

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

October 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 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/data-reports/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 September 30, 2024 and for which court documentation was received, coded, and edited at the Commission by October 15, 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	12,366		4,932	39.9	7,434	60.1							
Western Texas	1,139		496	43.5	643	56.5	Utah	102		26	25.5	76	74.5
Northern Texas	892		210	23.5	682	76.5	Northern Georgia	102		53	52.0	49	48.0
Southern Texas	551		230	41.7	321	58.3	Kansas	100		84	84.0	16	16.0
Western Missouri	338		100	29.6	238	70.4	New Mexico	100		28	28.0	72	72.0
Eastern Missouri	314		84	26.8	230	73.2	Southern Mississippi	96		48	50.0	48	50.0
Eastern Virginia	278		138	49.6	140	50.4	Northern Illinois	94		55	58.5	39	41.5
Eastern Kentucky	275		106	38.5	169	61.5	Southern Ohio	89		48	53.9	41	46.1
Southern Iowa	269		69	25.7	200	74.3	North Dakota	86		37	43.0	49	57.0
Southern Georgia	248		140	56.5	108	43.5	Eastern Louisiana	84		45	53.6	39	46.4
Eastern Arkansas	247		54	21.9	193	78.1	Colorado	82		44	53.7	38	46.3
Eastern North Carolina	216		87	40.3	129	59.7	Eastern Oklahoma	80		43	53.8	37	46.3
Southern Florida	216		41	19.0	175	81.0	Eastern Wisconsin	79		3	3.8	76	96.2
Western Virginia	212		66	31.1	146	68.9	Montana	73		27	37.0	46	63.0
Puerto Rico	208		70	33.7	138	66.3	Northern California	70		24	34.3	46	65.7
Northern Ohio	194		77	39.7	117	60.3	Western Arkansas	69		44	63.8	25	36.2
Middle North Carolina	192		63	32.8	129	67.2	Idaho	63		54	85.7	9	14.3
Eastern Michigan	192		96	50.0	96	50.0	Eastern California	60		37	61.7	23	38.3
Arizona	186		66	35.5	120	64.5	Wyoming	55		23	41.8	32	58.2
Eastern Tennessee	179		62	34.6	117	65.4	Eastern Pennsylvania	54		50	92.6	4	7.4
Eastern Texas	174		100	57.5	74	42.5	Connecticut	52		9	17.3	43	82.7
Southern New York	170		33	19.4	137	80.6	Middle Louisiana	50		15	30.0	35	70.0
Western Louisiana	169		44	26.0	125	74.0	Western Wisconsin	49		7	14.3	42	85.7
Southern Illinois	167		79	47.3	88	52.7	New Jersey	48		16	33.3	32	66.7
Southern Indiana	166		92	55.4	74	44.6	Northern Oklahoma	46		8	17.4	38	82.6
Northern Iowa	165		91	55.2	74	44.8	Northern New York	42		35	83.3	7	16.7
Middle Georgia	161		77	47.8	84	52.2	Eastern Washington	40		18	45.0	22	55.0
Central Illinois	158		44	27.8	114	72.2	Massachusetts	39		8	20.5	31	79.5
Western Michigan	140		51	36.4	89	63.6	Middle Florida	39		16	41.0	23	59.0
Nebraska	136		45	33.1	91	66.9	Eastern New York	35		7	20.0	28	80.0
Middle Pennsylvania	133		56	42.1	77	57.9	Northern Florida	35		9	25.7	26	74.3
Northern Indiana	133		52	39.1	81	60.9	Northern Mississippi	34		24	70.6	10	29.4
Central California	132		54	40.9	78	59.1	New Hampshire	32		15	46.9	17	53.1
Northern West Virginia	129		67	51.9	62	48.1	Maine	29		11	37.9	18	62.1
Minnesota	126		16	12.7	110	87.3	Southern California	25		22	88.0	3	12.0
Northern Alabama	124		81	65.3	43	34.7	Hawaii	24		20	83.3	4	16.7
Western North Carolina	121		59	48.8	62	51.2	Western Washington	22		5	22.7	17	77.3
South Carolina	118		82	69.5	36	30.5	District of Columbia	21		9	42.9	12	57.1
Southern Alabama	117		37	31.6	80	68.4	Middle Tennessee	20		20	100.0	0	0.0
South Dakota	115		30	26.1	85	73.9	Alaska	16		15	93.8	1	6.3
Western Pennsylvania	114		36	31.6	78	68.4	Rhode Island	15		3	20.0	12	80.0
Western Tennessee	114		71	62.3	43	37.7	Delaware	12		6	50.0	6	50.0
Western New York	111		48	43.2	63	56.8	Oregon	9		9	100.0	0	0.0
Western Oklahoma	111		28	25.2	83	74.8	Nevada	8		8	100.0	0	0.0
Middle Alabama	110		45	40.9	65	59.1	Vermont	6		1	16.7	5	83.3
Southern West Virginia	107		30	28.0	77	72.0	Virgin Islands	2		1	50.0	1	50.0
Maryland	105		102	97.1	3	2.9	Northern Mariana Islands	2		2	100.0	0	0.0
Western Kentucky	103		34	33.0	69	67.0	Guam	1		1	100.0	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	12,360	4,930	39.9	7,430	60.1
2024	275	15	5.5	260	94.5
2023	2,787	1,256	45.1	1,531	54.9
2022	2,258	982	43.5	1,276	56.5
2021	1,511	640	42.4	871	57.6
2020	1,168	481	41.2	687	58.8
2019	1,066	417	39.1	649	60.9
2018	839	317	37.8	522	62.2
2017	555	231	41.6	324	58.4
2016	428	151	35.3	277	64.7
2015	276	96	34.8	180	65.2
2014	222	76	34.2	146	65.8
2013	187	65	34.8	122	65.2
2012	148	41	27.7	107	72.3
2011	102	24	23.5	78	76.5
2010	107	37	34.6	70	65.4
2009	79	18	22.8	61	77.2
2008	63	14	22.2	49	77.8
2007	50	13	26.0	37	74.0
2006	46	10	21.7	36	78.3
2005	36	7	19.4	29	80.6
2004	33	6	18.2	27	81.8
2003	23	6	26.1	17	73.9
2002	24	7	29.2	17	70.8
2001	13	2	15.4	11	84.6
2000	16	5	31.3	11	68.8
1999	5	1	20.0	4	80.0
1998	9	4	44.4	5	55.6
1997	5	2	40.0	3	60.0
1996	12	3	25.0	9	75.0
1995	3	0	0.0	3	100.0
1994	9	2	22.2	7	77.8
1993	1	0	0.0	1	100.0
1992	3	1	33.3	2	66.7
1991	0	0	--	0	--
1990	1	0	0.0	1	100.0
1989	0	0	--	0	--

¹ Of the 12,366 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	4,913	3,464	70.5	0	0.0	1,448	29.5
D.C. CIRCUIT	9	9	100.0	0	0.0	0	0.0
FIRST CIRCUIT	107	87	81.3	0	0.0	20	18.7
SECOND CIRCUIT	133	100	75.2	0	0.0	33	24.8
THIRD CIRCUIT	155	143	92.3	0	0.0	12	7.7
FOURTH CIRCUIT	694	584	84.1	0	0.0	110	15.9
FIFTH CIRCUIT	1,210	697	57.6	0	0.0	513	42.4
SIXTH CIRCUIT	562	372	66.2	0	0.0	190	33.8
SEVENTH CIRCUIT	332	328	98.8	0	0.0	4	1.2
EIGHTH CIRCUIT	567	362	63.8	0	0.0	205	36.2
NINTH CIRCUIT	362	305	84.3	0	0.0	57	15.7
TENTH CIRCUIT	283	275	97.2	0	0.0	8	2.8
ELEVENTH CIRCUIT	499	203	40.7	0	0.0	296	59.3

¹ Of the 4,932 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, 19 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In 38 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 three 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 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	1,247	25.3	1,714	23.1
Black	2,144	43.6	3,159	42.6
Hispanic	1,380	28.0	2,346	31.6
Other	151	3.1	195	2.6
Total	4,922	100.0	7,414	100.0
Citizenship				
U.S. Citizen	4,314	87.5	6,354	85.6
Non-Citizen	614	12.5	1,066	14.4
Total	4,928	100.0	7,420	100.0
Gender				
Male	4,552	92.3	6,572	88.4
Female	380	7.7	861	11.6
Total	4,932	100.0	7,433	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	41	

¹ Of the 12,366 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 (30), missing citizenship information (18), missing gender information (1), and missing age information (8).

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}	28.7	34.4
Weapon Specific Offense Characteristic	18.8	21.2
Firearms Mandatory Minimum Applied	11.6	15.3
Safety Valve²	4.8	6.5
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	8.1	11.4
Mitigating Role (USSG §3B1.2)	1.7	2.7
Obstruction Adjustment (USSG §3C1.1)	3.1	5.2
Sentence Relative to the Guideline Range		
Within Range	70.9	49.1
Above Range	3.9	6.9
Below Range	25.2	44.0
Criminal History Category		
I	8.1	7.1
II	29.5	9.9
III	37.8	21.7
IV	14.7	17.4
V	9.8	14.4
VI	0.2	29.4
Career Offender (§4B1.1)²	0.1	11.6

¹ Of the 12,366 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 12,136 cases with complete guideline application information.

³ In 230 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	4,929	100.0
Administration of Justice	15	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	78	1.6
Bribery/Corruption	5	0.1
Burglary/Trespass	2	0.0
Child Pornography	108	2.2
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	2,214	44.9
Environmental	0	0.0
Extortion/Racketeering	8	0.2
Firearms	1,218	24.7
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	154	3.1
Immigration	417	8.5
Individual Rights	0	0.0
Kidnapping	12	0.2
Manslaughter	9	0.2
Money Laundering	74	1.5
Murder	29	0.6
National Defense	6	0.1
Obscenity/Other Sex Offenses	19	0.4
Prison Offenses	79	1.6
Robbery	396	8.0
Sexual Abuse	62	1.3
Stalking/Harassing	6	0.1
Tax	2	0.0
Other	3	0.1

¹ Of the 4,932 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. Of the remaining cases, one was excluded due to missing information on the type of crime.

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

TYPE OF CRIME	N	%
TOTAL	7,428	100.0
Administration of Justice	20	0.3
Antitrust	0	0.0
Arson	9	0.1
Assault	108	1.5
Bribery/Corruption	6	0.1
Burglary/Trespass	3	0.0
Child Pornography	80	1.1
Commercialized Vice	2	0.0
Drug Possession	0	0.0
Drug Trafficking	4,055	54.6
Environmental	0	0.0
Extortion/Racketeering	13	0.2
Firearms	1,396	18.8
Food and Drug	1	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	219	2.9
Immigration	430	5.8
Individual Rights	2	0.0
Kidnapping	35	0.5
Manslaughter	9	0.1
Money Laundering	117	1.6
Murder	127	1.7
National Defense	7	0.1
Obscenity/Other Sex Offenses	9	0.1
Prison Offenses	45	0.6
Robbery	560	7.5
Sexual Abuse	141	1.9
Stalking/Harassing	15	0.2
Tax	8	0.1
Other	3	0.0

¹ Of the 7,434 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	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
TOTAL	4,575	108	97	11	11.8
D.C. CIRCUIT	5	61	56	5	7.9
District of Columbia	5	61	56	5	7.9
FIRST CIRCUIT	105	116	105	12	11.1
Maine	11	140	125	15	9.8
Massachusetts	8	122	106	16	14.3
New Hampshire	14	124	114	11	8.8
Puerto Rico	69	109	98	11	11.1
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	126	98	89	9	11.1
Connecticut	8	58	51	7	12.4
New York					
Eastern	7	97	92	5	6.0
Northern	35	76	67	9	14.3
Southern	31	102	94	9	9.7
Western	44	121	111	11	9.9
Vermont	1	--	--	--	--
THIRD CIRCUIT	139	109	98	11	11.5
Delaware	6	112	99	13	12.5
New Jersey	16	94	84	11	11.5
Pennsylvania					
Eastern	40	126	114	12	10.1
Middle	49	117	105	12	12.4
Western	27	79	71	8	11.7
Virgin Islands	1	--	--	--	--
FOURTH CIRCUIT	651	112	101	11	10.8
Maryland	84	118	107	11	9.9
North Carolina					
Eastern	87	87	78	8	10.6
Middle	63	94	86	9	9.8
Western	56	130	114	16	10.7
South Carolina	70	120	109	11	10.8
Virginia					
Eastern	128	128	117	11	10.4
Western	66	132	120	11	9.4
West Virginia					
Northern	67	91	80	11	13.7
Southern	30	87	76	11	15.7

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		1,193	102	90	11	12.9
Louisiana						
Eastern		38	126	114	12	12.6
Middle		13	138	122	16	12.4
Western		44	122	111	12	10.7
Mississippi						
Northern		24	74	65	9	13.2
Southern		47	95	85	10	13.5
Texas						
Eastern		100	113	101	12	12.2
Northern		206	145	129	16	11.9
Southern		226	84	75	9	12.7
Western		495	87	77	10	13.7
SIXTH CIRCUIT		515	116	105	11	10.8
Kentucky						
Eastern		105	125	114	11	9.7
Western		34	121	112	9	9.7
Michigan						
Eastern		80	132	121	11	10.5
Western		51	106	95	11	10.6
Ohio						
Northern		73	90	81	10	13.1
Southern		41	123	113	10	11.2
Tennessee						
Eastern		43	101	91	10	10.3
Middle		20	97	86	10	11.7
Western		68	125	113	11	11.1
SEVENTH CIRCUIT		291	118	106	12	11.6
Illinois						
Central		44	120	107	13	11.7
Northern		46	106	95	11	12.2
Southern		77	126	113	13	11.1
Indiana						
Northern		49	113	100	13	11.9
Southern		65	124	112	12	11.5
Wisconsin						
Eastern		3	83	73	10	11.9
Western		7	102	92	10	9.6
EIGHTH CIRCUIT		537	104	94	10	12.1
Arkansas						
Eastern		54	47	41	6	21.6
Western		44	93	83	10	11.5
Iowa						
Northern		91	113	101	12	12.3
Southern		67	150	138	13	10.7
Minnesota		8	113	101	12	11.6
Missouri						
Eastern		82	80	72	8	11.5
Western		85	112	102	10	10.0
Nebraska		45	151	138	13	10.0
North Dakota		36	73	64	9	12.7
South Dakota		25	96	87	9	8.4

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		314	99	89	10	12.0
	Alaska	9	97	88	9	9.8
	Arizona	41	65	58	8	13.3
	California					
	Central	54	106	96	9	9.9
	Eastern	37	110	98	12	12.0
	Northern	18	144	129	16	13.4
	Southern	22	79	70	9	15.2
	Guam	1	--	--	--	--
	Hawaii	20	99	89	11	12.0
	Idaho	54	115	103	12	12.3
	Montana	22	80	74	7	10.3
	Nevada	6	138	124	14	10.9
	Northern Mariana Islands	2	--	--	--	--
	Oregon	8	113	101	12	11.2
	Washington					
	Eastern	15	82	72	10	12.0
	Western	5	78	68	10	13.1
TENTH CIRCUIT		249	108	97	11	11.4
	Colorado	32	88	79	9	12.0
	Kansas	66	153	138	15	10.8
	New Mexico	28	71	64	7	11.3
	Oklahoma					
	Eastern	42	112	100	12	11.7
	Northern	8	63	54	9	14.0
	Western	28	73	64	8	12.8
	Utah	25	87	78	9	10.7
	Wyoming	20	133	122	11	10.2
ELEVENTH CIRCUIT		450	118	106	12	11.8
	Alabama					
	Middle	45	126	112	14	12.7
	Northern	81	103	94	10	10.9
	Southern	33	119	108	11	10.6
	Florida					
	Middle	15	84	71	12	16.2
	Northern	9	145	129	16	14.5
	Southern	41	137	125	13	10.4
	Georgia					
	Middle	61	132	116	15	13.1
	Northern	48	118	107	11	10.5
	Southern	117	114	102	12	11.9

¹ Of the 4,932 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 356 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	2,101	24.9
Did not receive status points	2,101	24.9
Not eligible under §1B1.10	3,734	44.2
CHC does not change	1,914	22.7
Current sentence below new guideline range and no §5K1.1	531	6.3
Career Offender or Armed Career Criminal provisions control sentence	517	6.1
Statutory mandatory minimum penalty controls sentence	320	3.8
Guideline range does not change	268	3.2
Individual received Amendment 821 reduction at original sentencing	88	1.0
Original sentence has been served	54	0.6
Sentenced to trumping statutory maximum penalty	37	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	1,191	14.2
18 U.S.C. § 3553(a) factors	881	10.5
Post-sentencing or post-conviction conduct	135	1.6
Individual has already benefitted from departure or variance	102	1.2
Binding plea agreement determined sentence	73	0.9
No reason provided/Other reason	1,404	16.6
No reason provided	1,165	13.8
Other	239	2.8

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, 8,430 reasons were cited in the 7,434 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.