

**U.S. Sentencing Commission
Part A of the 2023 Criminal History Amendment
Retroactivity Data Report**



May 2024

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.¹ Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.²

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 three separate occasions in recent years the Commission has amended the federal sentencing guidelines to lower the punishment for certain drug trafficking crimes, and also voted to apply those reductions retroactively.³ The Commission has also periodically reported on the number of offenders who received a sentence reduction under those retroactive amendments and presented other data regarding those cases.⁴

On April 27, 2023, the United States Sentencing Commission submitted to Congress Amendment 821 to the federal sentencing guidelines revising two criminal history provisions found in Chapter Four of the *Guidelines Manual*. Part A of the amendment made targeted changes to reduce the impact of providing additional criminal history points for offenders under a criminal justice sentence (commonly known as "status points"). Part B provided a two-level downward adjustment for certain offenders with zero criminal history points under the guidelines.

Amendment 821 went into effect on November 1, 2023. On August 24, 2023, the Commission voted to give retroactive effect to Amendment 821 beginning on February 1, 2024. To effectuate that decision, the Commission promulgated Amendment 825, which added Amendment 821 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 and added a

¹ In each federal felony or Class A misdemeanor case, 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).

² Electronic copies of the 1995-2023 ANNUAL REPORT and SOURCEBOOK OF FEDERAL SENTENCING STATISTICS are available at the Commission's website at www.ussc.gov.

³ *See* Amendment 706, as amended by Amendment 711, and made retroactive by Amendment 713 (the 2007 Crack Cocaine Amendment); Amendment 750, made retroactive by Amendment 759 (the 2010 Fair Sentencing Act Amendment); and Amendment 782 (the 2014 Drug Guidelines Amendment, often referred to as "Drugs Minus Two"), made retroactive by Amendment 788.

⁴ These retroactivity analyses and data reports are available at <https://www.ussc.gov/research/datareports/retroactivity-analyses-and-data-reports>.

new provision at subsection (e)(2) of that policy statement providing, “The court shall not order a reduced term of imprisonment based on Part A or Part B, Subpart 1 of Amendment 821 unless the effective date of the court’s order is February 1, 2024, or later.”.

Under section 3582(c)(2) of title 18, courts are authorized to reduce the sentences of incarcerated persons pursuant to any retroactive guideline amendment. The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Part A of Amendment 821 decided through March 31, 2024 and for which court documentation was received, coded, and edited at the Commission by May 1, 2024.

Table 1

**MOTIONS FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT BY DISTRICT ¹**

District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	5,473		2,988	54.6	2,485	45.4							
Western Texas	457		310	67.8	147	32.2	Eastern Oklahoma	38		19	50.0	19	50.0
Northern Texas	361		97	26.9	264	73.1	Western Michigan	36		9	25.0	27	75.0
Southern Texas	329		185	56.2	144	43.8	Eastern Tennessee	36		27	75.0	9	25.0
Southern Georgia	169		133	78.7	36	21.3	Southern Alabama	35		8	22.9	27	77.1
Eastern Kentucky	167		75	44.9	92	55.1	Eastern Pennsylvania	34		33	97.1	1	2.9
Eastern Arkansas	165		50	30.3	115	69.7	Southern Mississippi	34		10	29.4	24	70.6
Eastern Missouri	152		58	38.2	94	61.8	Wyoming	34		19	55.9	15	44.1
Northern Iowa	133		87	65.4	46	34.6	Northern Illinois	33		25	75.8	8	24.2
Western Virginia	118		58	49.2	60	50.8	Eastern Wisconsin	32		1	3.1	31	96.9
Eastern Michigan	109		66	60.6	43	39.4	Western Arkansas	32		14	43.8	18	56.3
Western Missouri	109		57	52.3	52	47.7	Northern Alabama	32		21	65.6	11	34.4
Northern West Virginia	101		62	61.4	39	38.6	Northern New York	31		31	100.0	0	0.0
Southern Illinois	97		69	71.1	28	28.9	Central California	31		19	61.3	12	38.7
Southern Iowa	97		33	34.0	64	66.0	Western Kentucky	28		12	42.9	16	57.1
Northern Indiana	92		38	41.3	54	58.7	Western Wisconsin	28		6	21.4	22	78.6
Puerto Rico	88		48	54.5	40	45.5	Eastern Washington	28		13	46.4	15	53.6
Western North Carolina	86		35	40.7	51	59.3	Eastern California	27		25	92.6	2	7.4
Maryland	84		84	100.0	0	0.0	Montana	24		5	20.8	19	79.2
Kansas	79		77	97.5	2	2.5	Northern Florida	24		9	37.5	15	62.5
Western Louisiana	75		22	29.3	53	70.7	North Dakota	23		17	73.9	6	26.1
South Carolina	74		54	73.0	20	27.0	Maine	22		9	40.9	13	59.1
Eastern Virginia	73		43	58.9	30	41.1	Middle Louisiana	22		15	68.2	7	31.8
Western New York	72		33	45.8	39	54.2	Northern California	22		14	63.6	8	36.4
Middle Alabama	70		39	55.7	31	44.3	New Jersey	21		7	33.3	14	66.7
Southern Florida	70		23	32.9	47	67.1	Northern Oklahoma	21		6	28.6	15	71.4
Northern Ohio	69		51	73.9	18	26.1	New Hampshire	19		12	63.2	7	36.8
Southern New York	68		13	19.1	55	80.9	Northern Georgia	19		19	100.0	0	0.0
Central Illinois	67		20	29.9	47	70.1	Massachusetts	17		3	17.6	14	82.4
Eastern Texas	63		43	68.3	20	31.7	Hawaii	16		14	87.5	2	12.5
Arizona	60		29	48.3	31	51.7	Delaware	10		5	50.0	5	50.0
Middle North Carolina	58		37	63.8	21	36.2	Northern Mississippi	10		10	100.0	0	0.0
Nebraska	58		29	50.0	29	50.0	Connecticut	9		2	22.2	7	77.8
Southern Indiana	57		53	93.0	4	7.0	District of Columbia	8		6	75.0	2	25.0
Middle Georgia	56		48	85.7	8	14.3	Alaska	8		8	100.0	0	0.0
Southern West Virginia	53		24	45.3	29	54.7	Middle Florida	8		7	87.5	1	12.5
Utah	52		14	26.9	38	73.1	Eastern New York	7		4	57.1	3	42.9
Southern Ohio	51		39	76.5	12	23.5	Western Washington	7		4	57.1	3	42.9
Eastern North Carolina	50		34	68.0	16	32.0	Southern California	6		4	66.7	2	33.3
Middle Pennsylvania	49		24	49.0	25	51.0	Oregon	6		6	100.0	0	0.0
Western Tennessee	49		44	89.8	5	10.2	Rhode Island	5		3	60.0	2	40.0
South Dakota	49		12	24.5	37	75.5	Nevada	4		4	100.0	0	0.0
Idaho	45		44	97.8	1	2.2	New Mexico	4		3	75.0	1	25.0
Western Pennsylvania	42		27	64.3	15	35.7	Virgin Islands	1		0	0.0	1	100.0
Western Oklahoma	40		5	12.5	35	87.5	Middle Tennessee	1		1	100.0	0	0.0
Eastern Louisiana	39		32	82.1	7	17.9	Vermont	0		0	--	0	--
Minnesota	39		13	33.3	26	66.7	Guam	0		0	--	0	--
Colorado	39		28	71.8	11	28.2	Northern Mariana Islands	0		0	--	0	--

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 2

**MOTIONS FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT
BY YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
TOTAL	5,471	2,988	54.6	2,483	45.4
2024	25	3	12.0	22	88.0
2023	1,261	756	60.0	505	40.0
2022	1,062	628	59.1	434	40.9
2021	698	402	57.6	296	42.4
2020	541	280	51.8	261	48.2
2019	455	238	52.3	217	47.7
2018	377	194	51.5	183	48.5
2017	256	142	55.5	114	44.5
2016	182	87	47.8	95	52.2
2015	117	63	53.8	54	46.2
2014	101	46	45.5	55	54.5
2013	75	35	46.7	40	53.3
2012	51	24	47.1	27	52.9
2011	42	17	40.5	25	59.5
2010	40	17	42.5	23	57.5
2009	28	11	39.3	17	60.7
2008	27	9	33.3	18	66.7
2007	23	7	30.4	16	69.6
2006	24	5	20.8	19	79.2
2005	15	3	20.0	12	80.0
2004	16	4	25.0	12	75.0
2003	13	6	46.2	7	53.8
2002	11	4	36.4	7	63.6
2001	8	2	25.0	6	75.0
2000	8	2	25.0	6	75.0
1999	1	1	100.0	0	0.0
1998	4	2	50.0	2	50.0
1997	0	0	--	0	--
1996	4	0	0.0	4	100.0
1995	2	0	0.0	2	100.0
1994	3	0	0.0	3	100.0
1993	1	0	0.0	1	100.0
1992	0	0	--	0	--

¹ Of the 5,473 cases reported to the Commission with motion status information, two were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 3**ORIGIN OF GRANTED MOTIONS FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	Total	Defendant²		Director BOP		Courts	
	N	N	%	N	%	N	%
TOTAL	2,978	1,964	66.0	0	0.0	1,014	34.0
D.C. CIRCUIT	6	6	100.0	0	0.0	0	0.0
FIRST CIRCUIT	75	59	78.7	0	0.0	16	21.3
SECOND CIRCUIT	83	53	63.9	0	0.0	30	36.1
THIRD CIRCUIT	89	81	91.0	0	0.0	8	9.0
FOURTH CIRCUIT	431	343	79.6	0	0.0	88	20.4
FIFTH CIRCUIT	723	406	56.2	0	0.0	317	43.8
SIXTH CIRCUIT	323	194	60.1	0	0.0	129	39.9
SEVENTH CIRCUIT	212	209	98.6	0	0.0	3	1.4
EIGHTH CIRCUIT	369	204	55.3	0	0.0	165	44.7
NINTH CIRCUIT	189	161	85.2	0	0.0	28	14.8
TENTH CIRCUIT	171	166	97.1	0	0.0	5	2.9
ELEVENTH CIRCUIT	307	82	26.7	0	0.0	225	73.3

¹ Of the 2,988 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment, 10 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In 31 cases, documents provided to the Commission indicated that an attorney for the government made a joint motion. Those cases appear to be clerical errors.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 4

**DEMOGRAPHIC CHARACTERISTICS FOR INDIVIDUALS
MAKING MOTIONS FOR RETROACTIVE APPLICATION OF
PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Demographics	Granted		Denied	
	N	%	N	%
Race/Ethnicity				
White	747	25.1	611	24.7
Black	1,325	44.4	1,150	46.4
Hispanic	834	28.0	644	26.0
Other	76	2.5	72	2.9
Total	2,982	100.0	2,477	100.0
Citizenship				
U.S. Citizen	2,597	86.9	2,186	88.2
Non-Citizen	390	13.1	293	11.8
Total	2,987	100.0	2,479	100.0
Gender				
Male	2,756	92.2	2,178	87.7
Female	232	7.8	306	12.3
Total	2,988	100.0	2,484	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	40	

¹ Of the 5,473 cases reported to the Commission with motion status information, cases were excluded from each section of this table due to the following reasons: missing race information (14), missing citizenship information (7), missing gender information (1), and missing age information (2).

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 5

**SELECTED SENTENCING FACTORS FOR INDIVIDUALS
MAKING MOTIONS FOR RETROACTIVE APPLICATION OF
PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Sentencing Factors	Granted	Denied
	%	%
Weapon^{2,3}		
Weapon Specific Offense Characteristic	26.4	32.9
Firearms Mandatory Minimum Applied	18.0	19.9
	9.7	14.9
Safety Valve²	4.9	6.9
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	7.7	10.5
Mitigating Role (USSG §3B1.2)	1.8	2.5
Obstruction Adjustment (USSG §3C1.1)	2.7	5.1
Sentence Relative to the Guideline Range		
Within Range	71.9	49.4
Above Range	3.2	7.6
Below Range	24.8	43.1
Criminal History Category		
I	7.9	6.6
II	29.6	9.3
III	37.9	23.0
IV	14.7	16.5
V	9.7	14.8
VI	0.2	29.9
Career Offender (§4B1.1)²	0.1	11.8

¹ Of the 5,473 cases reported to the Commission with motion status information, two were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

² This section was limited to the 5,376 cases with complete guideline application information.

³ In 84 cases the court applied the weapon specific offense characteristic and the offender was also convicted of a firearms offense carrying a mandatory minimum penalty.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 6**TYPE OF CRIME FOR INDIVIDUALS GRANTED RETROACTIVE
APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT**

TYPE OF CRIME	N	%
TOTAL	2,988	100.0
Administration of Justice	12	0.4
Antitrust	0	0.0
Arson	4	0.1
Assault	41	1.4
Bribery/Corruption	3	0.1
Burglary/Trespass	2	0.1
Child Pornography	52	1.7
Commercialized Vice	2	0.1
Drug Possession	2	0.1
Drug Trafficking	1,290	43.2
Environmental	0	0.0
Extortion/Racketeering	8	0.3
Firearms	806	27.0
Food and Drug	1	0.0
Forgery/Counter/Copyright	2	0.1
Fraud/Theft/Embezzlement	90	3.0
Immigration	285	9.5
Individual Rights	0	0.0
Kidnapping	6	0.2
Manslaughter	4	0.1
Money Laundering	40	1.3
Murder	14	0.5
National Defense	5	0.2
Obscenity/Other Sex Offenses	14	0.5
Prison Offenses	58	1.9
Robbery	214	7.2
Sexual Abuse	26	0.9
Stalking/Harassing	3	0.1
Tax	1	0.0
Other	3	0.1

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.

Table 7**TYPE OF CRIME FOR INDIVIDUALS DENIED RETROACTIVE APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	2,482	100.0
Administration of Justice	7	0.3
Antitrust	0	0.0
Arson	5	0.2
Assault	38	1.5
Bribery/Corruption	1	0.0
Burglary/Trespass	2	0.1
Child Pornography	27	1.1
Commercialized Vice	1	0.0
Drug Possession	0	0.0
Drug Trafficking	1,313	52.9
Environmental	0	0.0
Extortion/Racketeering	5	0.2
Firearms	529	21.3
Food and Drug	0	0.0
Forgery/Counter/Copyright	5	0.2
Fraud/Theft/Embezzlement	75	3.0
Immigration	122	4.9
Individual Rights	0	0.0
Kidnapping	13	0.5
Manslaughter	2	0.1
Money Laundering	29	1.2
Murder	35	1.4
National Defense	5	0.2
Obscenity/Other Sex Offenses	6	0.2
Prison Offenses	13	0.5
Robbery	194	7.8
Sexual Abuse	45	1.8
Stalking/Harassing	8	0.3
Tax	2	0.1
Other	0	0.0

¹ Of the 2,485 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment, two were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of the remaining cases, one was excluded due to missing information on the type of crime.

Table 8

**EXTENT OF SENTENCE REDUCTIONS DUE TO RETROACTIVE
APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
TOTAL	2,675	96	86	10	12.3
D.C. CIRCUIT	2	--	--	--	--
District of Columbia	2	--	--	--	--
FIRST CIRCUIT	74	110	98	11	11.2
Maine	9	153	137	16	9.9
Massachusetts	3	151	132	19	15.0
New Hampshire	11	106	96	9	9.0
Puerto Rico	48	97	87	10	11.2
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	78	83	75	9	11.9
Connecticut	1	--	--	--	--
New York					
Eastern	4	88	82	6	7.7
Northern	31	76	67	9	14.3
Southern	13	75	69	7	9.6
Western	29	94	84	10	11.2
Vermont	0	--	--	--	--
THIRD CIRCUIT	72	93	84	9	11.4
Delaware	5	123	108	15	13.0
New Jersey	7	100	90	10	10.0
Pennsylvania					
Eastern	24	106	96	10	10.1
Middle	17	98	88	9	11.8
Western	19	61	55	7	12.6
Virgin Islands	0	--	--	--	--
FOURTH CIRCUIT	397	97	87	10	11.6
Maryland	67	102	92	10	10.3
North Carolina					
Eastern	34	80	72	8	11.5
Middle	37	80	72	8	10.8
Western	32	91	82	9	11.4
South Carolina	45	97	88	9	11.4
Virginia					
Eastern	38	96	85	11	12.1
Western	58	130	119	11	9.4
West Virginia					
Northern	62	93	82	11	13.6
Southern	24	77	65	12	17.0

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
FIFTH CIRCUIT		708	86	77	10	13.1
Louisiana						
Eastern		25	119	108	11	13.1
Middle		13	138	122	16	12.4
Western		22	89	79	10	12.5
Mississippi						
Northern		10	50	43	7	14.2
Southern		9	70	62	8	16.2
Texas						
Eastern		43	85	76	9	12.1
Northern		96	140	124	16	12.1
Southern		181	79	70	9	12.4
Western		309	71	63	8	14.0
SIXTH CIRCUIT		284	100	90	10	11.4
Kentucky						
Eastern		74	118	108	10	9.9
Western		12	60	52	8	13.3
Michigan						
Eastern		53	98	88	9	11.3
Western		9	65	59	7	10.8
Ohio						
Northern		49	78	69	9	13.7
Southern		30	120	109	11	10.6
Tennessee						
Eastern		15	88	79	10	11.5
Middle		1	--	--	--	--
Western		41	101	91	10	11.6
SEVENTH CIRCUIT		174	105	94	11	11.7
Illinois						
Central		20	79	71	8	10.6
Northern		16	99	89	10	12.2
Southern		67	126	113	13	11.1
Indiana						
Northern		36	89	80	9	11.8
Southern		28	96	85	11	13.4
Wisconsin						
Eastern		1	--	--	--	--
Western		6	107	96	11	10.8
EIGHTH CIRCUIT		337	84	75	9	13.4
Arkansas						
Eastern		50	45	39	6	22.1
Western		14	84	75	9	11.5
Iowa						
Northern		87	112	100	12	12.5
Southern		31	78	69	9	13.8
Minnesota		4	96	85	10	11.1
Missouri						
Eastern		56	73	65	8	12.1
Western		42	72	65	7	10.9
Nebraska		29	125	112	13	10.7
North Dakota		16	63	55	8	12.3
South Dakota		8	89	81	8	7.3

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
NINTH CIRCUIT		148	100	89	11	12.4
	Alaska	2	--	--	--	--
	Arizona	6	44	38	6	15.3
	California					
	Central	19	101	92	9	11.2
	Eastern	25	96	85	11	12.9
	Northern	10	98	85	13	15.7
	Southern	4	88	81	7	9.2
	Guam	0	--	--	--	--
	Hawaii	14	110	98	12	11.3
	Idaho	44	116	103	13	12.3
	Montana	3	92	82	9	10.0
	Nevada	2	--	--	--	--
	Northern Mariana Islands	0	--	--	--	--
	Oregon	5	91	81	10	11.7
	Washington					
	Eastern	10	80	71	10	12.7
	Western	4	62	53	9	13.2
TENTH CIRCUIT		139	114	103	12	11.5
	Colorado	16	74	65	9	13.3
	Kansas	60	146	132	14	10.7
	New Mexico	3	91	78	13	18.6
	Oklahoma					
	Eastern	18	92	82	10	11.6
	Northern	6	71	60	11	15.2
	Western	5	69	63	7	10.3
	Utah	14	74	66	8	10.5
	Wyoming	17	128	117	11	10.8
ELEVENTH CIRCUIT		262	117	104	13	12.2
	Alabama					
	Middle	39	122	109	13	12.1
	Northern	21	81	73	8	12.7
	Southern	6	134	122	13	10.7
	Florida					
	Middle	6	90	78	12	13.6
	Northern	9	145	129	16	14.5
	Southern	23	135	122	13	11.4
	Georgia					
	Middle	32	139	122	17	13.0
	Northern	16	88	80	9	11.3
	Southern	110	114	101	12	11.9

¹ Of the 2,988 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment, one case was excluded from this analysis because the resulting term of imprisonment could not be determined from the records received by the Commission. Another 312 cases were excluded because the court document provided that the new sentence was a “time served” sentence without specifying the length of time that had been served.

² 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 9

**REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF
MOTION FOR RETROACTIVE APPLICATION OF PART A
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

REASONS	N	%
Not eligible under the amendment	639	23.0
Did not receive status points	639	23.0
Not eligible under §1B1.10	1,196	43.1
CHC does not change	642	23.1
Career Offender or Armed Career Criminal provisions control sentence	168	6.0
Current sentence below new guideline range and no §5K1.1	160	5.8
Statutory mandatory minimum penalty controls sentence	100	3.6
Guideline range does not change	82	3.0
Original sentence has been served	16	0.6
Sentenced to trumping statutory maximum penalty	14	0.5
Offender received Amendment 821 reduction at original sentencing	10	0.4
Defendant will be released before effective date of amendment	4	0.1
CHC determined by Repeat and Dangerous Sex Offender (USSG §4B1.5)	0	0.0
Denied on the merits	362	13.0
18 U.S.C. § 3553(a) factors	235	8.5
Post-sentencing or post-conviction conduct	51	1.8
Binding plea agreement determined sentence	39	1.4
Offender has already benefitted from departure or variance	37	1.3
No reason provided/Other reason	580	20.9
No reason provided	469	16.9
Other	111	4.0

¹ 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, 2,777 reasons were cited in the 2,485 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part A of the 2023 Criminal History Amendment.

SOURCE: U.S. Sentencing Commission, Amendment 821 Datafile.