

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



**January 2017**

## 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.usc.gov](http://www.usc.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 December 31, 2016, and for which court documentation was received, coded, and edited at the Commission by January 23, 2017.

**Table 1**

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

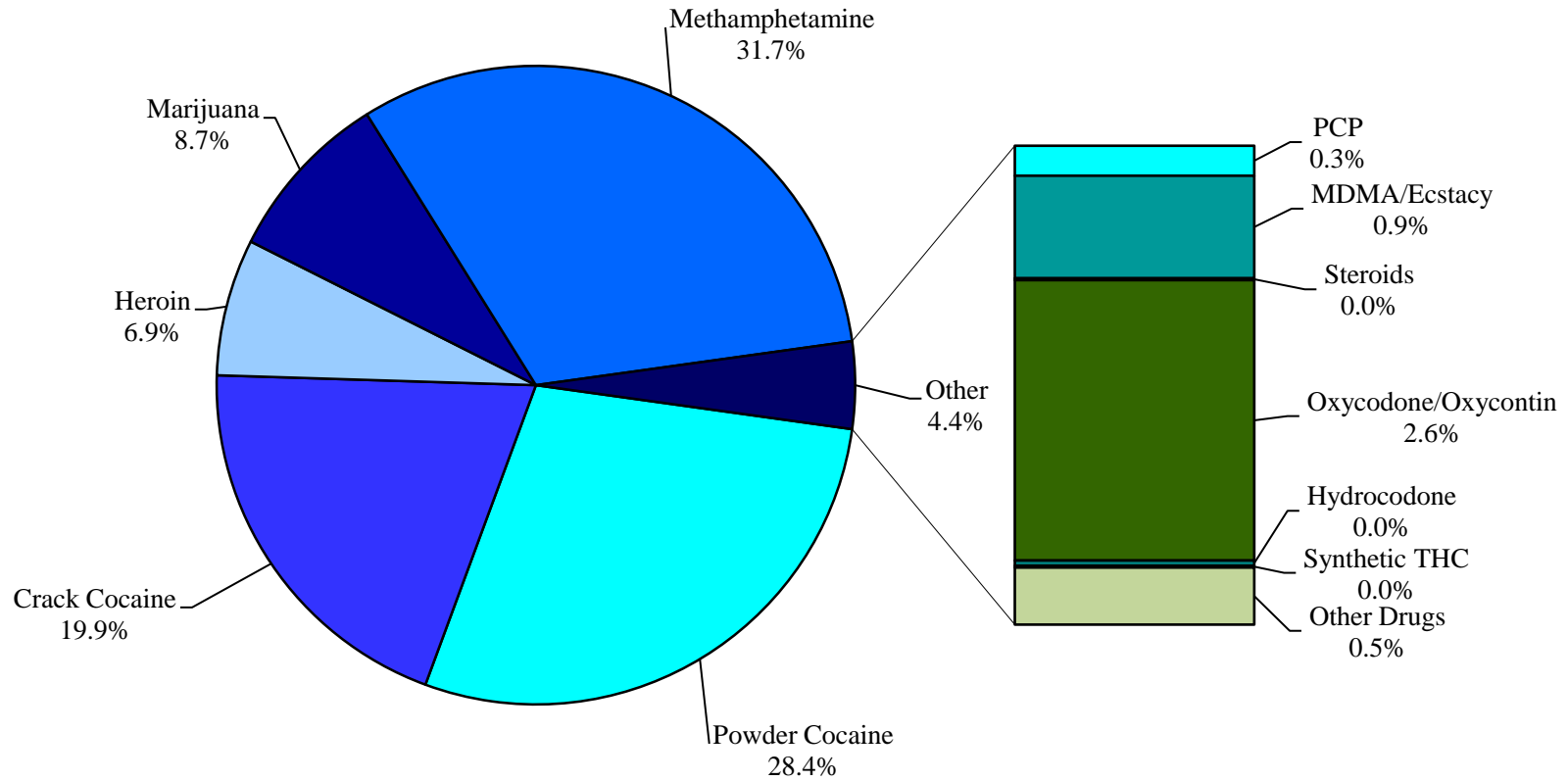
District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
<b>TOTAL</b>	<b>44,529</b>		<b>29,872</b>	<b>67.1</b>	<b>14,657</b>	<b>32.9</b>							
Southern Texas	2,896		1,435	49.6	1,461	50.4	Southern California	320		319	99.7	1	0.3
Western Texas	2,388		1,750	73.3	638	26.7	New Mexico	309		150	48.5	159	51.5
Northern Texas	1,847		1,108	60.0	739	40.0	Idaho	306		269	87.9	37	12.1
Puerto Rico	1,402		1,137	81.1	265	18.9	Eastern Pennsylvania	300		299	99.7	1	0.3
Middle Florida	1,361		767	56.4	594	43.6	Western Washington	294		140	47.6	154	52.4
Eastern Texas	1,164		1,007	86.5	157	13.5	Northern West Virginia	293		231	78.8	62	21.2
Northern Iowa	1,133		521	46.0	612	54.0	New Jersey	281		177	63.0	104	37.0
Eastern Virginia	1,125		874	77.7	251	22.3	Middle Pennsylvania	273		161	59.0	112	41.0
South Carolina	1,043		755	72.4	288	27.6	Arizona	264		237	89.8	27	10.2
Eastern North Carolina	1,029		709	68.9	320	31.1	Northern New York	253		162	64.0	91	36.0
Western North Carolina	1,003		542	54.0	461	46.0	Massachusetts	249		113	45.4	136	54.6
Southern Florida	951		819	86.1	132	13.9	Eastern New York	249		118	47.4	131	52.6
Southern Iowa	880		448	50.9	432	49.1	Eastern Wisconsin	240		178	74.2	62	25.8
Western Virginia	876		531	60.6	345	39.4	Hawaii	238		222	93.3	16	6.7
Nebraska	784		564	71.9	220	28.1	Eastern Arkansas	233		225	96.6	8	3.4
Eastern Tennessee	763		624	81.8	139	18.2	Western Louisiana	232		172	74.1	60	25.9
Northern Florida	755		399	52.8	356	47.2	Northern Indiana	232		193	83.2	39	16.8
Northern Georgia	733		443	60.4	290	39.6	Northern Alabama	232		199	85.8	33	14.2
Central Illinois	731		405	55.4	326	44.6	Connecticut	231		143	61.9	88	38.1
Southern Georgia	673		327	48.6	346	51.4	Nevada	223		182	81.6	41	18.4
Central California	655		388	59.2	267	40.8	Northern Oklahoma	222		130	58.6	92	41.4
Eastern Kentucky	646		288	44.6	358	55.4	Wyoming	215		213	99.1	2	0.9
Middle North Carolina	638		340	53.3	298	46.7	Western Pennsylvania	205		116	56.6	89	43.4
Eastern Missouri	632		418	66.1	214	33.9	Northern Mississippi	193		156	80.8	37	19.2
Maryland	617		462	74.9	155	25.1	North Dakota	190		187	98.4	3	1.6
Kansas	570		403	70.7	167	29.3	Middle Louisiana	184		82	44.6	102	55.4
Western Michigan	567		274	48.3	293	51.7	Southern West Virginia	165		151	91.5	14	8.5
Eastern California	560		401	71.6	159	28.4	Middle Tennessee	162		99	61.1	63	38.9
Southern Illinois	521		393	75.4	128	24.6	Western Oklahoma	160		160	100.0	0	0.0
Western Tennessee	501		233	46.5	268	53.5	Alaska	159		118	74.2	41	25.8
Northern Illinois	485		483	99.6	2	0.4	Colorado	158		158	100.0	0	0.0
Western Missouri	468		321	68.6	147	31.4	Maine	155		103	66.5	52	33.5
Southern Alabama	446		290	65.0	156	35.0	South Dakota	152		117	77.0	35	23.0
Southern New York	438		432	98.6	6	1.4	Western Kentucky	144		136	94.4	8	5.6
Southern Indiana	423		269	63.6	154	36.4	Middle Alabama	141		95	67.4	46	32.6
Middle Georgia	376		213	56.6	163	43.4	Western Wisconsin	118		117	99.2	1	0.8
Eastern Michigan	372		266	71.5	106	28.5	Oregon	116		115	99.1	1	0.9
Western Arkansas	359		216	60.2	143	39.8	Rhode Island	110		55	50.0	55	50.0
Minnesota	358		231	64.5	127	35.5	Eastern Washington	99		99	100.0	0	0.0
Northern Ohio	354		280	79.1	74	20.9	Eastern Oklahoma	80		80	100.0	0	0.0
Southern Ohio	352		295	83.8	57	16.2	District of Columbia	75		75	100.0	0	0.0
Utah	348		188	54.0	160	46.0	New Hampshire	61		32	52.5	29	47.5
Southern Mississippi	347		230	66.3	117	33.7	Vermont	44		39	88.6	5	11.4
Northern California	330		182	55.2	148	44.8	Virgin Islands	39		26	66.7	13	33.3
Montana	327		232	70.9	95	29.1	Delaware	37		18	48.6	19	51.4
Eastern Louisiana	322		185	57.5	137	42.5	Guam	21		21	100.0	0	0.0
Western New York	320		203	63.4	117	36.6	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 29,872 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 501 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>44,343</b>	<b>29,736</b>	<b>67.1</b>	<b>14,607</b>	<b>32.9</b>
2016	193	2	1.0	191	99.0
2015	1,114	124	11.1	990	88.9
2014	6,077	3,939	64.8	2,138	35.2
2013	7,264	5,412	74.5	1,852	25.5
2012	6,038	4,513	74.7	1,525	25.3
2011	4,615	3,330	72.2	1,285	27.8
2010	3,591	2,335	65.0	1,256	35.0
2009	3,215	2,065	64.2	1,150	35.8
2008	2,542	1,687	66.4	855	33.6
2007	2,151	1,439	66.9	712	33.1
2006	1,608	1,088	67.7	520	32.3
2005	1,208	760	62.9	448	37.1
2004	914	597	65.3	317	34.7
2003	777	485	62.4	292	37.6
2002	477	297	62.3	180	37.7
2001	418	273	65.3	145	34.7
2000	360	223	61.9	137	38.1
1999	343	225	65.6	118	34.4
1998	261	173	66.3	88	33.7
1997	225	150	66.7	75	33.3
1996	205	133	64.9	72	35.1
1995	194	119	61.3	75	38.7
1994	171	106	62.0	65	38.0
1993	121	84	69.4	37	30.6
1992	118	84	71.2	34	28.8
1991	79	59	74.7	20	25.3
1990	51	25	49.0	26	51.0
1989	13	9	69.2	4	30.8

<sup>1</sup> Of the 44,529 cases reported to the Commission, 186 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>28,741</b>	<b>23,855</b>	<b>83.0</b>	<b>0</b>	<b>0.0</b>	<b>4,886</b>	<b>17.0</b>
D.C. CIRCUIT	71	71	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,435	1,344	93.7	0	0.0	91	6.3
SECOND CIRCUIT	1,081	893	82.6	0	0.0	188	17.4
THIRD CIRCUIT	575	562	97.7	0	0.0	13	2.3
FOURTH CIRCUIT	4,452	3,659	82.2	0	0.0	793	17.8
FIFTH CIRCUIT	6,043	4,347	71.9	0	0.0	1,696	28.1
SIXTH CIRCUIT	2,465	2,068	83.9	0	0.0	397	16.1
SEVENTH CIRCUIT	2,017	1,978	98.1	0	0.0	39	1.9
EIGHTH CIRCUIT	3,219	2,323	72.2	0	0.0	896	27.8
NINTH CIRCUIT	2,606	2,529	97.0	0	0.0	77	3.0
TENTH CIRCUIT	1,310	1,202	91.8	0	0.0	108	8.2
ELEVENTH CIRCUIT	3,467	2,879	83.0	0	0.0	588	17.0

<sup>1</sup> Of the 29,872 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,174 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, 28,741 origins were cited for the 28,698 cases.

<sup>2</sup> In 13 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	6,816	762	9.1	275	4.7	214	10.5	600	23.6	4,285	46.1	680	52.8
Black	9,720	2,723	32.6	5,077	87.1	817	40.2	491	19.3	245	2.6	367	28.5
Hispanic	12,019	4,776	57.3	424	7.3	985	48.5	1,371	53.9	4,348	46.8	115	8.9
Other	765	79	0.9	51	0.9	16	0.8	83	3.3	409	4.4	127	9.9
<b>Total</b>	<b>29,320</b>	<b>8,340</b>		<b>5,827</b>		<b>2,032</b>		<b>2,545</b>		<b>9,287</b>		<b>1,289</b>	
<b>Citizenship</b>													
U.S. Citizen	22,288	5,678	68.1	5,640	96.7	1,478	72.7	1,806	70.8	6,517	70.1	1,169	90.5
Non-Citizen	7,050	2,659	31.9	192	3.3	556	27.3	746	29.2	2,775	29.9	122	9.5
<b>Total</b>	<b>29,338</b>	<b>8,337</b>		<b>5,832</b>		<b>2,034</b>		<b>2,552</b>		<b>9,292</b>		<b>1,291</b>	
<b>Gender</b>													
Male	27,244	7,984	95.6	5,610	96.1	1,886	92.6	2,442	95.6	8,184	88.0	1,138	88.1
Female	2,124	364	4.4	225	3.9	150	7.4	112	4.4	1,119	12.0	154	11.9
<b>Total</b>	<b>29,368</b>	<b>8,348</b>		<b>5,835</b>		<b>2,036</b>		<b>2,554</b>		<b>9,303</b>		<b>1,292</b>	
<b>Average Age</b>													
	<b>35</b>	<b>36</b>		<b>32</b>		<b>36</b>		<b>36</b>		<b>35</b>		<b>37</b>	

<sup>1</sup> Of the 29,872 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 501 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 (51), missing citizenship information (33), missing gender information (3), and missing age information (8).

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	23.4	19.8	21.7	18.4	31.4	23.4	19.8	18.8	19.9	15.3	22.4	19.5	17.1	16.1
Firearms Mandatory Minimum Applied	10.9	11.3	11.1	10.1	15.9	16.0	7.0	7.6	9.2	10.5	9.1	8.7	9.7	11.2
<b>Safety Valve</b>	13.2	10.4	16.5	15.8	2.6	0.7	15.2	10.5	14.3	9.2	16.4	15.8	12.4	9.6
<b>Guideline Role Adjustments</b>														
Aggravating Role (USSG §3B1.1)	19.7	15.7	22.6	18.6	19.2	12.7	24.8	17.0	31.2	19.8	13.3	13.4	19.0	22.8
Mitigating Role (USSG §3B1.2)	3.8	4.3	3.4	4.4	1.3	1.7	4.4	4.5	4.2	6.0	5.6	6.3	2.7	4.3
Obstruction Adjustment (USSG §3C1.1)	6.1	5.1	6.2	4.6	7.4	6.0	4.1	4.4	9.4	6.6	4.9	4.0	4.6	7.2
<b>Sentence Relative to the Guideline Range</b>														
Within Range	64.0	48.6	67.3	52.4	65.6	54.8	66.2	41.7	68.6	59.6	58.6	39.3	60.4	32.8
Above Range	1.0	2.0	1.0	1.4	1.2	2.1	1.7	4.0	1.6	4.0	0.4	1.2	1.3	3.5
Below Range	35.1	49.4	31.7	46.2	33.2	43.1	32.1	54.4	29.8	36.4	40.9	59.5	38.3	63.7
<b>Criminal History Category</b>														
I	35.9	27.9	48.5	41.1	13.8	7.3	36.5	27.6	42.3	30.6	36.3	35.7	37.2	31.8
II	13.8	10.1	14.5	10.2	11.4	6.1	14.9	9.4	16.1	14.3	13.9	12.4	14.3	11.4
III	20.0	13.6	18.4	12.7	23.3	13.0	19.7	13.6	19.9	16.9	19.4	13.7	22.0	15.3
IV	12.3	8.3	9.3	6.3	18.8	9.2	11.7	6.9	10.2	8.9	11.7	9.0	12.0	8.9
V	7.6	5.7	4.0	3.7	13.3	7.3	7.9	6.1	5.9	5.6	7.8	5.5	6.1	6.4
VI	10.4	34.4	5.3	26.0	19.5	57.0	9.3	36.4	5.7	23.8	10.9	23.6	8.4	26.2

<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>29,019</b>	<b>143</b>	<b>118</b>	<b>25</b>	<b>17.2</b>
<b>D.C. CIRCUIT</b>	<b>57</b>	<b>138</b>	<b>118</b>	<b>20</b>	<b>13.8</b>
District of Columbia	57	138	118	20	13.8
<b>FIRST CIRCUIT</b>	<b>1,402</b>	<b>125</b>	<b>105</b>	<b>21</b>	<b>16.3</b>
Maine	102	123	102	21	17.4
Massachusetts	112	160	130	30	18.5
New Hampshire	32	132	112	20	16.4
Puerto Rico	1,111	122	102	20	16.0
Rhode Island	45	123	106	17	13.6
<b>SECOND CIRCUIT</b>	<b>1,026</b>	<b>138</b>	<b>115</b>	<b>22</b>	<b>15.9</b>
Connecticut	142	119	99	20	16.7
New York					
Eastern	108	174	144	30	16.8
Northern	121	109	88	20	18.7
Southern	422	149	126	24	14.7
Western	194	130	110	20	15.4
Vermont	39	115	97	18	15.9
<b>THIRD CIRCUIT</b>	<b>789</b>	<b>143</b>	<b>119</b>	<b>24</b>	<b>16.4</b>
Delaware	17	178	145	34	19.4
New Jersey	175	128	106	23	17.6
Pennsylvania					
Eastern	296	157	130	27	16.5
Middle	161	138	116	22	15.6
Western	116	132	112	20	14.8
Virgin Islands	24	146	121	25	17.0
<b>FOURTH CIRCUIT</b>	<b>4,429</b>	<b>158</b>	<b>130</b>	<b>27</b>	<b>17.1</b>
Maryland	458	140	115	25	17.2
North Carolina					
Eastern	702	166	138	28	17.2
Middle	339	147	122	24	16.1
Western	481	172	144	29	16.8
South Carolina	720	161	131	30	17.9
Virginia					
Eastern	831	172	143	29	16.4
Western	517	157	131	26	17.6
West Virginia					
Northern	231	113	94	20	17.3
Southern	150	122	100	22	18.3

**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>6,074</b>	<b>138</b>	<b>114</b>	<b>24</b>	<b>17.0</b>
Louisiana					
Eastern	185	142	119	22	15.6
Middle	80	148	122	26	17.1
Western	170	142	116	26	18.1
Mississippi					
Northern	156	125	100	26	20.8
Southern	228	140	115	25	17.5
Texas					
Eastern	990	144	118	26	18.2
Northern	1,093	166	137	29	17.3
Southern	1,430	131	110	21	15.5
Western	1,742	122	102	21	16.9
<b>SIXTH CIRCUIT</b>	<b>2,407</b>	<b>126</b>	<b>103</b>	<b>22</b>	<b>17.8</b>
Kentucky					
Eastern	287	120	102	19	16.0
Western	135	135	113	22	16.0
Michigan					
Eastern	265	140	116	24	17.3
Western	259	143	121	22	15.6
Ohio					
Northern	278	113	90	23	19.8
Southern	294	127	107	20	16.2
Tennessee					
Eastern	617	112	88	24	20.7
Middle	99	149	124	25	16.5
Western	173	136	114	22	16.2
<b>SEVENTH CIRCUIT</b>	<b>1,997</b>	<b>160</b>	<b>127</b>	<b>33</b>	<b>19.6</b>
Illinois					
Central	391	167	121	46	26.5
Northern	472	175	145	30	16.3
Southern	392	141	111	30	20.8
Indiana					
Northern	190	158	130	28	17.0
Southern	268	163	132	31	18.3
Wisconsin					
Eastern	175	134	112	22	16.4
Western	109	168	135	33	18.8
<b>EIGHTH CIRCUIT</b>	<b>3,171</b>	<b>144</b>	<b>118</b>	<b>26</b>	<b>18.0</b>
Arkansas					
Eastern	225	122	102	20	17.0
Western	213	112	92	19	17.4
Iowa					
Northern	490	162	129	33	21.5
Southern	418	170	139	31	18.3
Minnesota	230	156	130	26	17.1
Missouri					
Eastern	416	141	118	24	16.2
Western	312	119	99	20	17.0
Nebraska	564	139	116	23	16.8
North Dakota	186	137	110	27	21.1
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>2,858</b>	<b>127</b>	<b>107</b>	<b>20</b>	<b>15.9</b>
Alaska	117	133	113	20	15.1
Arizona	231	101	86	15	15.0
California					
Central	383	130	110	20	15.1
Eastern	401	129	108	21	16.5
Northern	182	122	104	18	14.7
Southern	318	101	85	16	15.5
Guam	21	166	130	36	20.7
Hawaii	221	146	121	25	17.0
Idaho	267	143	119	24	17.1
Montana	228	157	130	27	17.0
Nevada	179	123	103	20	16.3
Northern Mariana Islands	3	107	86	21	19.9
Oregon	114	121	100	20	16.9
Washington					
Eastern	97	133	114	19	14.7
Western	96	117	100	17	13.0
<b>TENTH CIRCUIT</b>	<b>1,384</b>	<b>148</b>	<b>123</b>	<b>25</b>	<b>16.8</b>
Colorado	158	125	104	21	17.5
Kansas	402	157	130	27	17.0
New Mexico	150	125	105	20	16.0
Oklahoma					
Eastern	79	157	132	25	16.2
Northern	115	169	140	30	16.9
Western	120	163	136	27	15.9
Utah	188	134	112	22	16.0
Wyoming	172	160	132	28	18.1
<b>ELEVENTH CIRCUIT</b>	<b>3,425</b>	<b>156</b>	<b>129</b>	<b>27</b>	<b>17.3</b>
Alabama					
Middle	95	142	120	22	15.6
Northern	179	138	112	26	18.4
Southern	288	171	139	32	18.2
Florida					
Middle	762	135	111	24	17.5
Northern	373	206	170	36	17.1
Southern	803	153	128	25	16.0
Georgia					
Middle	212	113	88	24	22.1
Northern	439	179	149	30	16.4
Southern	274	150	123	28	17.8

<sup>1</sup> Of the 44,529 cases reported to the Commission, 186 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 14,607 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 29,736 cases, 717 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.

**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>822</b>	<b>5.2</b>
Sentence is determined by a non-drug guideline	637	4.0
Case does not involve drugs	185	1.2
<b>Offender not eligible under §1B1.10</b>	<b>9,318</b>	<b>58.8</b>
Career Offender or Armed Career Criminal provisions control sentence	3,169	20.0
Statutory mandatory minimum controls sentence	2,648	16.7
Guideline range does not change	1,868	11.8
Already received Amendment 782 reduction	1,157	7.3
Original sentence has been served	204	1.3
Defendant will be released before November 1, 2015	179	1.1
Statutory maximum sentence is less than applicable guideline range	91	0.6
Base offense level is 43	2	0.0
<b>Denied on the merits</b>	<b>3,410</b>	<b>21.4</b>
Offender has already benefitted from departure or variance	1,734	10.9
Denial because of binding plea	609	3.8
18 U.S.C. § 3553(a) factors	459	2.9
Protection of the public	369	2.3
Post-sentencing or post-conviction conduct	239	1.5
<b>No reason provided/Other reason</b>	<b>2,331</b>	<b>14.6</b>
No reason provided	1,850	11.6
Other	481	3.0

<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, 15,881 reasons were cited in the 14,657 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.