

**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	Utah	102	26	25.5	76	74.5
Western Texas	1,139	496	43.5	643	56.5	Northern Georgia	102	53	52.0	49	48.0
Northern Texas	892	210	23.5	682	76.5	Kansas	100	84	84.0	16	16.0
Southern Texas	551	230	41.7	321	58.3	New Mexico	100	28	28.0	72	72.0
Western Missouri	338	100	29.6	238	70.4	Southern Mississippi	96	48	50.0	48	50.0
Eastern Missouri	314	84	26.8	230	73.2	Northern Illinois	94	55	58.5	39	41.5
Eastern Virginia	278	138	49.6	140	50.4	Southern Ohio	89	48	53.9	41	46.1
Eastern Kentucky	275	106	38.5	169	61.5	North Dakota	86	37	43.0	49	57.0
Southern Iowa	269	69	25.7	200	74.3	Eastern Louisiana	84	45	53.6	39	46.4
Southern Georgia	248	140	56.5	108	43.5	Colorado	82	44	53.7	38	46.3
Eastern Arkansas	247	54	21.9	193	78.1	Eastern Oklahoma	80	43	53.8	37	46.3
Eastern North Carolina	216	87	40.3	129	59.7	Eastern Wisconsin	79	3	3.8	76	96.2
Southern Florida	216	41	19.0	175	81.0	Montana	73	27	37.0	46	63.0
Western Virginia	212	66	31.1	146	68.9	Northern California	70	24	34.3	46	65.7
Puerto Rico	208	70	33.7	138	66.3	Western Arkansas	69	44	63.8	25	36.2
Northern Ohio	194	77	39.7	117	60.3	Idaho	63	54	85.7	9	14.3
Middle North Carolina	192	63	32.8	129	67.2	Eastern California	60	37	61.7	23	38.3
Eastern Michigan	192	96	50.0	96	50.0	Wyoming	55	23	41.8	32	58.2
Arizona	186	66	35.5	120	64.5	Eastern Pennsylvania	54	50	92.6	4	7.4
Eastern Tennessee	179	62	34.6	117	65.4	Connecticut	52	9	17.3	43	82.7
Eastern Texas	174	100	57.5	74	42.5	Middle Louisiana	50	15	30.0	35	70.0
Southern New York	170	33	19.4	137	80.6	Western Wisconsin	49	7	14.3	42	85.7
Western Louisiana	169	44	26.0	125	74.0	New Jersey	48	16	33.3	32	66.7
Southern Illinois	167	79	47.3	88	52.7	Northern Oklahoma	46	8	17.4	38	82.6
Southern Indiana	166	92	55.4	74	44.6	Northern New York	42	35	83.3	7	16.7
Northern Iowa	165	91	55.2	74	44.8	Eastern Washington	40	18	45.0	22	55.0
Middle Georgia	161	77	47.8	84	52.2	Massachusetts	39	8	20.5	31	79.5
Central Illinois	158	44	27.8	114	72.2	Middle Florida	39	16	41.0	23	59.0
Western Michigan	140	51	36.4	89	63.6	Eastern New York	35	7	20.0	28	80.0
Nebraska	136	45	33.1	91	66.9	Northern Florida	35	9	25.7	26	74.3
Middle Pennsylvania	133	56	42.1	77	57.9	Northern Mississippi	34	24	70.6	10	29.4
Northern Indiana	133	52	39.1	81	60.9	New Hampshire	32	15	46.9	17	53.1
Central California	132	54	40.9	78	59.1	Maine	29	11	37.9	18	62.1
Northern West Virginia	129	67	51.9	62	48.1	Southern California	25	22	88.0	3	12.0
Minnesota	126	16	12.7	110	87.3	Hawaii	24	20	83.3	4	16.7
Northern Alabama	124	81	65.3	43	34.7	Western Washington	22	5	22.7	17	77.3
Western North Carolina	121	59	48.8	62	51.2	District of Columbia	21	9	42.9	12	57.1
South Carolina	118	82	69.5	36	30.5	Middle Tennessee	20	20	100.0	0	0.0
Southern Alabama	117	37	31.6	80	68.4	Alaska	16	15	93.8	1	6.3
South Dakota	115	30	26.1	85	73.9	Rhode Island	15	3	20.0	12	80.0
Western Pennsylvania	114	36	31.6	78	68.4	Delaware	12	6	50.0	6	50.0
Western Tennessee	114	71	62.3	43	37.7	Oregon	9	9	100.0	0	0.0
Western New York	111	48	43.2	63	56.8	Nevada	8	8	100.0	0	0.0
Western Oklahoma	111	28	25.2	83	74.8	Vermont	6	1	16.7	5	83.3
Middle Alabama	110	45	40.9	65	59.1	Virgin Islands	2	1	50.0	1	50.0
Southern West Virginia	107	30	28.0	77	72.0	Northern Mariana Islands	2	2	100.0	0	0.0
Maryland	105	102	97.1	3	2.9	Guam	1	1	100.0	0	0.0
Western Kentucky	103	34	33.0	69	67.0						

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.

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	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}		
Weapon Specific Offense Characteristic	28.7	34.4
Firearms Mandatory Minimum Applied	18.8	21.2
	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.

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	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.

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

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	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
District					
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.)

		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	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.