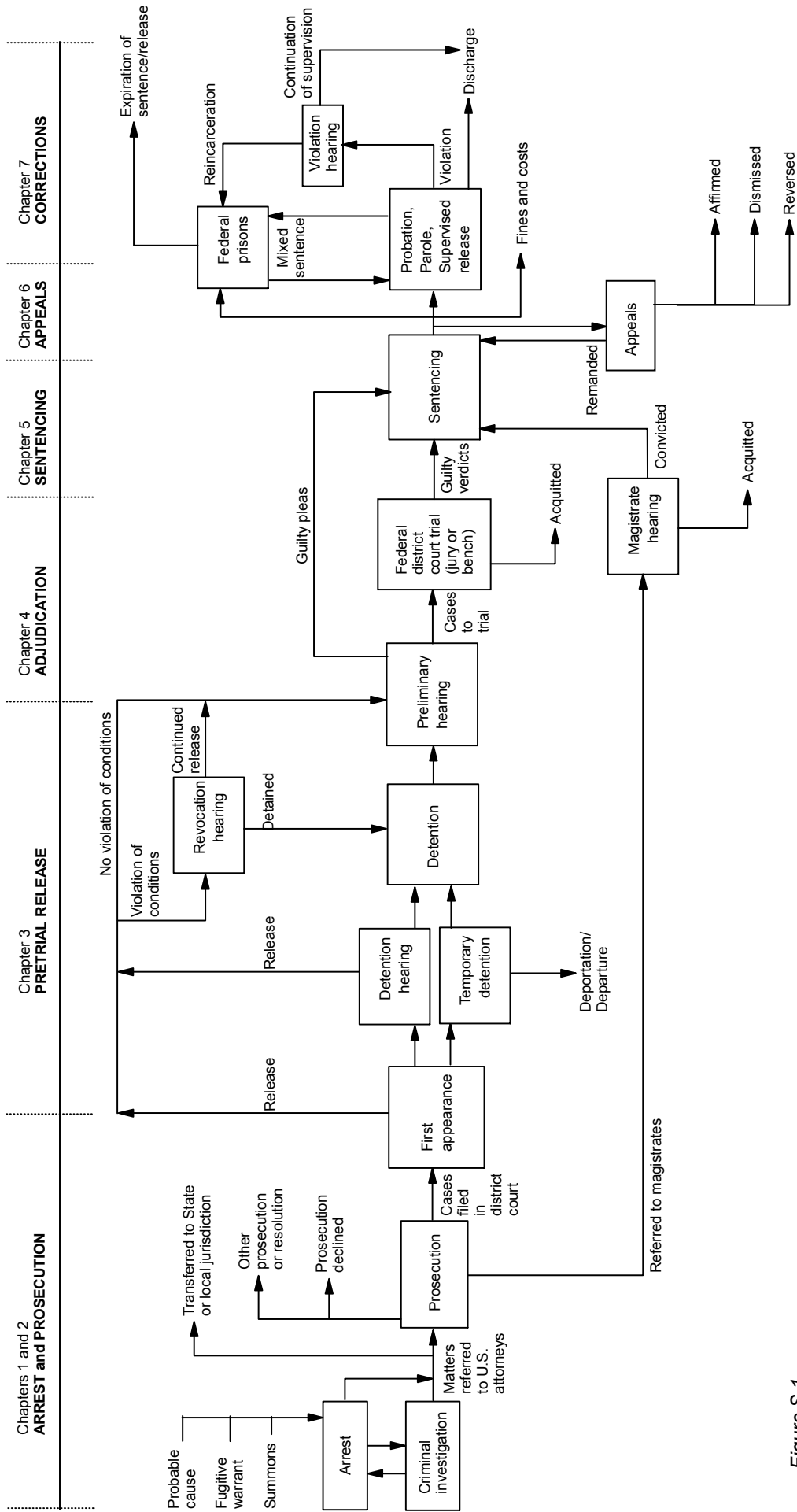
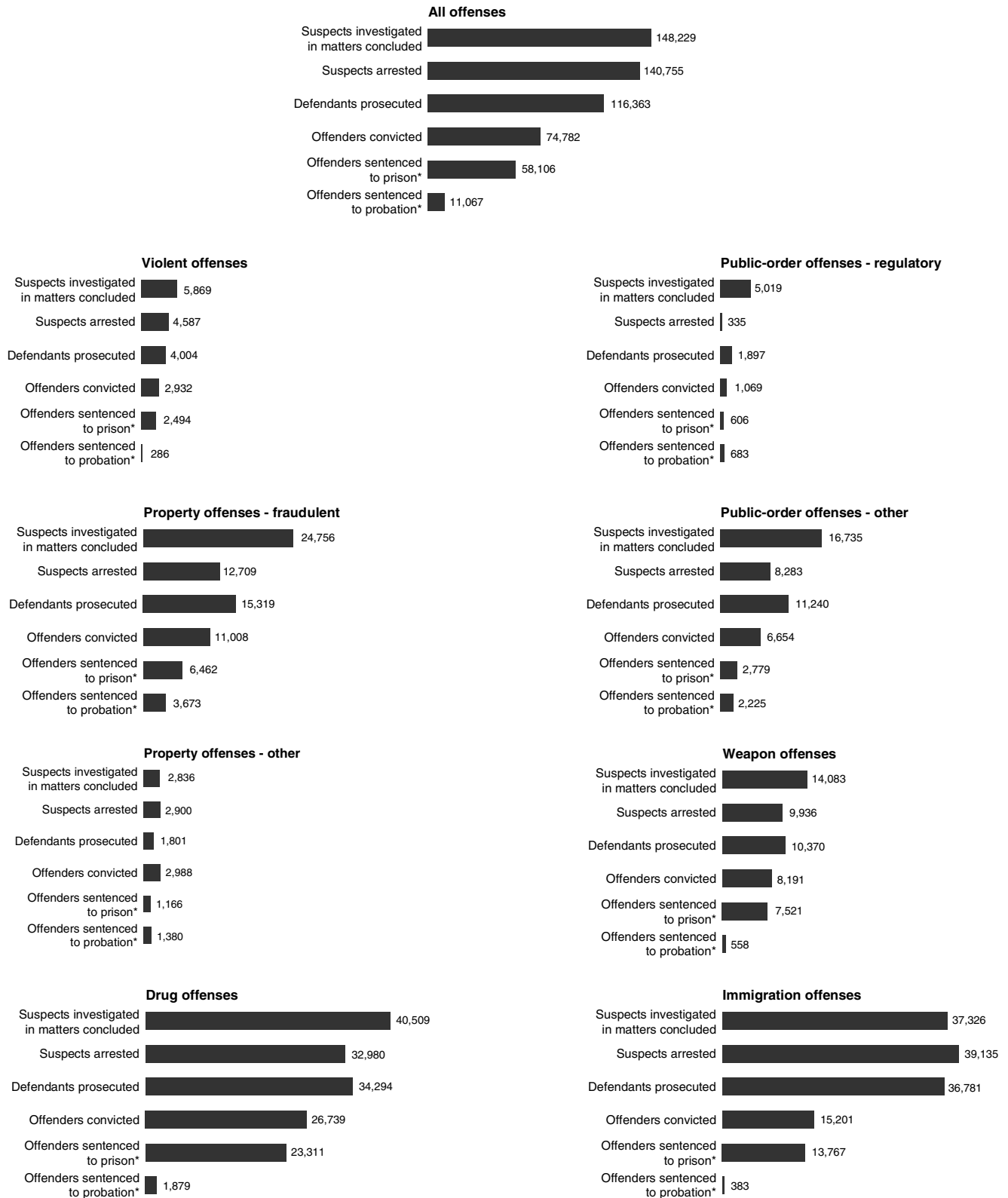


Figure S. 1.

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Federal criminal case processing, October 1, 2003 - September 30, 2004



*Prison includes split, life, indeterminate, regular, and youth sentences. Offenders not shown as sentenced to prison or probation were sentenced by magistrates or received a fine-only sentence in Federal court. Probation excludes persons sentenced to prison.

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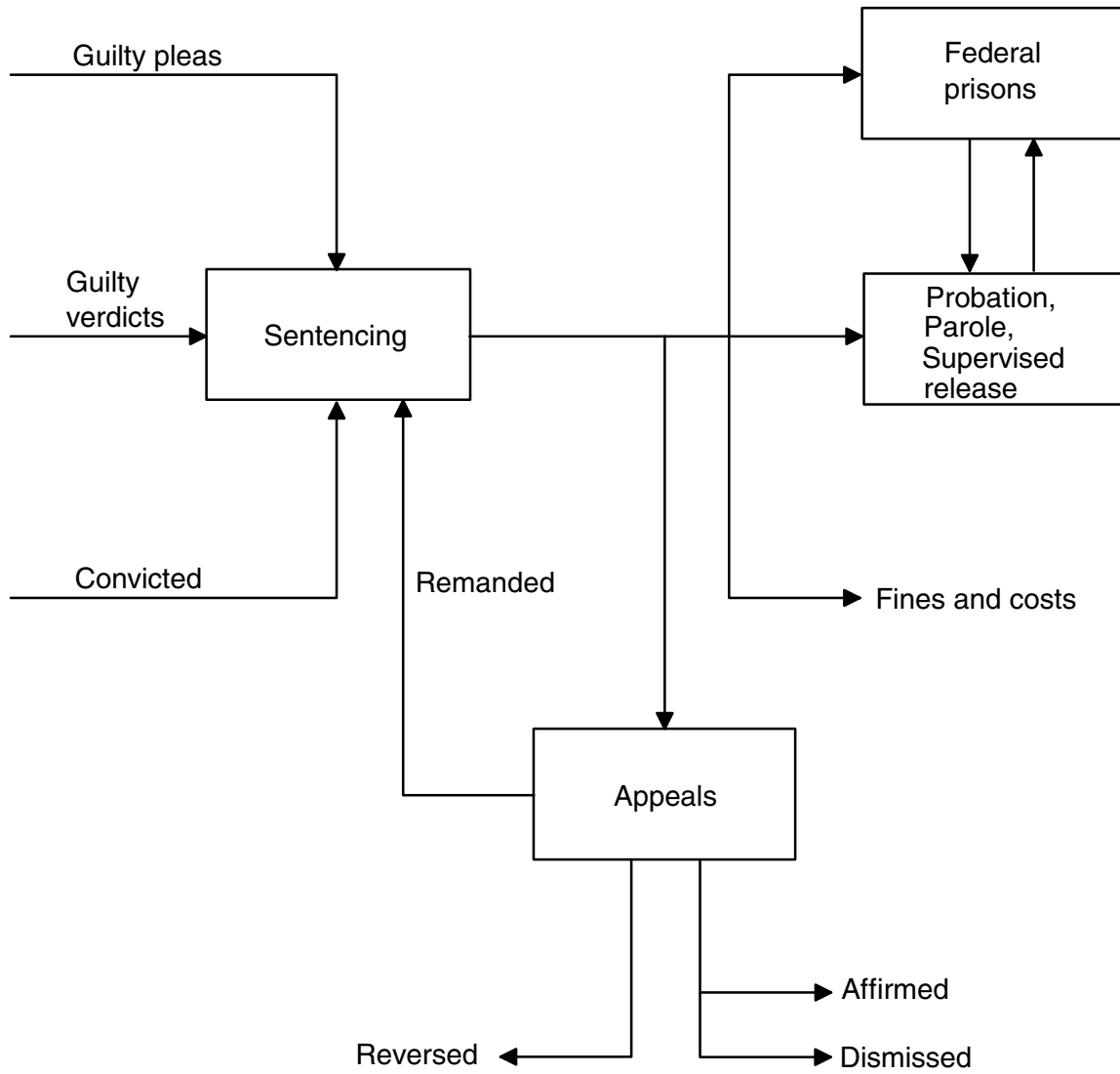
6.4. Disposition of criminal appeals
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6.5. Criminal appeals cases terminated
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Chapter 6

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 given that 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.*

Appeals filed (tables 6.1 and 6.2)

During 2004 the U.S. Court of Appeals received 12,517 criminal appeals, which was 5% more than the number filed in 2003. Of all appeals 5% were filed by the Government (not shown in a table). Eighty-seven percent of all appeals filed in 2004 were guidelines-based appeals. Thirteen percent of appeals filed were appeals of convictions for crimes committed before 1987, when the sentencing guidelines took effect (figure 6.1). Fifty-eight percent of guideline-based appeals challenged both the conviction and the sentence imposed. Nearly three times as many appeals challenged only the sentence imposed as those that challenged only the conviction (30% versus 11%).

The distribution of guideline-based appeals by type of appeal filed (sentence, conviction, or both) was relatively constant across the major offense categories underlying the appeal.

Thirty-nine percent of all appeals filed (for which the offense is known) were for drug convictions. Comprising all appeals filed were appeals for —

- weapon offense convictions (17%)

Nearly half the criminal appeals challenged both the conviction and the sentence imposed

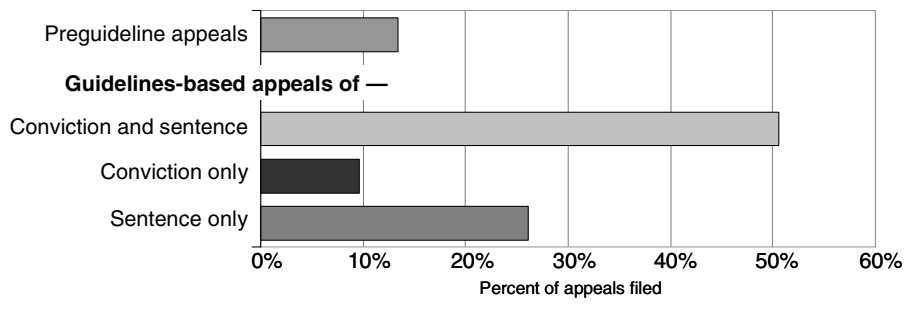


Figure 6.1. Types of criminal appeal cases filed during October 1, 2003 - September 30, 2004

- property offenses (16%)
- immigration offenses (15%)
- violent offenses (6%) (figure 6.2).

Appeals terminated (tables 6.2-6.5)

A total of 11,076 appeals terminated during 2004. Fifteen percent were appeals of convictions for offenses sentenced under laws in effect prior to the sentencing guidelines. The remaining 85% of appeals terminated were guidelines-based appeals. Of these —

- 59% were appeals of both the conviction and sentence
- 12% were appeals of the conviction only
- 29% were appeals of the sentence only.

In 40% of all appeals terminated in 2004 (for which the offense is known), drug offense convictions underlie the appeal. Also comprising appeals terminated were:

- property or immigration offenses (16%)
- weapon offenses (15%)
- violent offenses (5%).

Robbery offenses composed 36% and sexual abuse offenses composed 21% of the underlying offenses for appeals of a violent conviction. Sixty-eight percent of property offense appeals were for fraud convictions.

Of the 11,076 appeals terminated during 2004, 73% were terminated on the merits, while the remainder were terminated on procedural grounds (figure

Over a third of all appeals filed were for drug convictions

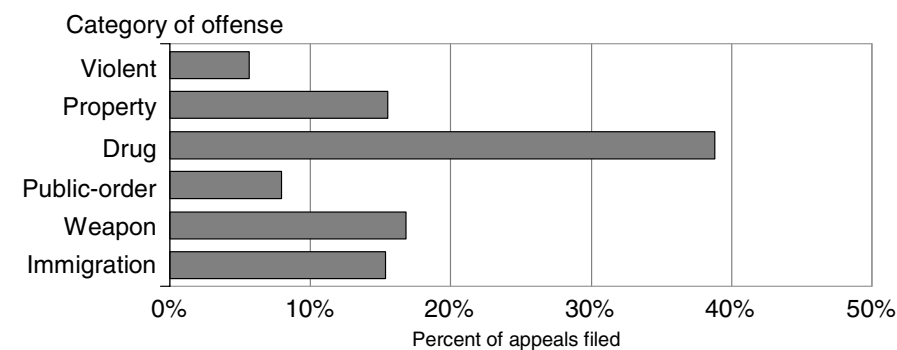


Figure 6.2. Appeals cases filed, by type of offense during October 1, 2003 - September 30, 2004

*18 U.S.C. § 3742

6.3). An appeal terminated on the merits is an appeal that is terminated based on the factors of the case, not because of technical or procedural reasons. For appeals based on a conviction, 83% of immigration offense appeals and 78% of weapon offense appeals were terminated on the merits. Also terminated on the merits were —

- 75% of violent offense appeals
- 72% of drug offense appeals
- 69% of property offense appeals.

Within these major offense categories, 76% of appeals based on robbery convictions were terminated on the merits, as were 68% of fraud convictions.

In most (80%) of the appeals terminated on the merits, the district court ruling was affirmed; and in another 4% it was partially affirmed. Among appeals terminated on merits, 87% of immigration appeals were affirmed, as were —

- 82% of weapon appeals
- 80% of drug appeals
- 79% of violent appeals
- 74% of property appeals.

District court decisions were reversed or remanded back to the court in 8% of the cases. Property and public order offenses had the highest rates of reversal or being remanded back to the court (12% and 14%). Appeals were reversed or remanded for —

- 9% of weapon convictions
- 8% of violent convictions
- 7% of drug convictions
- 5% of immigration convictions.

Overall, appeals were dismissed in 8% of cases. Among major offense categories the highest dismissal rates were for drug convictions (10%).

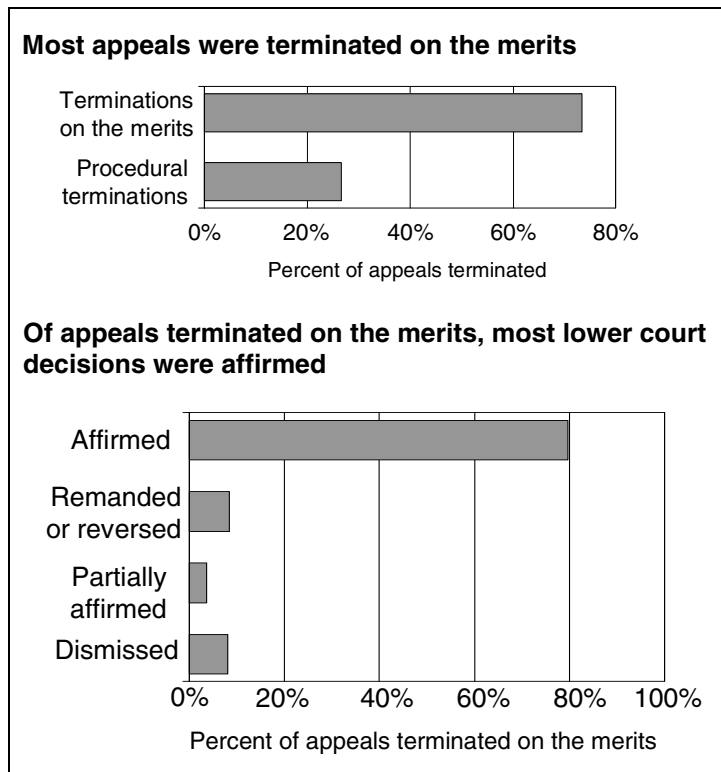


Figure 6.3. Disposition of criminal appeals terminating during October 1, 2003 - September 30, 2004

Table 6.1. Criminal appeals filed, by type of criminal case and offense, October 1, 2003 - September 30, 2004

Offense of conviction	Number of criminal appeals filed						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
All offenses^a	12,517	1,683	10,834	1,202	3,271	6,334	27
Violent offenses	673	108	565	77	154	333	1
Murder ^b	110	39	71	13	13	45	0
Assault	82	10	72	10	19	43	0
Robbery	277	35	242	29	77	135	1
Sexual abuse ^b	144	14	130	18	39	73	0
Kidnapping	55	10	45	5	5	35	0
Threats against the President	5	0	5	2	1	2	0
Property offenses	1,873	301	1,572	167	508	894	3
Fraudulent	1,524	241	1,283	132	425	723	3
Embezzlement	65	6	59	10	15	34	0
Fraud ^b	1,302	206	1,096	110	365	618	3
Forgery	7	2	5	1	1	3	0
Counterfeiting	150	27	123	11	44	68	0
Other	349	60	289	35	83	171	0
Burglary	10	3	7	0	3	4	0
Larceny ^b	199	35	164	16	50	98	0
Motor vehicle theft	48	4	44	4	12	28	0
Arson and explosives	42	7	35	7	9	19	0
Transportation of stolen property	40	8	32	5	8	19	0
Other property offenses ^b	10	3	7	3	1	3	0
Drug offenses	4,678	577	4,101	430	1,318	2,339	14
Public-order offenses	955	168	787	99	219	466	3
Regulatory	142	20	122	15	27	80	0
Agriculture	2	0	2	0	0	2	0
Food and drug	5	0	5	0	1	4	0
Transportation	29	2	27	5	4	18	0
Civil rights	30	3	27	3	4	20	0
Communications	4	2	2	0	0	2	0
Custom laws	3	0	3	0	1	2	0
Postal laws	5	1	4	1	0	3	0
Other regulatory offenses	64	12	52	6	17	29	0
Other	813	148	665	84	192	386	3
Tax law violations ^b	117	26	91	9	25	56	1
Bribery	32	2	30	2	7	21	0
Perjury, contempt, and intimidation	76	16	60	8	9	43	0
National defense	14	3	11	1	3	7	0
Escape	54	8	46	6	14	26	0
Racketeering and extortion	210	53	157	18	38	100	1
Gambling	6	0	6	0	6	0	0
Nonviolent sex offenses	206	17	189	20	72	96	1
Obscene material ^b	7	1	6	1	0	5	0
Traffic offenses	10	4	6	4	0	2	0
Wildlife	10	2	8	3	1	4	0
Environmental	5	2	3	0	0	3	0
All other offenses ^b	66	14	52	12	17	23	0
Weapon offenses	2,024	232	1,792	271	453	1,066	2
Immigration offenses	1,856	56	1,800	133	543	1,123	1

Note: For further information see *Chapter notes*, p. 88.

^aTotal includes 458 filed for which an offense category could not be determined, of which 241 are preguideline appeals and 217 are guidelines-based appeals.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.2. Criminal appeals filed and criminal appeals terminated, by offense, October 1, 2003 - September 30, 2004

Offense of conviction	Criminal appeals filed during 2004		Criminal appeals terminated during 2004	
	Number	Percent ^a	Number	Percent ^a
All offenses^b	12,517	100.0%	11,076	100.0%
Violent offenses	673	5.6%	572	5.4%
Murder ^c	110	0.9	103	1.0
Assault	82	0.7	74	0.7
Robbery	277	2.3	216	2.0
Sexual abuse ^c	144	1.2	118	1.1
Kidnapping	55	0.5	57	0.5
Threats against the President	5	--	4	--
Property offenses	1,873	15.5%	1,685	15.9%
Fraudulent	1,524	12.6%	1,349	12.7%
Embezzlement	65	0.5	60	0.6
Fraud ^c	1,302	10.8	1,141	10.8
Forgery	7	0.1	4	--
Counterfeiting	150	1.2	144	1.4
Other	349	2.9%	336	3.2%
Burglary	10	0.1	5	--
Larceny ^c	199	1.7	172	1.6
Motor vehicle theft	48	0.4	47	0.4
Arson and explosives	42	0.3	58	0.5
Transportation of stolen property	40	0.3	48	0.5
Other property offenses ^c	10	0.1	6	0.1
Drug offenses	4,678	38.8%	4,256	40.2%
Public-order offenses	955	7.9%	836	7.9%
Regulatory	142	1.2%	124	1.2%
Antitrust	2	--	6	0.1
Food and drug	5	--	6	0.1
Transportation	29	0.2	20	0.2
Civil rights	30	0.2	21	0.2
Communications	4	--	3	--
Custom laws	3	--	15	0.1
Postal laws	5	--	6	0.1
Other regulatory offenses	64	0.5	47	0.4
Other	813	6.7%	712	6.7%
Tax law violations ^c	117	1	84	0.8
Bribery	32	0.3	15	0.1
Perjury, contempt, and intimidation	76	0.6	76	0.7
National defense	14	0.1	17	0.2
Escape	54	0.4	61	0.6
Racketeering and extortion	210	1.7	223	2.1
Gambling	6	--	3	--
Nonviolent sex offenses	206	1.7	136	1.3
Obscene material ^c	7	0.1	9	0.1
Traffic offenses	10	0.1	16	0.2
Wildlife	10	0.1	7	0.1
Environmental	5	--	4	--
All other offenses ^c	66	0.5	61	0.6
Weapon offenses	2,024	16.8%	1,554	14.7%
Immigration offenses	1,856	15.4%	1,678	15.9%

Note: For further information see *Chapter notes*, p. 88.

--Less than .05%.

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

^bTotals include 458 appeals filed and 495 appeals terminated for which an offense category could not be determined.

^cIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.3. Criminal appeals terminated, by type of criminal case and offense, October 1, 2003 - September 30, 2004

Offense of conviction	Number of criminal appeals terminated						
	Total	Preguideline	Guidelines-based appeals				Other
			Total	Conviction only	Sentence only	Sentence and conviction	
All offenses^a	11,076	1,693	9,383	1,151	2,691	5,531	10
Violent offenses	572	105	467	54	138	275	0
Murder ^b	103	42	61	11	15	35	0
Assault	74	14	60	8	15	37	0
Robbery	216	28	188	15	67	106	0
Sexual abuse ^b	118	10	108	14	31	63	0
Kidnapping	57	11	46	6	10	30	0
Threats against the President	4	0	4	0	0	4	0
Property offenses	1,685	309	1,376	182	425	769	0
Fraudulent	1,349	239	1,110	155	347	608	0
Embezzlement	60	8	52	9	16	27	0
Fraud ^b	1,141	201	940	131	293	516	0
Forgery	4	0	4	0	1	3	0
Counterfeiting	144	30	114	15	37	62	0
Other	336	70	266	27	78	161	0
Burglary	5	2	3	0	1	2	0
Larceny ^b	172	34	138	10	39	89	0
Motor vehicle theft	47	3	44	7	13	24	0
Arson and explosives	58	16	42	7	11	24	0
Transportation of stolen property	48	14	34	2	12	20	0
Other property offenses ^b	6	1	5	1	2	2	0
Drug offenses	4,256	583	3,673	450	1,088	2,128	7
Public-order offenses	836	157	679	92	203	383	1
Regulatory	124	18	106	15	27	64	0
Antitrust	6	0	6	0	1	5	0
Food and drug	6	0	6	0	3	3	0
Transportation	20	2	18	5	4	9	0
Civil rights	21	5	16	1	0	15	0
Communications	3	1	2	0	0	2	0
Custom laws	15	2	13	1	2	10	0
Postal laws	6	0	6	2	2	2	0
Other regulatory offenses	47	8	39	6	15	18	0
Other	712	139	573	77	176	319	1
Tax law violations ^b	84	20	64	6	15	43	0
Bribery	15	1	14	3	5	6	0
Perjury, contempt, and intimidation	76	19	57	7	17	33	0
National defense	17	2	15	3	2	10	0
Escape	61	7	54	9	15	30	0
Racketeering and extortion	223	48	175	20	40	114	1
Gambling	3	0	3	0	2	1	0
Nonviolent sex offenses	136	17	119	19	57	43	0
Obscene material ^b	9	0	9	2	3	4	0
Traffic offenses	16	4	12	6	2	4	0
Wildlife	7	3	4	0	1	3	0
Environmental	4	2	2	0	2	0	0
All other offenses ^b	61	16	45	2	15	28	0
Weapon offenses	1,554	209	1,345	238	320	786	1
Immigration offenses	1,678	58	1,620	111	422	1,086	1

Note: For further information see *Chapter notes*, p. 88.

^aTotal includes 495 appeals terminated for which an offense category could not be determined, of which 272 are preguideline appeals and 223 are guidelines-based appeals.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.4. Disposition of criminal appeals terminated, by offense, October 1, 2003 - September 30, 2004

Offense of conviction	Total criminal appeals terminated	Criminal appeals terminated on the merits							Procedural terminations
		Total	Percent	Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other	
All offenses^a	11,076	8,135	73.4%	6,485	680	291	655	24	2,941
Violent offenses	572	427	74.7%	335	36	20	36	0	145
Murder ^b	103	69	67.0	44	9	12	4	0	34
Assault	74	48	64.9	38	5	1	4	0	26
Robbery	216	164	75.9	137	8	1	18	0	52
Sexual abuse ^b	118	98	83.1	74	14	3	7	0	20
Kidnapping	57	44	77.2	38	0	3	3	0	13
Threats against the President	4	4	^	4	0	0	0	0	0
Property offenses	1,685	1,156	68.6%	858	143	73	80	2	529
Fraudulent	1,349	912	67.6%	674	120	53	63	2	437
Embezzlement	60	41	68.3	37	4	0	0	0	19
Fraud ^b	1,141	770	67.5	557	106	52	53	2	371
Forgery	4	1	^	1	0	0	0	0	3
Counterfeiting	144	100	69.4	79	10	1	10	0	44
Other	336	244	72.6%	184	23	20	17	0	92
Burglary	5	5	^	2	0	0	3	0	0
Larceny ^b	172	116	67.4	92	6	11	7	0	56
Motor vehicle theft	47	41	87.2	34	2	3	2	0	6
Arson and explosives	58	47	81.0	29	11	5	2	0	11
Transportation of stolen property	48	31	64.6	25	3	1	2	0	17
Other property offenses ^b	6	4	^	2	1	0	1	0	2
Drug offenses	4,256	3,082	72.4%	2,466	220	93	296	7	1,174
Public-order offenses	836	562	67.2%	386	79	46	42	9	274
Regulatory	124	77	62.1%	52	12	7	5	1	47
Antitrust	6	6	^	4	2	0	0	0	0
Food and drug	6	5	^	4	1	0	0	0	1
Transportation	20	6	30.0	5	1	0	0	0	14
Civil rights	21	17	81.0	13	2	0	1	1	4
Communications	3	2	^	1	0	1	0	0	1
Custom laws	15	12	80.0	8	2	1	1	0	3
Postal laws	6	5	^	3	0	1	1	0	1
Other regulatory offenses	47	24	51.1	14	4	4	2	0	23
Other	712	485	68.1%	334	67	39	37	8	227
Tax law violations ^b	84	48	57.1	26	9	9	3	1	36
Bribery	15	8	53.3	4	2	2	0	0	7
Perjury, contempt, and intimidation	76	53	69.7	40	5	4	3	1	23
National defense	17	10	58.8	9	0	1	0	0	7
Escape	61	46	75.4	33	5	0	8	0	15
Racketeering and extortion	223	154	69.1	109	16	13	10	6	69
Gambling	3	2	^	1	0	1	0	0	1
Nonviolent sex offenses	136	95	69.9	63	20	4	8	0	41
Obscene material ^b	9	7	^	7	0	0	0	0	2
Traffic offenses	16	15	93.8	12	2	0	1	0	1
Wildlife	7	5	^	5	0	0	0	0	2
Environmental	4	2	^	1	1	0	0	0	2
All other offenses ^b	61	40	65.6	24	7	5	4	0	21
Weapon offenses	1,554	1,219	78.4%	1,001	107	31	76	4	335
Immigration offenses	1,678	1,393	83.0%	1,207	69	21	96	0	285

Note: For further information, see *Chapter notes*, p. 88.

^ Too few cases to obtain statistically reliable data.

^aTotal includes 495 appeals terminated for which an offense category could not be determined, of which 296 were terminated on the merits and 199 were procedural terminations.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Table 6.5. Criminal appeals cases terminated on the merits, by offense, October 1, 2003 - September 30, 2004

Most serious offense	Total	Percent of criminal appeals cases terminated on the merits				
		Affirmed	Remanded or reversed	Partially affirmed	Dismissed	Other
All offenses^a	8,135	79.7%	8.4%	3.6%	8.1%	0.3%
Violent offenses	427	78.5%	8.4%	4.7%	8.4%	0.0%
Murder ^b	69	63.8	13.0	17.4	5.8	0.0
Assault	48	79.2	10.4	2.1	8.3	0.0
Robbery	164	83.5	4.9	0.6	11.0	0.0
Sexual abuse ^b	98	75.5	14.3	3.1	7.1	0.0
Kidnapping	44	86.4	0.0	6.8	6.8	0.0
Threats against the President	4	^	^	^	^	^
Property offenses	1,156	74.2%	12.4%	6.3%	6.9%	0.2%
Fraudulent	912	73.9%	13.2%	5.8%	6.9%	0.2%
Embezzlement	41	90.2	9.8	0.0	0.0	0.0
Fraud ^b	770	72.3	13.8	6.8	6.9	0.3
Forgery	1	^	^	^	^	^
Counterfeiting	100	79.0	10.0	1.0	10.0	0.0
Other	244	75.4%	9.4%	8.2%	7.0%	0.0%
Burglary	5	^	^	^	^	^
Larceny ^b	116	79.3	5.2	9.5	6.0	0.0
Motor vehicle theft	41	82.9	4.9	7.3	4.9	0.0
Arson and explosives	47	61.7	23.4	10.6	4.3	0.0
Transportation of stolen property	31	80.6	9.7	3.2	6.5	0.0
Other property offenses ^b	4	^	^	^	^	^
Drug offenses	3,082	80.0%	7.1%	3.0%	9.6%	0.2%
Public-order offenses	562	68.7%	14.1%	8.2%	7.5%	1.6%
Regulatory	77	67.5%	15.6%	9.1%	6.5%	1.3%
Antitrust	6	^	^	^	^	^
Food and drug	5	^	^	^	^	^
Transportation	6	^	^	^	^	^
Civil rights	17	76.5	11.8	0.0	5.9	5.9
Communications	2	^	^	^	^	^
Custom laws	12	66.7	16.7	8.3	8.3	0.0
Postal laws	5	^	^	^	^	^
Other regulatory offenses	24	58.3	16.7	16.7	8.3	0.0
Other	485	68.9%	13.8%	8.0%	7.6%	1.6%
Tax law violations ^b	48	54.2	18.8	18.8	6.3	2.1
Bribery	8	^	^	^	^	^
Perjury, contempt, and intimidation	53	75.5	9.4	7.5	5.7	1.9
National defense	10	^	^	^	^	^
Escape	46	71.7	10.9	0.0	17.4	0.0
Racketeering and extortion	154	70.8	10.4	8.4	6.5	3.9
Gambling	2	^	^	^	^	^
Nonviolent sex offenses	95	66.3	21.1	4.2	8.4	0.0
Obscene material ^b	7	^	^	^	^	^
Traffic offenses	15	80.0	13.3	0.0	6.7	0.0
Wildlife	5	^	^	^	^	^
Environmental	2	^	^	^	^	^
All other offenses ^b	40	60.0	17.5	12.5	10.0	0.0
Weapon offenses	1,219	82.1%	8.8%	2.5%	6.2%	0.3%
Immigration offenses	1,393	86.6%	5.0%	1.5%	6.9%	0.0%

Note: For further information see *Chapter notes*, p. 88.

^ Too few cases to obtain statistically reliable data.

^aTotal includes 296 appeals terminated on the merits for which an offense category could not be determined.

^bIn this table "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; "Larceny" excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses and includes destruction of property and trespassing; "Tax law violations" includes tax fraud; and "All other offenses" includes offenses with unclassifiable offense type.

Chapter notes

Tables in chapter 6 were created from the AOUSC appeals database. Records of appeals filed or terminated during October 1, 2003, through September 30, 2004, were selected. Data include records of 12,517 criminal appeals filed during fiscal year 2004 and 11,076 appeals terminated during the same period.

The unit of analysis in the appeals data is a single case. Most records in the appeals data report on a single appellant. 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.