

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

District	Total	Granted		Denied		District	Total	Granted		Denied	
	N	N	%	N	%		N	N	%	N	%
TOTAL	9,649	3,413	35.4	6,236	64.6	Northern Indiana	53	14	26.4	39	73.6
Western Texas	1,164	454	39.0	710	61.0	Western Washington	52	6	11.5	46	88.5
Northern Texas	768	221	28.8	547	71.2	Western Pennsylvania	50	23	46.0	27	54.0
Southern Florida	749	234	31.2	515	68.8	South Carolina	48	33	68.8	15	31.3
Southern Texas	734	313	42.6	421	57.4	Western New York	46	9	19.6	37	80.4
Puerto Rico	639	225	35.2	414	64.8	Montana	46	9	19.6	37	80.4
Middle Florida	341	234	68.6	107	31.4	Kansas	45	31	68.9	14	31.1
Eastern Texas	324	217	67.0	107	33.0	Connecticut	44	9	20.5	35	79.5
Southern New York	207	29	14.0	178	86.0	Southern West Virginia	43	7	16.3	36	83.7
Northern Georgia	179	59	33.0	120	67.0	New Mexico	43	11	25.6	32	74.4
Nebraska	152	60	39.5	92	60.5	Northern California	42	11	26.2	31	73.8
Western Missouri	151	19	12.6	132	87.4	Eastern Washington	42	15	35.7	27	64.3
Arizona	145	12	8.3	133	91.7	Middle Alabama	41	8	19.5	33	80.5
Eastern Kentucky	143	38	26.6	105	73.4	Eastern New York	40	10	25.0	30	75.0
Central California	126	46	36.5	80	63.5	Eastern Wisconsin	40	1	2.5	39	97.5
Southern Iowa	125	16	12.8	109	87.2	North Dakota	40	10	25.0	30	75.0
Eastern Virginia	112	32	28.6	80	71.4	Middle North Carolina	39	13	33.3	26	66.7
Eastern Michigan	110	30	27.3	80	72.7	Western Kentucky	36	10	27.8	26	72.2
Eastern Missouri	97	17	17.5	80	82.5	Northern Iowa	36	7	19.4	29	80.6
Massachusetts	89	28	31.5	61	68.5	Southern California	35	34	97.1	1	2.9
Western Oklahoma	88	13	14.8	75	85.2	Eastern Pennsylvania	34	28	82.4	6	17.6
Utah	86	31	36.0	55	64.0	Eastern Oklahoma	33	13	39.4	20	60.6
South Dakota	85	10	11.8	75	88.2	Middle Louisiana	31	10	32.3	21	67.7
Southern Alabama	82	20	24.4	62	75.6	District of Columbia	27	9	33.3	18	66.7
Eastern California	81	50	61.7	31	38.3	Western Arkansas	25	14	56.0	11	44.0
Southern Indiana	78	20	25.6	58	74.4	Idaho	23	9	39.1	14	60.9
Eastern Arkansas	78	18	23.1	60	76.9	New Hampshire	22	14	63.6	8	36.4
New Jersey	77	46	59.7	31	40.3	Northern New York	22	18	81.8	4	18.2
Minnesota	76	14	18.4	62	81.6	Northern West Virginia	22	7	31.8	15	68.2
Western Virginia	75	11	14.7	64	85.3	Hawaii	22	17	77.3	5	22.7
Eastern North Carolina	74	28	37.8	46	62.2	Wyoming	22	7	31.8	15	68.2
Middle Pennsylvania	72	15	20.8	57	79.2	Western Wisconsin	20	4	20.0	16	80.0
Northern Ohio	70	25	35.7	45	64.3	Maine	18	2	11.1	16	88.9
Central Illinois	69	6	8.7	63	91.3	Western Tennessee	18	9	50.0	9	50.0
Eastern Tennessee	68	24	35.3	44	64.7	Rhode Island	17	2	11.8	15	88.2
Southern Illinois	68	23	33.8	45	66.2	Virgin Islands	17	10	58.8	7	41.2
Northern Oklahoma	68	22	32.4	46	67.6	Delaware	15	4	26.7	11	73.3
Middle Georgia	67	17	25.4	50	74.6	Northern Florida	13	3	23.1	10	76.9
Western Louisiana	66	14	21.2	52	78.8	Northern Mississippi	12	3	25.0	9	75.0
Southern Ohio	66	33	50.0	33	50.0	Guam	12	12	100.0	0	0.0
Northern Alabama	66	35	53.0	31	47.0	Maryland	11	9	81.8	2	18.2
Southern Georgia	64	28	43.8	36	56.3	Nevada	10	9	90.0	1	10.0
Western Michigan	62	19	30.6	43	69.4	Northern Mariana Islands	6	4	66.7	2	33.3
Colorado	62	19	30.6	43	69.4	Alaska	4	3	75.0	1	25.0
Eastern Louisiana	58	23	39.7	35	60.3	Vermont	3	2	66.7	1	33.3
Western North Carolina	57	25	43.9	32	56.1	Oregon	2	2	100.0	0	0.0
Southern Mississippi	55	19	34.5	36	65.5	Middle Tennessee	0	0	--	0	--
Northern Illinois	54	26	48.1	28	51.9						

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	9,643	3,411	35.4	6,232	64.6
2024	422	21	5.0	401	95.0
2023	2,946	1,229	41.7	1,717	58.3
2022	1,996	882	44.2	1,114	55.8
2021	1,034	422	40.8	612	59.2
2020	656	213	32.5	443	67.5
2019	657	191	29.1	466	70.9
2018	529	154	29.1	375	70.9
2017	376	126	33.5	250	66.5
2016	264	72	27.3	192	72.7
2015	173	29	16.8	144	83.2
2014	115	24	20.9	91	79.1
2013	109	6	5.5	103	94.5
2012	78	9	11.5	69	88.5
2011	53	8	15.1	45	84.9
2010	50	5	10.0	45	90.0
2009	42	4	9.5	38	90.5
2008	22	1	4.5	21	95.5
2007	24	3	12.5	21	87.5
2006	20	5	25.0	15	75.0
2005	15	1	6.7	14	93.3
2004	10	1	10.0	9	90.0
2003	4	0	0.0	4	100.0
2002	6	0	0.0	6	100.0
2001	9	4	44.4	5	55.6
2000	10	0	0.0	10	100.0
1999	6	0	0.0	6	100.0
1998	3	0	0.0	3	100.0
1997	1	0	0.0	1	100.0
1996	4	0	0.0	4	100.0
1995	1	0	0.0	1	100.0
1994	3	0	0.0	3	100.0
1993	0	0	--	0	--
1992	2	0	0.0	2	100.0
1991	1	1	100.0	0	0.0
1990	1	0	0.0	1	100.0
1989	1	0	0.0	1	100.0

¹ Of the 9,649 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 B
OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

CIRCUIT	Total	Defendant²		Director BOP		Courts	
	N	N	%	N	%	N	%
TOTAL	3,406	2,531	74.3	0	0.0	874	25.7
D.C. CIRCUIT	9	9	100.0	0	0.0	0	0.0
FIRST CIRCUIT	271	255	94.1	0	0.0	16	5.9
SECOND CIRCUIT	77	62	80.5	0	0.0	15	19.5
THIRD CIRCUIT	121	116	95.9	0	0.0	5	4.1
FOURTH CIRCUIT	165	138	83.6	0	0.0	27	16.4
FIFTH CIRCUIT	1,273	702	55.1	0	0.0	571	44.9
SIXTH CIRCUIT	188	127	67.6	0	0.0	61	32.4
SEVENTH CIRCUIT	94	93	98.9	0	0.0	1	1.1
EIGHTH CIRCUIT	185	144	77.8	0	0.0	41	22.2
NINTH CIRCUIT	238	209	87.8	0	0.0	29	12.2
TENTH CIRCUIT	147	132	89.8	0	0.0	15	10.2
ELEVENTH CIRCUIT	638	545	85.4	0	0.0	93	14.6

¹ Of the 3,413 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 11 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	502	14.7	1,141	18.3
Black	360	10.6	1,220	19.6
Hispanic	2,443	71.7	3,656	58.7
Other	104	3.1	208	3.3
Total	3,409	100.0	6,225	100.0
Citizenship				
U.S. Citizen	1,631	47.9	3,891	62.5
Non-Citizen	1,776	52.1	2,333	37.5
Total	3,407	100.0	6,224	100.0
Gender				
Male	2,813	82.4	5,204	83.5
Female	600	17.6	1,032	16.5
Total	3,413	100.0	6,236	100.0
Average Age at Original Sentence		38	38	
Average Age at Motion Decision		41	42	

¹ Of the 9,649 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 (15), missing citizenship information (18), and missing age information (9).

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	1.6	28.9
Firearms Mandatory Minimum Applied	1.5	20.8
	0.0	9.1
Safety Valve²	81.0	25.9
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	0.8	19.9
Mitigating Role (USSG §3B1.2)	18.1	4.4
Obstruction Adjustment (USSG §3C1.1)	3.0	5.3
Sentence Relative to the Guideline Range		
Within Range	62.6	43.0
Above Range	0.8	4.3
Below Range	36.5	52.8
Criminal History Category		
I	100.0	71.3
II	0.0	9.2
III	0.0	7.2
IV	0.0	3.6
V	0.0	2.8
VI	0.0	5.9
Career Offender (§4B1.1)²	0.0	2.4

¹ Of the 9,649 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 9,466 cases with complete guideline application information.

³ In 59 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	3,411	100.0
Administration of Justice	12	0.4
Antitrust	0	0.0
Arson	1	0.0
Assault	0	0.0
Bribery/Corruption	35	1.0
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.1
Drug Possession	0	0.0
Drug Trafficking	2,681	78.6
Environmental	0	0.0
Extortion/Racketeering	1	0.0
Firearms	1	0.0
Food and Drug	0	0.0
Forgery/Counter/Copyright	4	0.1
Fraud/Theft/Embezzlement	349	10.2
Immigration	83	2.4
Individual Rights	0	0.0
Kidnapping	2	0.1
Manslaughter	0	0.0
Money Laundering	186	5.5
Murder	1	0.0
National Defense	2	0.1
Obscenity/Other Sex Offenses	8	0.2
Prison Offenses	1	0.0
Robbery	2	0.1
Sexual Abuse	0	0.0
Stalking/Harassing	0	0.0
Tax	37	1.1
Other	0	0.0

¹ Of the 3,413 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, 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	6,228	100.0
Administration of Justice	20	0.3
Antitrust	0	0.0
Arson	11	0.2
Assault	35	0.6
Bribery/Corruption	48	0.8
Burglary/Trespass	2	0.0
Child Pornography	94	1.5
Commercialized Vice	4	0.1
Drug Possession	0	0.0
Drug Trafficking	3,931	63.1
Environmental	0	0.0
Extortion/Racketeering	11	0.2
Firearms	308	4.9
Food and Drug	3	0.0
Forgery/Counter/Copyright	3	0.0
Fraud/Theft/Embezzlement	569	9.1
Immigration	265	4.3
Individual Rights	8	0.1
Kidnapping	38	0.6
Manslaughter	5	0.1
Money Laundering	313	5.0
Murder	115	1.8
National Defense	24	0.4
Obscenity/Other Sex Offenses	9	0.1
Prison Offenses	3	0.0
Robbery	183	2.9
Sexual Abuse	178	2.9
Stalking/Harassing	12	0.2
Tax	31	0.5
Other	5	0.1

¹ Of the 6,236 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, four 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 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	3,206	86	72	14	17.1
D.C. CIRCUIT	6	62	53	9	13.2
District of Columbia	6	62	53	9	13.2
FIRST CIRCUIT	262	90	74	16	17.8
Maine	2	--	--	--	--
Massachusetts	25	63	53	10	14.6
New Hampshire	9	84	72	12	16.7
Puerto Rico	224	94	77	17	18.4
Rhode Island	2	--	--	--	--
SECOND CIRCUIT	72	70	60	10	15.5
Connecticut	9	76	64	12	15.1
New York					
Eastern	9	58	50	8	14.4
Northern	18	53	43	10	21.1
Southern	29	80	68	11	13.7
Western	6	87	75	12	12.1
Vermont	1	--	--	--	--
THIRD CIRCUIT	107	62	51	10	17.1
Delaware	4	78	67	11	14.3
New Jersey	46	47	39	8	18.3
Pennsylvania					
Eastern	18	64	52	12	18.5
Middle	12	68	59	9	14.4
Western	17	61	53	9	14.3
Virgin Islands	10	110	91	19	17.7
FOURTH CIRCUIT	155	71	60	11	16.7
Maryland	9	75	69	6	12.5
North Carolina					
Eastern	28	64	54	10	15.8
Middle	13	91	82	9	10.8
Western	22	80	66	14	18.3
South Carolina	30	73	61	13	18.7
Virginia					
Eastern	29	62	51	11	17.5
Western	10	97	84	13	13.2
West Virginia					
Northern	7	33	25	8	24.2
Southern	7	63	52	11	17.5

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	1,258	89	74	16	17.9
Louisiana					
Eastern	20	43	35	8	20.7
Middle	9	77	65	12	15.5
Western	11	85	74	11	13.0
Mississippi					
Northern	3	54	44	11	19.8
Southern	18	78	67	11	20.0
Texas					
Eastern	216	125	103	23	18.1
Northern	219	128	106	23	17.5
Southern	308	81	68	13	15.8
Western	454	62	51	11	19.3
SIXTH CIRCUIT	149	74	62	12	17.2
Kentucky					
Eastern	37	82	70	12	16.0
Western	10	67	54	13	19.2
Michigan					
Eastern	23	85	71	14	16.0
Western	19	57	47	10	18.3
Ohio					
Northern	21	56	48	8	15.4
Southern	19	81	67	15	19.2
Tennessee					
Eastern	12	65	54	11	18.3
Middle	0	--	--	--	--
Western	8	101	81	20	18.5
SEVENTH CIRCUIT	80	83	71	12	14.7
Illinois					
Central	6	104	90	13	15.7
Northern	19	88	75	13	13.8
Southern	23	78	65	13	18.0
Indiana					
Northern	13	73	61	12	16.0
Southern	15	96	84	12	11.6
Wisconsin					
Eastern	1	--	--	--	--
Western	3	41	39	2	5.6
EIGHTH CIRCUIT	165	89	75	14	16.4
Arkansas					
Eastern	18	96	81	15	16.1
Western	14	52	43	9	18.4
Iowa					
Northern	7	108	92	16	15.2
Southern	15	109	92	17	16.4
Minnesota	6	64	55	9	18.1
Missouri					
Eastern	14	66	56	10	16.3
Western	16	111	95	15	14.5
Nebraska	60	101	84	17	16.1
North Dakota	10	44	36	8	21.0
South Dakota	5	60	52	7	12.4

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	222	68	57	11	17.1
Alaska	3	54	45	9	18.4
Arizona	7	62	53	9	13.7
California					
Central	46	58	49	9	17.1
Eastern	49	69	58	11	16.6
Northern	9	86	74	11	12.7
Southern	32	52	44	8	17.1
Guam	12	82	66	16	19.5
Hawaii	17	55	44	10	20.2
Idaho	9	69	56	13	19.3
Montana	5	96	79	17	18.1
Nevada	8	79	64	15	18.2
Northern Mariana Islands	4	61	53	8	12.3
Oregon	0	--	--	--	--
Washington					
Eastern	15	93	78	15	16.8
Western	6	110	92	18	15.1
TENTH CIRCUIT	121	81	67	14	16.4
Colorado	11	87	72	15	16.6
Kansas	15	112	94	18	15.8
New Mexico	11	55	46	9	16.5
Oklahoma					
Eastern	13	101	81	20	19.5
Northern	22	76	61	15	19.2
Western	12	97	81	16	15.9
Utah	30	62	52	9	14.2
Wyoming	7	76	65	11	13.6
ELEVENTH CIRCUIT	609	97	82	15	16.0
Alabama					
Middle	8	100	87	13	15.8
Northern	35	77	62	15	19.1
Southern	18	127	104	23	18.1
Florida					
Middle	226	115	97	18	15.4
Northern	3	78	70	7	10.8
Southern	229	91	77	14	16.1
Georgia					
Middle	12	75	64	10	15.3
Northern	54	76	66	10	15.1
Southern	24	54	45	10	18.6

¹ Of the 3,413 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, 207 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)	4,395	59.4
Assigned more than zero criminal history points at sentencing	1,925	26.0
Firearm possessed, etc. in connection with offense	1,073	14.5
Aggravating Role adjustment applied (USSG §3B1.1)	693	9.4
Conviction was a sex offense	192	2.6
Violence or threat of violence used in connection with offense	157	2.1
Offense resulted in death or serious bodily injury	115	1.6
Defendant caused substantial financial hardship	115	1.6
21 U.S.C. § 848 conviction	74	1.0
Hate crime adjustment applied (USSG §3A1.1)	46	0.6
Terrorism adjustment applied at sentencing (USSG §3A1.4)	3	0.0
Civil rights guideline applied (USSG §2H1.1)	2	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
Not eligible under §1B1.10	1,350	18.3
Current sentence below new guideline range and no §5K1.1	718	9.7
Statutory mandatory minimum penalty controls sentence	378	5.1
Individual received Amendment 821 reduction at original sentencing	116	1.6
Guideline range does not change	50	0.7
Original sentence has been served	45	0.6
Career Offender or Armed Career Criminal provisions control sentence	21	0.3
Sentenced to trumping statutory maximum penalty	13	0.2
Defendant will be released before effective date of amendment	9	0.1
Denied on the merits	583	7.9
18 U.S.C. § 3553(a) factors	453	6.1
Individual has already benefitted from departure or variance	82	1.1
Binding plea agreement determined sentence	29	0.4
Post-sentencing or post-conviction conduct	19	0.3
No reason provided/Other reason	1,079	14.5
No reason provided	831	11.2
Other	248	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, 7,407 reasons were cited in the 6,236 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.