

**U.S. Sentencing Commission
Part B 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 B 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 B
OF THE 2023 CRIMINAL HISTORY AMENDMENT BY DISTRICT**

District	Total	Granted		Denied		District	Total	Granted		Denied	
	N	N	%	N	%		N	N	%	N	%
TOTAL	7,355	2,954	40.2	4,401	59.8	Colorado	40	16	40.0	24	60.0
Western Texas	966	441	45.7	525	54.3	Western Washington	37	5	13.5	32	86.5
Northern Texas	614	190	30.9	424	69.1	Western Pennsylvania	35	21	60.0	14	40.0
Southern Texas	608	296	48.7	312	51.3	Minnesota	35	10	28.6	25	71.4
Southern Florida	552	175	31.7	377	68.3	Montana	35	8	22.9	27	77.1
Puerto Rico	445	189	42.5	256	57.5	Western Kentucky	34	10	29.4	24	70.6
Eastern Texas	245	171	69.8	74	30.2	Eastern Louisiana	33	22	66.7	11	33.3
Middle Florida	198	162	81.8	36	18.2	Eastern Wisconsin	33	1	3.0	32	97.0
Southern New York	160	24	15.0	136	85.0	Kansas	33	30	90.9	3	9.1
Nebraska	121	54	44.6	67	55.4	Eastern New York	32	9	28.1	23	71.9
Eastern Kentucky	118	33	28.0	85	72.0	Middle North Carolina	32	13	40.6	19	59.4
Arizona	109	11	10.1	98	89.9	Southern West Virginia	32	6	18.8	26	81.3
Eastern Michigan	104	30	28.8	74	71.2	Northern Iowa	32	7	21.9	25	78.1
Southern Iowa	98	12	12.2	86	87.8	Connecticut	31	6	19.4	25	80.6
Eastern Virginia	91	31	34.1	60	65.9	Eastern Pennsylvania	31	26	83.9	5	16.1
Western Missouri	89	6	6.7	83	93.3	Eastern Washington	31	12	38.7	19	61.3
Central California	88	43	48.9	45	51.1	Eastern Oklahoma	28	13	46.4	15	53.6
Eastern Missouri	75	13	17.3	62	82.7	Middle Alabama	28	8	28.6	20	71.4
Massachusetts	71	26	36.6	45	63.4	Northern California	27	11	40.7	16	59.3
Utah	70	31	44.3	39	55.7	New Mexico	27	8	29.6	19	70.4
Western Oklahoma	69	12	17.4	57	82.6	North Dakota	26	8	30.8	18	69.2
Eastern California	68	45	66.2	23	33.8	Southern California	26	25	96.2	1	3.8
Southern Alabama	67	17	25.4	50	74.6	Middle Louisiana	25	9	36.0	16	64.0
Northern Oklahoma	65	22	33.8	43	66.2	New Hampshire	22	14	63.6	8	36.4
Southern Illinois	64	23	35.9	41	64.1	Northern New York	21	18	85.7	3	14.3
Western Virginia	62	10	16.1	52	83.9	Wyoming	21	7	33.3	14	66.7
Eastern Arkansas	61	17	27.9	44	72.1	District of Columbia	20	7	35.0	13	65.0
Northern Alabama	60	34	56.7	26	43.3	Northern West Virginia	19	7	36.8	12	63.2
New Jersey	59	40	67.8	19	32.2	Western Wisconsin	19	3	15.8	16	84.2
South Dakota	59	9	15.3	50	84.7	Hawaii	19	15	78.9	4	21.1
Southern Ohio	58	32	55.2	26	44.8	Maine	17	2	11.8	15	88.2
Central Illinois	57	6	10.5	51	89.5	Western Arkansas	16	5	31.3	11	68.8
Southern Georgia	56	27	48.2	29	51.8	Rhode Island	15	2	13.3	13	86.7
Western North Carolina	54	22	40.7	32	59.3	Delaware	15	4	26.7	11	73.3
Northern Georgia	54	49	90.7	5	9.3	Northern Florida	13	3	23.1	10	76.9
Eastern North Carolina	53	22	41.5	31	58.5	Guam	11	11	100.0	0	0.0
Northern Ohio	52	23	44.2	29	55.8	Virgin Islands	10	5	50.0	5	50.0
Middle Pennsylvania	51	14	27.5	37	72.5	Nevada	10	9	90.0	1	10.0
Western Louisiana	50	12	24.0	38	76.0	Western Tennessee	9	6	66.7	3	33.3
Southern Indiana	50	17	34.0	33	66.0	Maryland	8	7	87.5	1	12.5
Middle Georgia	49	15	30.6	34	69.4	Idaho	8	8	100.0	0	0.0
Northern Indiana	47	14	29.8	33	70.2	Northern Mississippi	4	3	75.0	1	25.0
Western Michigan	46	14	30.4	32	69.6	Alaska	3	2	66.7	1	33.3
South Carolina	45	31	68.9	14	31.1	Vermont	2	1	50.0	1	50.0
Southern Mississippi	44	10	22.7	34	77.3	Oregon	2	2	100.0	0	0.0
Eastern Tennessee	44	22	50.0	22	50.0	Northern Mariana Islands	1	0	0.0	1	100.0
Western New York	41	9	22.0	32	78.0	Middle Tennessee	0	0	--	0	--
Northern Illinois	40	23	57.5	17	42.5						

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

Table 2

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

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
TOTAL	7,350	2,953	40.2	4,397	59.8
2024	215	17	7.9	198	92.1
2023	2,319	1,067	46.0	1,252	54.0
2022	1,603	792	49.4	811	50.6
2021	804	365	45.4	439	54.6
2020	499	185	37.1	314	62.9
2019	483	155	32.1	328	67.9
2018	398	127	31.9	271	68.1
2017	291	102	35.1	189	64.9
2016	199	62	31.2	137	68.8
2015	129	25	19.4	104	80.6
2014	79	17	21.5	62	78.5
2013	83	6	7.2	77	92.8
2012	53	6	11.3	47	88.7
2011	39	7	17.9	32	82.1
2010	38	5	13.2	33	86.8
2009	25	3	12.0	22	88.0
2008	11	0	0.0	11	100.0
2007	16	3	18.8	13	81.3
2006	16	3	18.8	13	81.3
2005	10	1	10.0	9	90.0
2004	7	1	14.3	6	85.7
2003	1	0	0.0	1	100.0
2002	4	0	0.0	4	100.0
2001	6	3	50.0	3	50.0
2000	7	0	0.0	7	100.0
1999	3	0	0.0	3	100.0
1998	3	0	0.0	3	100.0
1997	0	0	--	0	--
1996	3	0	0.0	3	100.0
1995	0	0	--	0	--
1994	3	0	0.0	3	100.0
1993	0	0	--	0	--
1992	1	0	0.0	1	100.0
1991	1	1	100.0	0	0.0
1990	0	0	--	0	--
1989	1	0	0.0	1	100.0

¹ Of the 7,355 cases reported to the Commission with motion status information, five 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 B
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	Total	Defendant²		Director BOP		Courts	
	N	N	%	N	%	N	%
TOTAL	2,947	2,113	71.7	0	0.0	834	28.3
D.C. CIRCUIT	7	7	100.0	0	0.0	0	0.0
FIRST CIRCUIT	233	217	93.1	0	0.0	16	6.9
SECOND CIRCUIT	67	52	77.6	0	0.0	15	22.4
THIRD CIRCUIT	105	100	95.2	0	0.0	5	4.8
FOURTH CIRCUIT	149	123	82.6	0	0.0	26	17.4
FIFTH CIRCUIT	1,153	603	52.3	0	0.0	550	47.7
SIXTH CIRCUIT	170	111	65.3	0	0.0	59	34.7
SEVENTH CIRCUIT	87	86	98.9	0	0.0	1	1.1
EIGHTH CIRCUIT	141	109	77.3	0	0.0	32	22.7
NINTH CIRCUIT	206	181	87.9	0	0.0	25	12.1
TENTH CIRCUIT	139	124	89.2	0	0.0	15	10.8
ELEVENTH CIRCUIT	490	400	81.6	0	0.0	90	18.4

¹ Of the 2,954 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, seven cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In 12 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Demographics	Granted		Denied	
	N	%	N	%
Race/Ethnicity				
White	429	14.5	828	18.8
Black	317	10.7	873	19.9
Hispanic	2,119	71.8	2,547	58.0
Other	86	2.9	145	3.3
Total	2,951	100.0	4,393	100.0
Citizenship				
U.S. Citizen	1,456	49.4	2,803	63.8
Non-Citizen	1,493	50.6	1,587	36.2
Total	2,949	100.0	4,390	100.0
Gender				
Male	2,406	81.4	3,648	82.9
Female	548	18.6	753	17.1
Total	2,954	100.0	4,401	100.0
Average Age at Original Sentence		38	38	
Average Age at Motion Decision		41	42	

¹ Of the 7,355 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 (11), missing citizenship information (16), 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Sentencing Factors	Granted	Denied
	%	%
Weapon^{2,3}		
Weapon Specific Offense Characteristic	1.4	28.6
Firearms Mandatory Minimum Applied	1.4	20.8
	0.0	8.7
Safety Valve²	82.0	24.7
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	0.7	19.8
Mitigating Role (USSG §3B1.2)	19.3	4.0
Obstruction Adjustment (USSG §3C1.1)	3.0	5.6
Sentence Relative to the Guideline Range		
Within Range	62.4	43.3
Above Range	0.9	4.5
Below Range	36.8	52.1
Criminal History Category		
I	100.0	71.2
II	0.0	9.1
III	0.0	7.1
IV	0.0	3.6
V	0.0	3.1
VI	0.0	5.7
Career Offender (§4B1.1)²	0.0	2.4

¹ Of the 7,355 cases reported to the Commission with motion status information, five 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 7,221 cases with complete guideline application information.

³ In 40 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	2,953	100.0
Administration of Justice	8	0.3
Antitrust	0	0.0
Arson	0	0.0
Assault	0	0.0
Bribery/Corruption	32	1.1
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.2
Drug Possession	0	0.0
Drug Trafficking	2,310	78.2
Environmental	0	0.0
Extortion/Racketeering	1	0.0
Firearms	1	0.0
Food and Drug	0	0.0
Forgery/Counter/Copyright	2	0.1
Fraud/Theft/Embezzlement	311	10.5
Immigration	75	2.5
Individual Rights	0	0.0
Kidnapping	2	0.1
Manslaughter	0	0.0
Money Laundering	162	5.5
Murder	1	0.0
National Defense	2	0.1
Obscenity/Other Sex Offenses	8	0.3
Prison Offenses	1	0.0
Robbery	1	0.0
Sexual Abuse	0	0.0
Stalking/Harassing	0	0.0
Tax	31	1.0
Other	0	0.0

¹ Of the 2,954 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, one was excluded from this analysis because the case could not 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	4,394	100.0
Administration of Justice	18	0.4
Antitrust	0	0.0
Arson	4	0.1
Assault	26	0.6
Bribery/Corruption	35	0.8
Burglary/Trespass	2	0.0
Child Pornography	64	1.5
Commercialized Vice	3	0.1
Drug Possession	0	0.0
Drug Trafficking	2,749	62.6
Environmental	0	0.0
Extortion/Racketeering	8	0.2
Firearms	220	5.0
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	406	9.2
Immigration	200	4.6
Individual Rights	6	0.1
Kidnapping	28	0.6
Manslaughter	4	0.1
Money Laundering	202	4.6
Murder	73	1.7
National Defense	19	0.4
Obscenity/Other Sex Offenses	9	0.2
Prison Offenses	3	0.1
Robbery	133	3.0
Sexual Abuse	136	3.1
Stalking/Harassing	11	0.3
Tax	27	0.6
Other	4	0.1

¹ Of the 4,401 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part B 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, three were excluded due to missing information on the type of crime.

Table 8

**EXTENT OF SENTENCE REDUCTIONS DUE TO RETROACTIVE
APPLICATION OF PART B 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	2,754	83	69	14	17.2
D.C. CIRCUIT	4	79	68	11	12.3
District of Columbia	4	79	68	11	12.3
FIRST CIRCUIT	224	90	74	16	18.0
Maine	2	--	--	--	--
Massachusetts	23	61	51	9	14.8
New Hampshire	9	84	72	12	16.7
Puerto Rico	188	94	77	17	18.7
Rhode Island	2	--	--	--	--
SECOND CIRCUIT	63	66	57	10	15.7
Connecticut	6	68	57	11	15.7
New York					
Eastern	8	52	46	6	13.7
Northern	18	53	43	10	21.1
Southern	24	75	65	10	13.6
Western	6	87	75	12	12.1
Vermont	1	--	--	--	--
THIRD CIRCUIT	91	57	48	10	17.3
Delaware	4	78	67	11	14.3
New Jersey	40	47	39	8	18.3
Pennsylvania					
Eastern	16	63	51	12	19.0
Middle	11	63	53	10	15.6
Western	15	62	53	9	14.6
Virgin Islands	5	73	62	12	17.5
FOURTH CIRCUIT	139	70	59	11	16.7
Maryland	7	74	70	4	11.4
North Carolina					
Eastern	22	59	50	9	15.9
Middle	13	91	82	9	10.8
Western	19	71	58	13	19.0
South Carolina	28	76	63	13	18.5
Virginia					
Eastern	28	62	51	10	17.4
Western	9	91	80	11	12.4
West Virginia					
Northern	7	33	25	8	24.2
Southern	6	67	55	12	17.1

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	1,139	86	71	15	17.7
Louisiana					
Eastern	19	44	36	8	20.7
Middle	8	64	57	7	12.3
Western	9	87	76	12	13.2
Mississippi					
Northern	3	54	44	11	19.8
Southern	10	59	49	10	20.3
Texas					
Eastern	170	118	97	21	18.0
Northern	188	127	104	23	17.5
Southern	291	81	68	13	15.5
Western	441	63	52	11	19.1
SIXTH CIRCUIT	131	74	62	12	17.2
Kentucky					
Eastern	32	82	69	13	16.3
Western	10	67	54	13	19.2
Michigan					
Eastern	23	85	71	14	16.0
Western	14	58	48	10	18.1
Ohio					
Northern	19	56	47	9	15.8
Southern	18	83	68	15	19.1
Tennessee					
Eastern	10	69	57	12	18.7
Middle	0	--	--	--	--
Western	5	80	65	16	18.1
SEVENTH CIRCUIT	73	83	70	12	14.9
Illinois					
Central	6	104	90	13	15.7
Northern	16	94	79	14	13.8
Southern	23	78	65	13	18.0
Indiana					
Northern	13	73	61	12	16.0
Southern	12	85	75	10	11.1
Wisconsin					
Eastern	1	--	--	--	--
Western	2	--	--	--	--
EIGHTH CIRCUIT	123	85	71	14	17.1
Arkansas					
Eastern	17	91	77	15	16.4
Western	5	51	40	10	22.9
Iowa					
Northern	7	108	92	16	15.2
Southern	11	104	88	16	16.5
Minnesota	4	53	43	10	20.5
Missouri					
Eastern	10	63	53	10	16.7
Western	3	90	72	18	19.8
Nebraska	54	95	79	16	16.3
North Dakota	8	40	32	8	23.1
South Dakota	4	55	48	7	12.9

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				
NINTH CIRCUIT	192	65	54	11	17.1
Alaska	2	--	--	--	--
Arizona	7	62	53	9	13.7
California					
Central	43	55	47	8	17.1
Eastern	44	65	54	10	16.6
Northern	9	86	74	11	12.7
Southern	23	46	39	6	16.7
Guam	11	81	65	16	19.5
Hawaii	15	57	46	11	20.2
Idaho	8	51	42	10	19.2
Montana	5	96	79	17	18.1
Nevada	8	79	64	15	18.2
Northern Mariana Islands	0	--	--	--	--
Oregon	0	--	--	--	--
Washington					
Eastern	12	91	76	15	17.2
Western	5	106	87	19	16.3
TENTH CIRCUIT	113	80	67	14	16.6
Colorado	8	76	62	14	17.3
Kansas	14	116	96	20	16.6
New Mexico	8	50	43	8	15.4
Oklahoma					
Eastern	13	101	81	20	19.5
Northern	22	76	61	15	19.2
Western	11	100	83	17	16.9
Utah	30	62	52	9	14.2
Wyoming	7	76	65	11	13.6
ELEVENTH CIRCUIT	462	93	78	15	16.2
Alabama					
Middle	8	100	87	13	15.8
Northern	34	76	61	14	19.1
Southern	15	131	108	23	17.7
Florida					
Middle	155	113	95	18	16.1
Northern	3	78	70	7	10.8
Southern	170	85	73	13	15.6
Georgia					
Middle	10	68	56	11	17.2
Northern	44	75	65	10	15.1
Southern	23	55	45	10	18.5

¹ Of the 2,954 cases in which the court granted a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment, 200 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 B
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

REASONS	N	%
Not eligible under §4C1.1(b)	3,077	59.1
Assigned more than zero criminal history points at sentencing	1,369	26.3
Firearm possessed, etc. in connection with offense	745	14.3
Aggravating Role adjustment applied (USSG §3B1.1)	476	9.1
Conviction was a sex offense	142	2.7
Violence or threat of violence used in connection with offense	110	2.1
Offense resulted in death or serious bodily injury	80	1.5
Defendant caused substantial financial hardship	77	1.5
21 U.S.C. § 848 conviction	46	0.9
Hate crime adjustment applied (USSG §3A1.1)	29	0.6
Terrorism adjustment applied at sentencing (USSG §3A1.4)	3	0.1
Civil rights guideline applied (USSG §2H1.1)	0	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
Not eligible under §1B1.10	892	17.1
Current sentence below new guideline range and no §5K1.1	497	9.5
Statutory mandatory minimum penalty controls sentence	246	4.7
Individual received Amendment 821 reduction at original sentencing	62	1.2
Guideline range does not change	31	0.6
Original sentence has been served	26	0.5
Career Offender or Armed Career Criminal provisions control sentence	14	0.3
Defendant will be released before effective date of amendment	9	0.2
Sentenced to trumping statutory maximum penalty	7	0.1
Denied on the merits	467	8.9
18 U.S.C. § 3553(a) factors	323	6.2
Sentenced individual has already benefitted from departure or variance	106	2.0
Binding plea agreement determined sentence	22	0.4
Post-sentencing or post-conviction conduct	16	0.3
No reason provided/Other reason	770	14.8
No reason provided	600	11.5
Other	170	3.3

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, 5,206 reasons were cited in the 4,401 cases in which the court denied a motion for a sentence reduction due to the retroactive application of Part B of the 2023 Criminal History Amendment.

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