

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



July 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 individuals 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 individuals under a criminal justice sentence (commonly known as "status points"). Part B provided a two-level downward adjustment for certain sentenced individuals 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

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/data-reports/retroactivity-analyses-and-data-reports>.

Result of an Amended Guideline Range)(Policy Statement) that apply retroactively and added a 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 June 30, 2024 and for which court documentation was received, coded, and edited at the Commission by July 1, 2024.

Table 1

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

District	Total	Granted		Denied		District	Total	Granted		Denied	
	N	N	%	N	%		N	N	%	N	%
TOTAL	9,802	4,324	44.1	5,478	55.9	Western Michigan	81	27	33.3	54	66.7
Western Texas	952	482	50.6	470	49.4	Southern Ohio	81	47	58.0	34	42.0
Northern Texas	698	167	23.9	531	76.1	Minnesota	73	15	20.5	58	79.5
Southern Texas	469	220	46.9	249	53.1	Southern Mississippi	69	25	36.2	44	63.8
Eastern Missouri	253	78	30.8	175	69.2	Northern Illinois	69	42	60.9	27	39.1
Eastern Kentucky	234	97	41.5	137	58.5	Eastern Wisconsin	65	3	4.6	62	95.4
Western Missouri	224	78	34.8	146	65.2	North Dakota	64	34	53.1	30	46.9
Southern Georgia	218	139	63.8	79	36.2	Eastern Oklahoma	64	35	54.7	29	45.3
Eastern Arkansas	213	54	25.4	159	74.6	New Mexico	62	20	32.3	42	67.7
Southern Iowa	206	52	25.2	154	74.8	Montana	61	20	32.8	41	67.2
Eastern Virginia	203	107	52.7	96	47.3	Idaho	53	52	98.1	1	1.9
Western Virginia	186	62	33.3	124	66.7	Eastern Pennsylvania	52	48	92.3	4	7.7
Eastern Michigan	183	93	50.8	90	49.2	Northern California	50	21	42.0	29	58.0
Southern Florida	162	32	19.8	130	80.2	Wyoming	48	23	47.9	25	52.1
Northern Ohio	157	72	45.9	85	54.1	Colorado	47	29	61.7	18	38.3
Middle North Carolina	154	59	38.3	95	61.7	Western Wisconsin	46	7	15.2	39	84.8
Southern Illinois	154	78	50.6	76	49.4	Western Arkansas	46	24	52.2	22	47.8
Northern Iowa	153	89	58.2	64	41.8	Eastern Louisiana	45	38	84.4	7	15.6
Western Louisiana	149	42	28.2	107	71.8	Eastern California	44	31	70.5	13	29.5
Arizona	147	57	38.8	90	61.2	Middle Louisiana	43	15	34.9	28	65.1
Puerto Rico	143	63	44.1	80	55.9	Northern New York	42	35	83.3	7	16.7
Eastern Texas	142	83	58.5	59	41.5	New Jersey	40	14	35.0	26	65.0
Eastern North Carolina	137	57	41.6	80	58.4	Northern Oklahoma	39	6	15.4	33	84.6
Southern New York	133	26	19.5	107	80.5	Northern Georgia	39	38	97.4	1	2.6
Middle Georgia	126	71	56.3	55	43.7	Eastern Washington	37	18	48.6	19	51.4
Central Illinois	123	36	29.3	87	70.7	Connecticut	33	5	15.2	28	84.8
Northern Indiana	123	49	39.8	74	60.2	Massachusetts	31	6	19.4	25	80.6
Northern West Virginia	122	66	54.1	56	45.9	Northern Florida	29	9	31.0	20	69.0
Southern Indiana	112	69	61.6	43	38.4	Maine	28	11	39.3	17	60.7
Nebraska	112	43	38.4	69	61.6	New Hampshire	27	14	51.9	13	48.1
Eastern Tennessee	111	42	37.8	69	62.2	Eastern New York	27	7	25.9	20	74.1
Northern Alabama	111	79	71.2	32	28.8	Middle Florida	23	14	60.9	9	39.1
South Carolina	107	74	69.2	33	30.8	Hawaii	21	18	85.7	3	14.3
Western North Carolina	104	43	41.3	61	58.7	Western Washington	20	5	25.0	15	75.0
Western New York	101	45	44.6	56	55.4	Southern California	19	17	89.5	2	10.5
Middle Pennsylvania	98	46	46.9	52	53.1	Middle Tennessee	18	18	100.0	0	0.0
Maryland	96	96	100.0	0	0.0	Northern Mississippi	16	15	93.8	1	6.3
South Dakota	92	25	27.2	67	72.8	Alaska	15	15	100.0	0	0.0
Middle Alabama	92	41	44.6	51	55.4	District of Columbia	14	7	50.0	7	50.0
Western Tennessee	91	65	71.4	26	28.6	Rhode Island	13	3	23.1	10	76.9
Kansas	90	84	93.3	6	6.7	Delaware	12	6	50.0	6	50.0
Southern Alabama	90	32	35.6	58	64.4	Oregon	8	8	100.0	0	0.0
Western Pennsylvania	87	35	40.2	52	59.8	Nevada	7	7	100.0	0	0.0
Western Oklahoma	87	19	21.8	68	78.2	Vermont	3	0	0.0	3	100.0
Southern West Virginia	83	28	33.7	55	66.3	Virgin Islands	2	1	50.0	1	50.0
Western Kentucky	82	25	30.5	57	69.5	Guam	1	1	100.0	0	0.0
Central California	82	46	56.1	36	43.9	Northern Mariana Islands	1	1	100.0	0	0.0
Utah	82	23	28.0	59	72.0						

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	9,796	4,322	44.1	5,474	55.9
2024	139	12	8.6	127	91.4
2023	2,261	1,124	49.7	1,137	50.3
2022	1,834	876	47.8	958	52.2
2021	1,196	557	46.6	639	53.4
2020	938	412	43.9	526	56.1
2019	832	353	42.4	479	57.6
2018	683	282	41.3	401	58.7
2017	448	200	44.6	248	55.4
2016	317	129	40.7	188	59.3
2015	208	84	40.4	124	59.6
2014	180	66	36.7	114	63.3
2013	145	56	38.6	89	61.4
2012	104	33	31.7	71	68.3
2011	77	22	28.6	55	71.4
2010	80	29	36.3	51	63.8
2009	63	15	23.8	48	76.2
2008	49	12	24.5	37	75.5
2007	43	11	25.6	32	74.4
2006	41	10	24.4	31	75.6
2005	29	6	20.7	23	79.3
2004	27	5	18.5	22	81.5
2003	19	6	31.6	13	68.4
2002	21	5	23.8	16	76.2
2001	12	2	16.7	10	83.3
2000	12	4	33.3	8	66.7
1999	3	1	33.3	2	66.7
1998	9	4	44.4	5	55.6
1997	4	1	25.0	3	75.0
1996	8	2	25.0	6	75.0
1995	2	0	0.0	2	100.0
1994	8	2	25.0	6	75.0
1993	1	0	0.0	1	100.0
1992	2	1	50.0	1	50.0
1991	0	0	--	0	--
1990	1	0	0.0	1	100.0
1989	0	0	--	0	--

¹ Of the 9,802 cases reported to the Commission with motion status information, six 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 BOP³		Courts	
	N	N	%	N	%	N	%
TOTAL	4,311	2,953	68.5	0	0.0	1,358	31.5
D.C. CIRCUIT	7	7	100.0	0	0.0	0	0.0
FIRST CIRCUIT	97	77	79.4	0	0.0	20	20.6
SECOND CIRCUIT	118	85	72.0	0	0.0	33	28.0
THIRD CIRCUIT	141	129	91.5	0	0.0	12	8.5
FOURTH CIRCUIT	592	485	81.9	0	0.0	107	18.1
FIFTH CIRCUIT	1,086	606	55.8	0	0.0	480	44.2
SIXTH CIRCUIT	484	309	63.8	0	0.0	175	36.2
SEVENTH CIRCUIT	284	281	98.9	0	0.0	3	1.1
EIGHTH CIRCUIT	491	310	63.1	0	0.0	181	36.9
NINTH CIRCUIT	317	266	83.9	0	0.0	51	16.1
TENTH CIRCUIT	239	233	97.5	0	0.0	6	2.5
ELEVENTH CIRCUIT	455	165	36.3	0	0.0	290	63.7

¹ Of the 4,324 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, 13 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In 36 cases, documents provided to the Commission indicated that an attorney for the government made a joint motion. Those cases appear to be clerical errors.

³ In one case, documents provided to the Commission indicated that the Director of the Bureau of Prisons made the motion. This case appears to be a clerical error.

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	1,083	25.1	1,276	23.4
Black	1,872	43.4	2,371	43.4
Hispanic	1,237	28.7	1,669	30.6
Other	123	2.9	144	2.6
Total	4,315	100.0	5,460	100.0
Citizenship				
U.S. Citizen	3,762	87.1	4,693	85.9
Non-Citizen	559	12.9	772	14.1
Total	4,321	100.0	5,465	100.0
Gender				
Male	3,990	92.3	4,826	88.1
Female	334	7.7	651	11.9
Total	4,324	100.0	5,477	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	41	

¹ Of the 9,802 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 (27), missing citizenship information (16), missing gender information (1), and missing age information (7).

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	27.7	33.5
Firearms Mandatory Minimum Applied	18.4	21.0
	10.8	14.5
Safety Valve²	5.0	6.5
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	7.7	11.0
Mitigating Role (USSG §3B1.2)	1.8	2.4
Obstruction Adjustment (USSG §3C1.1)	3.0	5.2
Sentence Relative to the Guideline Range		
Within Range	71.7	49.7
Above Range	3.6	6.8
Below Range	24.8	43.5
Criminal History Category		
I	8.0	7.3
II	29.7	9.9
III	37.9	22.1
IV	14.6	17.6
V	9.7	14.4
VI	0.2	28.7
Career Offender (§4B1.1)²	0.1	11.4

¹ Of the 9,802 cases reported to the Commission with motion status information, six 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 9,620 cases with complete guideline application information.

³ In 176 cases the court applied the weapon specific offense characteristic and the sentenced individual 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 AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	4,322	100.0
Administration of Justice	14	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	61	1.4
Bribery/Corruption	3	0.1
Burglary/Trespass	2	0.0
Child Pornography	88	2.0
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	1,904	44.1
Environmental	0	0.0
Extortion/Racketeering	8	0.2
Firearms	1,105	25.6
Food and Drug	1	0.0
Forgery/Counter/Copyright	2	0.0
Fraud/Theft/Embezzlement	141	3.3
Immigration	400	9.3
Individual Rights	0	0.0
Kidnapping	10	0.2
Manslaughter	6	0.1
Money Laundering	58	1.3
Murder	28	0.6
National Defense	6	0.1
Obscenity/Other Sex Offenses	16	0.4
Prison Offenses	69	1.6
Robbery	334	7.7
Sexual Abuse	48	1.1
Stalking/Harassing	5	0.1
Tax	1	0.0
Other	3	0.1

¹ Of the 4,324 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, 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 7

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

TYPE OF CRIME	N	%
TOTAL	5,472	100.0
Administration of Justice	15	0.3
Antitrust	0	0.0
Arson	7	0.1
Assault	83	1.5
Bribery/Corruption	3	0.1
Burglary/Trespass	3	0.1
Child Pornography	62	1.1
Commercialized Vice	1	0.0
Drug Possession	0	0.0
Drug Trafficking	2,984	54.5
Environmental	0	0.0
Extortion/Racketeering	10	0.2
Firearms	1,036	18.9
Food and Drug	0	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	154	2.8
Immigration	323	5.9
Individual Rights	2	0.0
Kidnapping	28	0.5
Manslaughter	8	0.1
Money Laundering	83	1.5
Murder	81	1.5
National Defense	6	0.1
Obscenity/Other Sex Offenses	7	0.1
Prison Offenses	29	0.5
Robbery	415	7.6
Sexual Abuse	104	1.9
Stalking/Harassing	12	0.2
Tax	6	0.1
Other	2	0.0

¹ Of the 5,478 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, four were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of the remaining cases, two were 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 District	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
TOTAL	3,975	104	93	11	12.0
D.C. CIRCUIT	3	69	65	4	5.7
District of Columbia	3	69	65	4	5.7
FIRST CIRCUIT	95	115	103	12	11.2
Maine	11	140	125	15	9.8
Massachusetts	6	122	107	16	14.6
New Hampshire	13	119	108	11	9.2
Puerto Rico	62	106	96	10	11.1
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	112	94	85	9	11.1
Connecticut	4	60	54	6	10.3
New York					
Eastern	7	97	92	5	6.0
Northern	35	76	67	9	14.3
Southern	25	89	82	8	10.2
Western	41	116	105	10	9.9
Vermont	0	--	--	--	--
THIRD CIRCUIT	125	103	93	11	11.3
Delaware	6	112	99	13	12.5
New Jersey	14	85	75	10	11.1
Pennsylvania					
Eastern	39	123	111	12	10.3
Middle	39	107	96	11	11.7
Western	26	80	72	8	11.8
Virgin Islands	1	--	--	--	--
FOURTH CIRCUIT	551	105	95	10	11.0
Maryland	78	115	105	11	10.2
North Carolina					
Eastern	57	81	74	7	10.3
Middle	59	93	85	8	9.8
Western	40	100	91	10	10.9
South Carolina	63	109	99	10	10.9
Virginia					
Eastern	98	115	104	12	11.0
Western	62	134	123	12	9.4
West Virginia					
Northern	66	91	80	11	13.7
Southern	28	86	74	12	15.9

Table 8 (cont.)

		Mean			
CIRCUIT		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
District	N				
FIFTH CIRCUIT	1,068	98	87	11	12.9
Louisiana					
Eastern	31	122	110	12	13.2
Middle	13	138	122	16	12.4
Western	42	124	113	12	10.6
Mississippi					
Northern	15	64	56	8	13.1
Southern	24	82	72	9	13.6
Texas					
Eastern	83	103	93	11	12.3
Northern	163	141	125	16	12.1
Southern	216	84	75	9	12.5
Western	481	85	75	10	13.7
SIXTH CIRCUIT	437	112	102	10	11.0
Kentucky					
Eastern	96	123	112	11	9.8
Western	25	107	99	8	10.6
Michigan					
Eastern	78	134	122	11	10.4
Western	27	96	87	9	10.1
Ohio					
Northern	68	88	78	10	13.2
Southern	38	122	112	10	10.8
Tennessee					
Eastern	25	90	80	10	11.4
Middle	18	92	83	10	11.6
Western	62	111	100	11	11.6
SEVENTH CIRCUIT	243	112	101	12	11.8
Illinois					
Central	36	115	101	13	11.6
Northern	33	103	92	11	13.2
Southern	76	125	112	13	11.1
Indiana					
Northern	46	105	95	10	11.6
Southern	42	108	96	12	12.9
Wisconsin					
Eastern	3	83	73	10	11.9
Western	7	102	92	10	9.6
EIGHTH CIRCUIT	458	97	87	10	12.7
Arkansas					
Eastern	54	47	41	6	21.6
Western	24	85	76	10	11.8
Iowa					
Northern	89	112	100	12	12.4
Southern	50	125	113	12	11.8
Minnesota	6	124	111	13	10.9
Missouri					
Eastern	76	80	71	8	11.9
Western	63	95	86	9	10.4
Nebraska	43	149	136	13	10.1
North Dakota	33	69	60	9	12.8
South Dakota	20	99	89	10	9.4

Table 8 (cont.)

		Mean			
CIRCUIT		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	270	95	85	10	12.1
Alaska	9	97	88	9	9.8
Arizona	32	55	48	7	14.1
California					
Central	46	100	91	9	10.0
Eastern	31	104	92	12	12.8
Northern	16	107	93	14	14.6
Southern	17	79	71	8	13.2
Guam	1	--	--	--	--
Hawaii	18	106	94	11	11.8
Idaho	52	117	105	12	12.0
Montana	15	74	67	7	11.2
Nevada	5	133	118	15	12.1
Northern Mariana Islands	1	--	--	--	--
Oregon	7	99	88	10	11.2
Washington					
Eastern	15	82	72	10	12.0
Western	5	78	68	10	13.1
TENTH CIRCUIT	206	109	98	11	11.7
Colorado	17	71	62	9	14.5
Kansas	67	153	138	15	10.7
New Mexico	20	54	48	6	12.3
Oklahoma					
Eastern	34	106	95	12	12.1
Northern	6	71	60	11	15.2
Western	19	71	63	9	13.1
Utah	23	87	78	9	10.7
Wyoming	20	133	122	11	10.2
ELEVENTH CIRCUIT	407	117	105	12	11.8
Alabama					
Middle	41	129	116	14	11.9
Northern	79	103	93	10	11.0
Southern	28	124	112	11	10.5
Florida					
Middle	13	89	76	13	13.9
Northern	9	145	129	16	14.5
Southern	32	130	118	12	10.9
Georgia					
Middle	55	133	118	15	13.1
Northern	34	104	93	11	11.3
Southern	116	114	102	12	11.9

¹ Of the 4,324 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 348 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	1,593	25.8
Did not receive status points	1,593	25.8
Not eligible under §1B1.10	2,649	42.9
CHC does not change	1,367	22.1
Current sentence below new guideline range and no §5K1.1	387	6.3
Career Offender or Armed Career Criminal provisions control sentence	361	5.8
Statutory mandatory minimum penalty controls sentence	234	3.8
Guideline range does not change	191	3.1
Individual received Amendment 821 reduction at original sentencing	42	0.7
Original sentence has been served	36	0.6
Sentenced to trumping statutory maximum penalty	26	0.4
Defendant will be released before effective date of amendment	5	0.1
CHC determined by Repeat and Dangerous Sex Offender (USSG §4B1.5)	0	0.0
Denied on the merits	873	14.1
18 U.S.C. § 3553(a) factors	625	10.1
Post-sentencing or post-conviction conduct	105	1.7
Sentenced individual has already benefitted from departure or variance	87	1.4
Binding plea agreement determined sentence	56	0.9
No reason provided/Other reason	1,070	17.3
No reason provided	874	14.1
Other	196	3.2

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, 6,185 reasons were cited in the 5,478 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.