

**U.S. Sentencing Commission  
2014 Drug Guidelines Amendment  
Retroactivity Data Report**



**April 2016**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted from and based on sentencing documents submitted by courts to the Commission.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup>

The Commission also reports preliminary data for an on-going fiscal year in order to provide real-time analysis of sentencing practices in the federal courts. Since 2005, the Commission has published a series of quarterly reports that are similar in format and methodology to tables and figures produced in the *Sourcebook of Federal Sentencing Statistics*. The quarterly reports contain cumulative data for the on-going fiscal year (i.e., data from the start of the fiscal year through the most current quarter).

On April 30, 2014, the Commission submitted to Congress an amendment to the federal sentencing guidelines that revised the guidelines applicable to drug trafficking offenses by changing how the base offense levels in the drug or chemical quantity tables in sections 2D1.1 and 2D1.11 of the *Guidelines Manual*<sup>3</sup> incorporate the statutory mandatory minimum penalties for drug trafficking offenses (Amendment 782).<sup>4</sup> Specifically, the amendment reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties, resulting in corresponding guideline ranges that include the mandatory minimum penalties, and made conforming changes to section 2D1.1. Amendment 782 became effective on November 1, 2014.

On July 18, 2014, the Commission voted to give retroactive effect to Amendment 782 beginning on the effective date of the amendment. The Commission also voted to require that courts not release any offender whose term of imprisonment was reduced pursuant to retroactive application of Amendment 782 prior to November 1, 2015. To effectuate these decisions, the Commission promulgated Amendment 788 which added Amendment 782 to the list of amendments in §1B1.10 (*Reduction in Term of Imprisonment as a Result of an Amended Guideline Range*)(*Policy Statement*) that apply retroactively. Amendment 788 also added a new special instruction to §1B1.10 requiring that the effective date of all orders reducing a term of

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<sup>1</sup> In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the judgment and commitment order, the statement of reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

<sup>2</sup> See the Commission's website, [www.ussc.gov](http://www.ussc.gov), for electronic copies of the 1995-2015 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

<sup>3</sup> U.S. SENTENCING COMMISSION, GUIDELINES MANUAL §2D1.1 (Unlawful Manufacturing, Importing, Exporting or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) (2013) (hereinafter USSG); USSG §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy).

<sup>4</sup> References to the "2014 drug guidelines amendment," "the amendment," or any similar references mean Amendment 782.

imprisonment pursuant to retroactive application of Amendment 782 be November 1, 2015 or later. Amendment 788 became effective on November 1, 2014.

The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Amendment 782. The data in this report reflects all motions decided through March 25, 2016 and for which court documentation was received, coded, and edited at the Commission by March 29, 2016.

**Table 1**

**GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT**

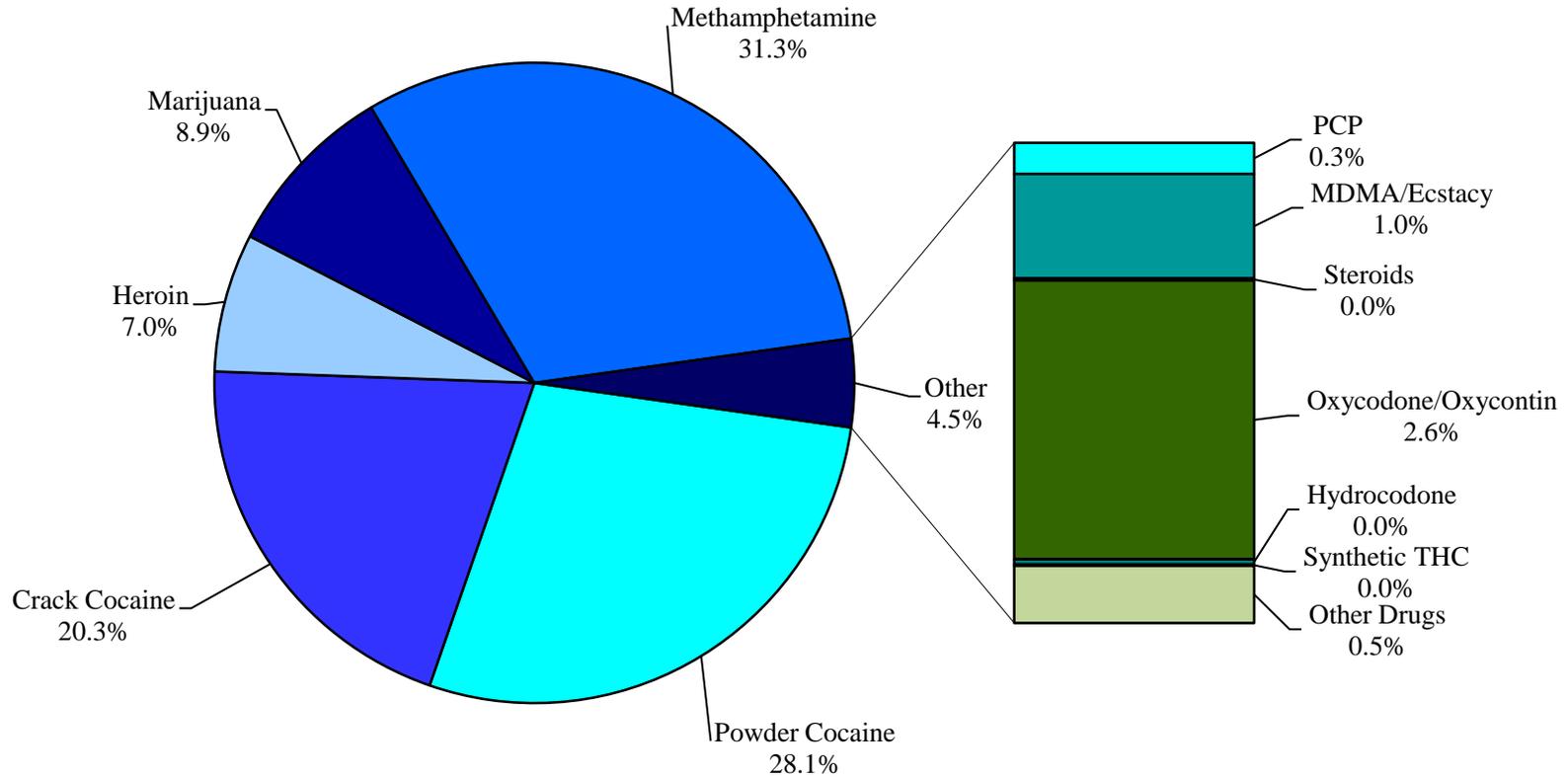
District	Total			Granted		Denied		District	Total			Granted		Denied	
	N	N	%	N	%	N	%		N	N	%	N	%		
<b>TOTAL</b>	<b>38,242</b>	<b>26,850</b>	<b>70.2</b>	<b>11,392</b>	<b>29.8</b>										
Southern Texas	2,464	1,339	54.3	1,125	45.7	Idaho	280	250	89.3	30	10.7				
Western Texas	2,146	1,660	77.4	486	22.6	Western Washington	273	134	49.1	139	50.9				
Northern Texas	1,300	800	61.5	500	38.5	Western New York	271	177	65.3	94	34.7				
Northern Iowa	1,129	520	46.1	609	53.9	Eastern Louisiana	268	176	65.7	92	34.3				
Eastern Virginia	1,041	823	79.1	218	20.9	Northern California	267	160	59.9	107	40.1				
South Carolina	1,013	738	72.9	275	27.1	Northern New York	246	160	65.0	86	35.0				
Eastern Texas	960	841	87.6	119	12.4	New Jersey	240	154	64.2	86	35.8				
Middle Florida	959	628	65.5	331	34.5	Middle Pennsylvania	240	157	65.4	83	34.6				
Western North Carolina	931	494	53.1	437	46.9	Eastern Arkansas	233	225	96.6	8	3.4				
Puerto Rico	906	904	99.8	2	0.2	Eastern Wisconsin	227	174	76.7	53	23.3				
Southern Florida	901	778	86.3	123	13.7	Massachusetts	227	106	46.7	121	53.3				
Southern Iowa	843	442	52.4	401	47.6	Hawaii	226	212	93.8	14	6.2				
Western Virginia	823	522	63.4	301	36.6	New Mexico	225	118	52.4	107	47.6				
Eastern North Carolina	813	602	74.0	211	26.0	Northern Indiana	218	182	83.5	36	16.5				
Nebraska	756	554	73.3	202	26.7	Connecticut	216	140	64.8	76	35.2				
Southern Georgia	651	327	50.2	324	49.8	Eastern New York	216	103	47.7	113	52.3				
Northern Florida	647	379	58.6	268	41.4	Wyoming	211	209	99.1	2	0.9				
Central Illinois	633	370	58.5	263	41.5	Northern Oklahoma	210	128	61.0	82	39.0				
Eastern Missouri	625	414	66.2	211	33.8	Nevada	210	171	81.4	39	18.6				
Eastern Kentucky	588	273	46.4	315	53.6	Northern Mississippi	192	155	80.7	37	19.3				
Kansas	555	399	71.9	156	28.1	Western Louisiana	186	143	76.9	43	23.1				
Central California	537	350	65.2	187	34.8	North Dakota	182	180	98.9	2	1.1				
Western Michigan	514	251	48.8	263	51.2	Western Pennsylvania	179	103	57.5	76	42.5				
Eastern Tennessee	506	418	82.6	88	17.4	Middle Louisiana	170	78	45.9	92	54.1				
Maryland	497	409	82.3	88	17.7	Northern Alabama	159	147	92.5	12	7.5				
Northern Georgia	472	328	69.5	144	30.5	Colorado	157	157	100.0	0	0.0				
Western Tennessee	465	223	48.0	242	52.0	Southern West Virginia	156	142	91.0	14	9.0				
Northern Illinois	452	450	99.6	2	0.4	Arizona	154	154	100.0	0	0.0				
Eastern California	450	362	80.4	88	19.6	Maine	153	102	66.7	51	33.3				
Southern Alabama	426	279	65.5	147	34.5	South Dakota	152	117	77.0	35	23.0				
Southern Illinois	417	334	80.1	83	19.9	Alaska	140	103	73.6	37	26.4				
Middle North Carolina	403	270	67.0	133	33.0	Western Kentucky	139	133	95.7	6	4.3				
Southern New York	369	366	99.2	3	0.8	Western Oklahoma	131	131	100.0	0	0.0				
Middle Georgia	362	211	58.3	151	41.7	Middle Tennessee	125	87	69.6	38	30.4				
Northern Ohio	351	279	79.5	72	20.5	Western Wisconsin	118	117	99.2	1	0.8				
Western Arkansas	337	206	61.1	131	38.9	Oregon	114	113	99.1	1	0.9				
Southern Ohio	329	284	86.3	45	13.7	Rhode Island	103	55	53.4	48	46.6				
Utah	318	182	57.2	136	42.8	Middle Alabama	96	68	70.8	28	29.2				
Western Missouri	306	255	83.3	51	16.7	Eastern Washington	79	79	100.0	0	0.0				
Southern Indiana	304	208	68.4	96	31.6	District of Columbia	66	66	100.0	0	0.0				
Montana	303	216	71.3	87	28.7	Eastern Oklahoma	64	64	100.0	0	0.0				
Northern West Virginia	292	230	78.8	62	21.2	New Hampshire	61	32	52.5	29	47.5				
Eastern Michigan	290	225	77.6	65	22.4	Vermont	42	37	88.1	5	11.9				
Southern Mississippi	289	198	68.5	91	31.5	Virgin Islands	37	24	64.9	13	35.1				
Eastern Pennsylvania	287	286	99.7	1	0.3	Delaware	31	13	41.9	18	58.1				
Minnesota	287	182	63.4	105	36.6	Guam	19	19	100.0	0	0.0				
Southern California	283	283	100.0	0	0.0	Northern Mariana Islands	3	3	100.0	0	0.0				

Note: Some districts may not have reported all denials of motions seeking retroactive application of Amendment 782.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

**Table 2**

**DISTRIBUTION OF DRUG TYPE OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION  
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT<sup>1</sup>**



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<sup>1</sup> Of the 26,850 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, information on drug type was missing in 453 cases.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

**Table 3****APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT  
BY YEAR OF ORIGINAL SENTENCE<sup>1</sup>**

<b>Fiscal Year</b>	<b>Total</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Total</b>	<b>38,072</b>	<b>26,737</b>	<b>70.2</b>	<b>11,335</b>	<b>29.8</b>
2015	702	100	14.2	602	85.8
2014	5,085	3,402	66.9	1,683	33.1
2013	6,315	4,846	76.7	1,469	23.3
2012	5,269	4,081	77.5	1,188	22.5
2011	4,068	3,045	74.9	1,023	25.1
2010	3,122	2,101	67.3	1,021	32.7
2009	2,807	1,870	66.6	937	33.4
2008	2,257	1,527	67.7	730	32.3
2007	1,891	1,313	69.4	578	30.6
2006	1,415	997	70.5	418	29.5
2005	1,052	690	65.6	362	34.4
2004	787	532	67.6	255	32.4
2003	681	447	65.6	234	34.4
2002	408	263	64.5	145	35.5
2001	363	254	70.0	109	30.0
2000	311	205	65.9	106	34.1
1999	303	209	69.0	94	31.0
1998	225	159	70.7	66	29.3
1997	200	142	71.0	58	29.0
1996	174	120	69.0	54	31.0
1995	166	107	64.5	59	35.5
1994	147	93	63.3	54	36.7
1993	106	77	72.6	29	27.4
1992	100	73	73.0	27	27.0
1991	69	54	78.3	15	21.7
1990	37	22	59.5	15	40.5
1989	12	8	66.7	4	33.3

<sup>1</sup> Of the 38,242 cases reported to the Commission, 170 were excluded from this analysis because the case cannot be matched with an original case in the Commission's records.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

**Table 4****ORIGIN OF GRANTED MOTION FOR SENTENCE REDUCTION DUE TO  
RETROACTIVE APPLICATION OF DRUG GUIDELINES AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>	<b>Total</b>	<b>Defendant</b>		<b>Director BOP<sup>2</sup></b>		<b>Court</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>25,764</b>	<b>21,146</b>	<b>82.1</b>	<b>0</b>	<b>0.0</b>	<b>4,618</b>	<b>17.9</b>
D.C. CIRCUIT	62	62	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,195	1,104	92.4	0	0.0	91	7.6
SECOND CIRCUIT	970	787	81.1	0	0.0	183	18.9
THIRD CIRCUIT	523	511	97.7	0	0.0	12	2.3
FOURTH CIRCUIT	4,087	3,329	81.5	0	0.0	758	18.5
FIFTH CIRCUIT	5,310	3,675	69.2	0	0.0	1,635	30.8
SIXTH CIRCUIT	2,148	1,767	82.3	0	0.0	381	17.7
SEVENTH CIRCUIT	1,816	1,780	98.0	0	0.0	36	2.0
EIGHTH CIRCUIT	3,068	2,179	71.0	0	0.0	889	29.0
NINTH CIRCUIT	2,303	2,243	97.4	0	0.0	60	2.6
TENTH CIRCUIT	1,217	1,117	91.8	0	0.0	100	8.2
ELEVENTH CIRCUIT	3,065	2,592	84.6	0	0.0	473	15.4

<sup>1</sup> Of the 26,850 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,115 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin. Additionally, courts may cite multiple origins for a motion; consequently, the total number of origins cited generally exceeds the total number of cases. In this table, 25,764 origins were cited for the 25,735 cases.

<sup>2</sup> In 12 cases, documents provided to the Commission indicated that the Director of the Bureau of Prisons made the motion. Those cases appear to be clerical errors.

Table 5

**DEMOGRAPHIC CHARACTERISTICS OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION  
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT**

Race/Ethnicity	Total Granted <sup>1</sup>	Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Metham- phetamine		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
White	6,133	686	9.3	259	4.8	201	10.9	562	24.0	3,808	46.2	617	52.7
Black	8,868	2,465	33.3	4,663	87.3	747	40.5	443	18.9	216	2.6	334	28.5
Hispanic	10,647	4,180	56.4	378	7.1	882	47.8	1,259	53.7	3,845	46.6	103	8.8
Other	704	74	1.0	43	0.8	15	0.8	80	3.4	375	4.5	117	10.0
<b>Total</b>	<b>26,352</b>	<b>7,405</b>		<b>5,343</b>		<b>1,845</b>		<b>2,344</b>		<b>8,244</b>		<b>1,171</b>	
<b>Citizenship</b>													
U.S. Citizen	20,059	5,050	68.2	5,171	96.7	1,343	72.8	1,667	70.9	5,764	69.8	1,064	90.7
Non-Citizen	6,311	2,353	31.8	175	3.3	503	27.2	683	29.1	2,488	30.2	109	9.3
<b>Total</b>	<b>26,370</b>	<b>7,403</b>		<b>5,346</b>		<b>1,846</b>		<b>2,350</b>		<b>8,252</b>		<b>1,173</b>	
<b>Gender</b>													
Male	24,496	7,083	95.6	5,140	96.1	1,710	92.5	2,248	95.6	7,276	88.1	1,039	88.5
Female	1,898	329	4.4	209	3.9	138	7.5	104	4.4	983	11.9	135	11.5
<b>Total</b>	<b>26,394</b>	<b>7,412</b>		<b>5,349</b>		<b>1,848</b>		<b>2,352</b>		<b>8,259</b>		<b>1,174</b>	
<b>Average Age</b>													
	<b>35</b>	<b>36</b>		<b>32</b>		<b>35</b>		<b>36</b>		<b>35</b>		<b>37</b>	

<sup>1</sup> Of the 26,850 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 453 cases were excluded due to missing drug type information. Additional cases were excluded from each section of this table due to the following reasons: missing race information (45), missing citizenship information (27), missing gender information (3), and missing age information (7).

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

**Table 6**

**SELECTED SENTENCING FACTORS FOR OFFENDERS WHO WERE CONSIDERED FOR SENTENCE  
REDUCTION DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT<sup>1</sup>**

	<b>Total</b>		<b>Powder Cocaine</b>		<b>Crack Cocaine</b>		<b>Heroin</b>		<b>Marijuana</b>		<b>Methamphetamine</b>		<b>Other</b>	
	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
<b>Weapon</b>														
Weapon Specific Offense Characteristic	22.9	19.1	21.1	17.8	30.8	22.8	19.3	18.8	19.4	15.4	22.1	18.1	17.0	15.3
Firearms Mandatory Minimum Applied	10.6	11.2	10.7	10.0	15.2	15.5	6.7	7.1	8.9	10.3	9.0	9.0	9.4	11.8
<b>Safety Valve</b>	13.8	9.9	17.4	15.4	2.7	0.7	15.7	9.1	14.8	8.8	17.2	15.5	12.9	9.4
<b>Guideline Role Adjustments</b>														
Aggravating Role (USSG §3B1.1)	19.0	15.0	21.7	18.1	18.5	12.3	23.9	16.4	30.6	18.9	12.7	12.7	18.1	21.3
Mitigating Role (USSG §3B1.2)	3.8	4.3	3.4	4.3	1.3	1.8	4.3	4.4	4.3	5.9	5.8	6.1	2.9	4.7
Obstruction Adjustment (USSG §3C1.1)	6.0	5.4	6.1	5.3	7.4	5.9	4.2	5.2	9.1	6.4	4.8	4.2	3.9	7.8
<b>Sentence Relative to the Guideline Range</b>														
Within Range	63.9	47.7	66.9	50.8	65.9	53.8	65.5	42.3	68.9	57.7	58.5	39.3	61.1	31.7
Above Range	0.9	1.9	0.9	1.2	1.2	1.9	1.4	3.8	1.5	4.0	0.4	1.1	1.4	3.8
Below Range	35.2	50.4	32.2	48.0	32.9	44.3	33.1	53.9	29.6	38.3	41.2	59.6	37.6	64.5
<b>Criminal History Category</b>														
I	35.9	26.2	48.6	37.7	13.7	7.1	36.4	26.2	42.4	29.9	36.8	35.0	37.4	31.6
II	13.8	10.1	14.5	10.5	11.3	6.2	15.1	9.0	15.9	14.3	14.0	12.5	14.4	11.6
III	20.1	13.7	18.6	13.2	23.5	12.7	19.5	14.1	20.2	16.6	19.3	14.0	21.9	14.7
IV	12.4	8.3	9.1	6.8	19.2	9.1	11.7	6.0	9.9	8.8	11.8	8.9	12.4	9.1
V	7.6	5.9	4.1	3.6	13.4	7.7	7.8	6.0	6.0	6.1	7.7	5.6	5.7	6.0
VI	10.1	35.8	5.2	28.2	18.9	57.2	9.5	38.8	5.6	24.4	10.5	24.1	8.3	26.9

<sup>1</sup> Some cases were excluded from sections of this table due to missing information on the offense or sentencing factors reported.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 7

**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE  
APPLICATION OF DRUG GUIDELINES AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>		<b>Average Current Sentence in Months<sup>2</sup></b>	<b>Average New Sentence in Months<sup>2</sup></b>	<b>Average Decrease in Months From Current Sentence<sup>2</sup></b>	<b>Average Percent Decrease From Current Sentence</b>
District	<b>N</b>				
<b>TOTAL</b>	<b>26,068</b>	<b>139</b>	<b>115</b>	<b>24</b>	<b>17.3</b>
<b>D.C. CIRCUIT</b>	<b>48</b>	<b>123</b>	<b>106</b>	<b>17</b>	<b>13.6</b>
District of Columbia	48	123	106	17	13.6
<b>FIRST CIRCUIT</b>	<b>1,168</b>	<b>121</b>	<b>101</b>	<b>20</b>	<b>16.4</b>
Maine	101	123	102	21	17.6
Massachusetts	105	158	128	30	18.7
New Hampshire	32	132	112	20	16.4
Puerto Rico	885	116	98	19	16.1
Rhode Island	45	123	106	17	13.6
<b>SECOND CIRCUIT</b>	<b>915</b>	<b>133</b>	<b>111</b>	<b>22</b>	<b>16.2</b>
Connecticut	139	118	98	20	16.8
New York					
Eastern	94	170	141	30	16.9
Northern	119	108	88	20	18.7
Southern	357	143	120	23	14.9
Western	169	128	108	20	16.2
Vermont	37	110	92	17	16.1
<b>THIRD CIRCUIT</b>	<b>729</b>	<b>138</b>	<b>114</b>	<b>23</b>	<b>16.5</b>
Delaware	12	165	133	32	20.7
New Jersey	152	120	98	22	18.0
Pennsylvania					
Eastern	283	154	127	26	16.6
Middle	157	134	113	21	15.6
Western	103	120	102	18	14.9
Virgin Islands	22	151	126	26	16.8
<b>FOURTH CIRCUIT</b>	<b>4,072</b>	<b>151</b>	<b>125</b>	<b>26</b>	<b>17.2</b>
Maryland	405	127	105	22	16.8
North Carolina					
Eastern	596	146	121	25	17.3
Middle	269	136	113	24	16.5
Western	436	167	138	29	17.1
South Carolina	706	160	130	30	17.9
Virginia					
Eastern	780	171	143	29	16.3
Western	509	156	130	26	17.7
West Virginia					
Northern	230	114	94	20	17.3
Southern	141	117	96	21	18.4

**Table 7 (continued)**  
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE**  
**APPLICATION OF DRUG GUIDELINES AMENDMENT**

<b>CIRCUIT</b>		<b>Average Current Sentence in Months<sup>2</sup></b>	<b>Average New Sentence in Months<sup>2</sup></b>	<b>Average Decrease in Months From Current Sentence<sup>2</sup></b>	<b>Average Percent Decrease From Current Sentence</b>
District	<b>N</b>				
<b>FIFTH CIRCUIT</b>	<b>5,356</b>	<b>130</b>	<b>108</b>	<b>22</b>	<b>17.0</b>
Louisiana					
Eastern	176	140	118	22	15.8
Middle	76	140	116	25	17.2
Western	142	135	110	25	17.9
Mississippi					
Northern	155	126	100	26	20.9
Southern	197	125	103	21	17.1
Texas					
Eastern	833	134	110	25	18.6
Northern	790	142	117	25	17.5
Southern	1,335	130	109	21	15.6
Western	1,652	121	101	20	16.9
<b>SIXTH CIRCUIT</b>	<b>2,090</b>	<b>123</b>	<b>102</b>	<b>21</b>	<b>17.5</b>
Kentucky					
Eastern	272	121	102	19	16.0
Western	132	136	114	22	16.0
Michigan					
Eastern	224	135	111	23	17.4
Western	237	137	116	22	15.6
Ohio					
Northern	277	113	90	23	19.8
Southern	284	127	107	20	16.2
Tennessee					
Eastern	414	104	83	21	20.0
Middle	87	137	115	23	16.2
Western	163	133	112	21	16.1
<b>SEVENTH CIRCUIT</b>	<b>1,802</b>	<b>154</b>	<b>123</b>	<b>31</b>	<b>19.7</b>
Illinois					
Central	363	165	120	45	26.6
Northern	439	169	140	29	16.3
Southern	333	135	106	29	21.1
Indiana					
Northern	180	156	129	28	16.9
Southern	207	147	119	28	17.9
Wisconsin					
Eastern	171	133	111	22	16.4
Western	109	168	135	33	18.8
<b>EIGHTH CIRCUIT</b>	<b>3,025</b>	<b>142</b>	<b>117</b>	<b>26</b>	<b>18.0</b>
Arkansas					
Eastern	225	122	102	20	17.0
Western	203	110	91	19	17.3
Iowa					
Northern	489	162	129	33	21.5
Southern	412	169	138	31	18.3
Minnesota	181	140	116	24	17.5
Missouri					
Eastern	412	141	117	24	16.1
Western	253	120	99	20	17.1
Nebraska	554	138	115	23	16.7
North Dakota	179	134	107	27	21.2
South Dakota	117	150	124	26	17.7

**Table 7 (continued)**  
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE  
APPLICATION OF DRUG GUIDELINES AMENDMENT**

CIRCUIT		Average Current Sentence in Months <sup>2</sup>	Average New Sentence in Months <sup>2</sup>	Average Decrease in Months From Current Sentence <sup>2</sup>	Average Percent Decrease From Current Sentence
District	N				
<b>NINTH CIRCUIT</b>	<b>2,547</b>	<b>125</b>	<b>105</b>	<b>20</b>	<b>16.0</b>
Alaska	102	130	110	20	15.4
Arizona	150	87	73	14	15.7
California					
Central	346	131	111	20	15.2
Eastern	362	123	103	20	16.7
Northern	160	116	99	17	14.7
Southern	282	99	84	15	15.4
Guam	19	147	117	30	20.0
Hawaii	211	142	118	24	17.2
Idaho	250	142	119	23	16.9
Montana	212	155	129	26	16.9
Nevada	169	121	101	20	16.4
Northern Mariana Islands	3	107	86	21	19.9
Oregon	112	118	99	20	16.8
Washington					
Eastern	78	130	110	20	14.8
Western	91	116	99	17	13.1
<b>TENTH CIRCUIT</b>	<b>1,292</b>	<b>146</b>	<b>122</b>	<b>25</b>	<b>16.8</b>
Colorado	157	125	104	21	17.5
Kansas	398	157	130	27	17.0
New Mexico	118	109	91	18	16.3
Oklahoma					
Eastern	63	141	118	23	16.7
Northern	114	170	140	30	16.9
Western	92	159	132	26	16.1
Utah	182	134	113	22	15.9
Wyoming	168	159	132	26	17.5
<b>ELEVENTH CIRCUIT</b>	<b>3,024</b>	<b>152</b>	<b>125</b>	<b>27</b>	<b>17.5</b>
Alabama					
Middle	68	121	102	19	15.7
Northern	129	149	120	29	19.0
Southern	277	168	137	31	17.9
Florida					
Middle	624	128	105	23	17.5
Northern	354	206	170	36	17.1
Southern	764	151	126	25	16.2
Georgia					
Middle	210	112	88	24	21.9
Northern	324	165	136	29	17.4
Southern	274	150	123	28	17.8

<sup>1</sup> Of the 38,242 cases reported to the Commission, 170 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 11,335 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 26,737 cases, 669 cases in which the court granted the motion were excluded from this analysis because the offender was sentenced to time served but the resulting term of imprisonment could not be determined from the records received by the Commission.

<sup>2</sup> The average sentence lengths and the average decrease in months from the current sentence are rounded to the nearest whole number. Consequently, the average decrease in months from the current sentence may not equal the difference between the rounded average current sentence and the rounded average new sentence.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

**Table 8****REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF MOTION<sup>1</sup>**

<b>REASONS</b>	<b>N</b>	<b>%</b>
<b>Offense does not involve drugs</b>	<b>638</b>	<b>5.2</b>
Sentence is determined by a non-drug guideline	512	4.2
Case does not involve drugs	126	1.0
<b>Offender not eligible under §1B1.10</b>	<b>7,212</b>	<b>58.7</b>
Career Offender or Armed Career Criminal provisions control sentence	2,575	21.0
Statutory mandatory minimum controls sentence	2,160	17.6
Guideline range does not change	1,351	11.0
Already received Amendment 782 reduction	727	5.9
Defendant will be released before November 1, 2015	175	1.4
Original sentence has been served	143	1.2
Statutory maximum sentence is less than applicable guideline range	79	0.6
Base offense level is 43	2	0.0
<b>Denied on the merits</b>	<b>2,682</b>	<b>21.8</b>
Offender has already benefitted from departure or variance	1,416	11.5
Denial because of binding plea	457	3.7
18 U.S.C. § 3553(a) factors	373	3.0
Protection of the public	279	2.3
Post-sentencing or post-conviction conduct	157	1.3
<b>No reason provided/Other reason</b>	<b>1,753</b>	<b>14.3</b>
No reason provided	1,371	11.2
Other	382	3.1

<sup>1</sup> Courts may cite multiple reasons for denying a motion; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 12,285 reasons were cited in the 11,392 cases in which the court denied the motion for a sentence reduction pursuant to the retroactive application of Amendment 782.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.