

**Table 62**

**TYPE OF RESENTENCING OR OTHER MODIFICATION OF SENTENCE  
BY EACH CIRCUIT AND DISTRICT<sup>1</sup>  
Fiscal Year 2009**

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582 (c)(1)		Retroactive Amendment Modification 18 U.S.C. § 3582 (c)(2)		Unknown Type Of Resentencing	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>7,420</b>	<b>2,098</b>	<b>28.3</b>	<b>329</b>	<b>4.4</b>	<b>861</b>	<b>11.6</b>	<b>5</b>	<b>0.1</b>	<b>153</b>	<b>2.1</b>	<b>12</b>	<b>0.2</b>	<b>3,790</b>	<b>51.1</b>	<b>172</b>	<b>2.3</b>
<b>D.C. CIRCUIT</b>	<b>78</b>	<b>3</b>	<b>3.8</b>	<b>3</b>	<b>3.8</b>	<b>22</b>	<b>28.2</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>48</b>	<b>61.5</b>	<b>2</b>	<b>2.6</b>
District of Columbia	78	3	3.8	3	3.8	22	28.2	0	0.0	0	0.0	0	0.0	48	61.5	2	2.6
<b>FIRST CIRCUIT</b>	<b>154</b>	<b>26</b>	<b>16.9</b>	<b>5</b>	<b>3.2</b>	<b>42</b>	<b>27.3</b>	<b>0</b>	<b>0.0</b>	<b>5</b>	<b>3.2</b>	<b>0</b>	<b>0.0</b>	<b>71</b>	<b>46.1</b>	<b>5</b>	<b>3.2</b>
Maine	17	7	41.2	1	5.9	6	35.3	0	0.0	2	11.8	0	0.0	1	5.9	0	0.0
Massachusetts	49	6	12.2	3	6.1	5	10.2	0	0.0	2	4.1	0	0.0	29	59.2	4	8.2
New Hampshire	9	2	22.2	1	11.1	4	44.4	0	0.0	0	0.0	0	0.0	2	22.2	0	0.0
Puerto Rico	55	8	14.5	0	0.0	21	38.2	0	0.0	1	1.8	0	0.0	24	43.6	1	1.8
Rhode Island	24	3	12.5	0	0.0	6	25.0	0	0.0	0	0.0	0	0.0	15	62.5	0	0.0
<b>SECOND CIRCUIT</b>	<b>372</b>	<b>43</b>	<b>11.6</b>	<b>33</b>	<b>8.9</b>	<b>102</b>	<b>27.4</b>	<b>0</b>	<b>0.0</b>	<b>26</b>	<b>7.0</b>	<b>2</b>	<b>0.5</b>	<b>150</b>	<b>40.3</b>	<b>16</b>	<b>4.3</b>
Connecticut	44	1	2.3	0	0.0	12	27.3	0	0.0	1	2.3	0	0.0	27	61.4	3	6.8
New York																	
Eastern	98	11	11.2	9	9.2	33	33.7	0	0.0	2	2.0	1	1.0	32	32.7	10	10.2
Northern	24	4	16.7	0	0.0	4	16.7	0	0.0	13	54.2	0	0.0	3	12.5	0	0.0
Southern	131	20	15.3	22	16.8	32	24.4	0	0.0	4	3.1	1	0.8	49	37.4	3	2.3
Western	66	5	7.6	2	3.0	14	21.2	0	0.0	6	9.1	0	0.0	39	59.1	0	0.0
Vermont	9	2	22.2	0	0.0	7	77.8	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>275</b>	<b>76</b>	<b>27.6</b>	<b>10</b>	<b>3.6</b>	<b>42</b>	<b>15.3</b>	<b>0</b>	<b>0.0</b>	<b>10</b>	<b>3.6</b>	<b>0</b>	<b>0.0</b>	<b>130</b>	<b>47.3</b>	<b>7</b>	<b>2.5</b>
Delaware	16	0	0.0	1	6.3	8	50.0	0	0.0	0	0.0	0	0.0	7	43.8	0	0.0
New Jersey	56	11	19.6	6	10.7	5	8.9	0	0.0	1	1.8	0	0.0	32	57.1	1	1.8
Pennsylvania																	
Eastern	57	10	17.5	2	3.5	15	26.3	0	0.0	4	7.0	0	0.0	24	42.1	2	3.5
Middle	64	24	37.5	0	0.0	5	7.8	0	0.0	0	0.0	0	0.0	35	54.7	0	0.0
Western	77	31	40.3	1	1.3	7	9.1	0	0.0	3	3.9	0	0.0	31	40.3	4	5.2
Virgin Islands	5	0	0.0	0	0.0	2	40.0	0	0.0	2	40.0	0	0.0	1	20.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>2,181</b>	<b>574</b>	<b>26.3</b>	<b>42</b>	<b>1.9</b>	<b>76</b>	<b>3.5</b>	<b>3</b>	<b>0.1</b>	<b>23</b>	<b>1.1</b>	<b>2</b>	<b>0.1</b>	<b>1,445</b>	<b>66.3</b>	<b>16</b>	<b>0.7</b>
Maryland	177	11	6.2	2	1.1	9	5.1	0	0.0	3	1.7	0	0.0	146	82.5	6	3.4
North Carolina																	
Eastern	351	36	10.3	9	2.6	13	3.7	1	0.3	0	0.0	0	0.0	291	82.9	1	0.3
Middle	78	6	7.7	0	0.0	7	9.0	0	0.0	2	2.6	0	0.0	63	80.8	0	0.0
Western	297	21	7.1	3	1.0	11	3.7	0	0.0	7	2.4	1	0.3	250	84.2	4	1.3
South Carolina	321	172	53.6	6	1.9	12	3.7	2	0.6	3	0.9	0	0.0	122	38.0	4	1.2
Virginia																	
Eastern	572	266	46.5	1	0.2	9	1.6	0	0.0	3	0.5	1	0.2	292	51.0	0	0.0
Western	88	45	51.1	15	17.0	9	10.2	0	0.0	2	2.3	0	0.0	16	18.2	1	1.1
West Virginia																	
Northern	214	8	3.7	6	2.8	5	2.3	0	0.0	2	0.9	0	0.0	193	90.2	0	0.0
Southern	83	9	10.8	0	0.0	1	1.2	0	0.0	1	1.2	0	0.0	72	86.7	0	0.0

**Table 62 (cont.)**

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582 (c)(1)		Retroactive Amendment Modification 18 U.S.C. § 3582 (c)(2)		Unknown Type Of Resentencing	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>712</b>	<b>146</b>	<b>20.5</b>	<b>16</b>	<b>2.2</b>	<b>97</b>	<b>13.6</b>	<b>1</b>	<b>0.1</b>	<b>12</b>	<b>1.7</b>	<b>0</b>	<b>0.0</b>	<b>412</b>	<b>57.9</b>	<b>28</b>	<b>3.9</b>
Louisiana																	
Eastern	25	1	4.0	1	4.0	2	8.0	0	0.0	0	0.0	0	0.0	21	84.0	0	0.0
Middle	32	1	3.1	0	0.0	2	6.3	0	0.0	0	0.0	0	0.0	29	90.6	0	0.0
Western	80	9	11.3	2	2.5	7	8.8	0	0.0	2	2.5	0	0.0	59	73.8	1	1.3
Mississippi																	
Northern	91	2	2.2	1	1.1	0	0.0	0	0.0	1	1.1	0	0.0	87	95.6	0	0.0
Southern	25	0	0.0	2	8.0	4	16.0	0	0.0	0	0.0	0	0.0	19	76.0	0	0.0
Texas																	
Eastern	163	43	26.4	2	1.2	9	5.5	0	0.0	0	0.0	0	0.0	105	64.4	4	2.5
Northern	69	4	5.8	6	8.7	15	21.7	0	0.0	4	5.8	0	0.0	36	52.2	4	5.8
Southern	106	47	44.3	1	0.9	30	28.3	1	0.9	3	2.8	0	0.0	19	17.9	5	4.7
Western	121	39	32.2	1	0.8	28	23.1	0	0.0	2	1.7	0	0.0	37	30.6	14	11.6
<b>SIXTH CIRCUIT</b>	<b>679</b>	<b>130</b>	<b>19.1</b>	<b>26</b>	<b>3.8</b>	<b>76</b>	<b>11.2</b>	<b>0</b>	<b>0.0</b>	<b>11</b>	<b>1.6</b>	<b>1</b>	<b>0.1</b>	<b>420</b>	<b>61.9</b>	<b>15</b>	<b>2.2</b>
Kentucky																	
Eastern	39	11	28.2	4	10.3	11	28.2	0	0.0	0	0.0	0	0.0	9	23.1	4	10.3
Western	37	2	5.4	0	0.0	1	2.7	0	0.0	0	0.0	0	0.0	33	89.2	1	2.7
Michigan																	
Eastern	126	29	23.0	3	2.4	9	7.1	0	0.0	2	1.6	0	0.0	79	62.7	4	3.2
Western	93	19	20.4	4	4.3	16	17.2	0	0.0	3	3.2	0	0.0	50	53.8	1	1.1
Ohio																	
Northern	145	14	9.7	2	1.4	17	11.7	0	0.0	3	2.1	1	0.7	108	74.5	0	0.0
Southern	72	15	20.8	2	2.8	4	5.6	0	0.0	1	1.4	0	0.0	47	65.3	3	4.2
Tennessee																	
Eastern	71	17	23.9	0	0.0	7	9.9	0	0.0	2	2.8	0	0.0	45	63.4	0	0.0
Middle	24	4	16.7	0	0.0	4	16.7	0	0.0	0	0.0	0	0.0	16	66.7	0	0.0
Western	72	19	26.4	11	15.3	7	9.7	0	0.0	0	0.0	0	0.0	33	45.8	2	2.8
<b>SEVENTH CIRCUIT</b>	<b>638</b>	<b>272</b>	<b>42.6</b>	<b>17</b>	<b>2.7</b>	<b>58</b>	<b>9.1</b>	<b>0</b>	<b>0.0</b>	<b>7</b>	<b>1.1</b>	<b>1</b>	<b>0.2</b>	<b>270</b>	<b>42.3</b>	<b>13</b>	<b>2.0</b>
Illinois																	
Central	104	59	56.7	0	0.0	1	1.0	0	0.0	3	2.9	0	0.0	36	34.6	5	4.8
Northern	120	9	7.5	6	5.0	10	8.3	0	0.0	3	2.5	0	0.0	86	71.7	6	5.0
Southern	222	148	66.7	2	0.9	8	3.6	0	0.0	0	0.0	1	0.5	63	28.4	0	0.0
Indiana																	
Northern	21	3	14.3	0	0.0	6	28.6	0	0.0	1	4.8	0	0.0	11	52.4	0	0.0
Southern	34	4	11.8	2	5.9	7	20.6	0	0.0	0	0.0	0	0.0	21	61.8	0	0.0
Wisconsin																	
Eastern	64	34	53.1	6	9.4	7	10.9	0	0.0	0	0.0	0	0.0	15	23.4	2	3.1
Western	73	15	20.5	1	1.4	19	26.0	0	0.0	0	0.0	0	0.0	38	52.1	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>720</b>	<b>279</b>	<b>38.8</b>	<b>31</b>	<b>4.3</b>	<b>90</b>	<b>12.5</b>	<b>0</b>	<b>0.0</b>	<b>5</b>	<b>0.7</b>	<b>0</b>	<b>0.0</b>	<b>299</b>	<b>41.5</b>	<b>16</b>	<b>2.2</b>
Arkansas																	
Eastern	65	46	70.8	2	3.1	6	9.2	0	0.0	1	1.5	0	0.0	9	13.8	1	1.5
Western	11	2	18.2	2	18.2	3	27.3	0	0.0	0	0.0	0	0.0	3	27.3	1	9.1
Iowa																	
Northern	83	20	24.1	1	1.2	13	15.7	0	0.0	1	1.2	0	0.0	48	57.8	0	0.0
Southern	29	3	10.3	2	6.9	7	24.1	0	0.0	1	3.4	0	0.0	15	51.7	1	3.4
Minnesota	92	4	4.3	20	21.7	13	14.1	0	0.0	0	0.0	0	0.0	50	54.3	5	5.4
Missouri																	
Eastern	52	2	3.8	0	0.0	14	26.9	0	0.0	0	0.0	0	0.0	35	67.3	1	1.9
Western	140	10	7.1	1	0.7	21	15.0	0	0.0	1	0.7	0	0.0	107	76.4	0	0.0
Nebraska	178	134	75.3	1	0.6	6	3.4	0	0.0	0	0.0	0	0.0	32	18.0	5	2.8
North Dakota	3	1	33.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	2	66.7
South Dakota	67	57	85.1	2	3.0	7	10.4	0	0.0	1	1.5	0	0.0	0	0.0	0	0.0

**Table 62 (cont.)**

CIRCUIT	Total	Substantial Assistance Federal R.Crim.P. 35(b)		Restitution Order Modification 18 U.S.C. § 3664		Remand By Circuit Court 18 U.S.C. § 3742(f)(1)/(2)		District Court Motion 18 U.S.C. § 3559(c)(7)		District Court Motion 28 U.S.C. § 2255		Compelling Reasons Modification 18 U.S.C. § 3582 (c)(1)		Retroactive Amendment Modification 18 U.S.C. § 3582 (c)(2)		Unknown Type Of Resentencing	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>387</b>	<b>47</b>	<b>12.1</b>	<b>83</b>	<b>21.4</b>	<b>140</b>	<b>36.2</b>	<b>0</b>	<b>0.0</b>	<b>13</b>	<b>3.4</b>	<b>3</b>	<b>0.8</b>	<b>83</b>	<b>21.4</b>	<b>18</b>	<b>4.7</b>
Alaska	22	1	4.5	3	13.6	2	9.1	0	0.0	0	0.0	0	0.0	14	63.6	2	9.1
Arizona	11	3	27.3	0	0.0	8	72.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
California																	
Central	51	1	2.0	1	2.0	28	54.9	0	0.0	1	2.0	0	0.0	18	35.3	2	3.9
Eastern	29	4	13.8	4	13.8	10	34.5	0	0.0	1	3.4	0	0.0	9	31.0	1	3.4
Northern	21	1	4.8	5	23.8	1	4.8	0	0.0	0	0.0	0	0.0	13	61.9	1	4.8
Southern	75	11	14.7	16	21.3	36	48.0	0	0.0	2	2.7	2	2.7	4	5.3	4	5.3
Guam	2	0	0.0	1	50.0	1	50.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	6	0	0.0	0	0.0	5	83.3	0	0.0	0	0.0	0	0.0	1	16.7	0	0.0
Idaho	10	3	30.0	0	0.0	7	70.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Montana	24	7	29.2	0	0.0	13	54.2	0	0.0	4	16.7	0	0.0	0	0.0	0	0.0
Nevada	28	2	7.1	0	0.0	6	21.4	0	0.0	1	3.6	0	0.0	19	67.9	0	0.0
Northern Mariana Islands	0	0	--	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Oregon	57	9	15.8	31	54.4	9	15.8	0	0.0	3	5.3	1	1.8	1	1.8	3	5.3
Washington																	
Eastern	23	2	8.7	8	34.8	6	26.1	0	0.0	1	4.3	0	0.0	3	13.0	3	13.0
Western	28	3	10.7	14	50.0	8	28.6	0	0.0	0	0.0	0	0.0	1	3.6	2	7.1
<b>TENTH CIRCUIT</b>	<b>259</b>	<b>122</b>	<b>47.1</b>	<b>14</b>	<b>5.4</b>	<b>46</b>	<b>17.8</b>	<b>0</b>	<b>0.0</b>	<b>11</b>	<b>4.2</b>	<b>1</b>	<b>0.4</b>	<b>58</b>	<b>22.4</b>	<b>7</b>	<b>2.7</b>
Colorado	30	3	10.0	1	3.3	7	23.3	0	0.0	0	0.0	0	0.0	19	63.3	0	0.0
Kansas	41	10	24.4	1	2.4	17	41.5	0	0.0	3	7.3	0	0.0	8	19.5	2	4.9
New Mexico	13	1	7.7	1	7.7	5	38.5	0	0.0	0	0.0	0	0.0	6	46.2	0	0.0
Oklahoma																	
Eastern	10	3	30.0	0	0.0	4	40.0	0	0.0	1	10.0	0	0.0	2	20.0	0	0.0
Northern	26	6	23.1	0	0.0	1	3.8	0	0.0	3	11.5	0	0.0	16	61.5	0	0.0
Western	9	0	0.0	0	0.0	2	22.2	0	0.0	0	0.0	0	0.0	6	66.7	1	11.1
Utah	22	1	4.5	10	45.5	3	13.6	0	0.0	3	13.6	1	4.5	1	4.5	3	13.6
Wyoming	108	98	90.7	1	0.9	7	6.5	0	0.0	1	0.9	0	0.0	0	0.0	1	0.9
<b>ELEVENTH CIRCUIT</b>	<b>965</b>	<b>380</b>	<b>39.4</b>	<b>49</b>	<b>5.1</b>	<b>70</b>	<b>7.3</b>	<b>1</b>	<b>0.1</b>	<b>30</b>	<b>3.1</b>	<b>2</b>	<b>0.2</b>	<b>404</b>	<b>41.9</b>	<b>29</b>	<b>3.0</b>
Alabama																	
Middle	59	3	5.1	1	1.7	1	1.7	0	0.0	0	0.0	0	0.0	54	91.5	0	0.0
Northern	51	4	7.8	1	2.0	2	3.9	0	0.0	3	5.9	0	0.0	39	76.5	2	3.9
Southern	29	4	13.8	0	0.0	4	13.8	0	0.0	0	0.0	0	0.0	21	72.4	0	0.0
Florida																	
Middle	250	87	34.8	6	2.4	14	5.6	0	0.0	3	1.2	1	0.4	131	52.4	8	3.2
Northern	98	34	34.7	5	5.1	12	12.2	0	0.0	4	4.1	0	0.0	35	35.7	8	8.2
Southern	309	193	62.5	33	10.7	19	6.1	1	0.3	12	3.9	1	0.3	41	13.3	9	2.9
Georgia																	
Middle	40	13	32.5	1	2.5	2	5.0	0	0.0	3	7.5	0	0.0	21	52.5	0	0.0
Northern	68	30	44.1	2	2.9	12	17.6	0	0.0	2	2.9	0	0.0	20	29.4	2	2.9
Southern	61	12	19.7	0	0.0	4	6.6	0	0.0	3	4.9	0	0.0	42	68.9	0	0.0

<sup>1</sup>Modification of supervision conditions is a type of resentencing but information was not collected for this type. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2009 Datafile, RESENTFY09.