

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



**February 2025**

## **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.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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

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<sup>1</sup> 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).

<sup>2</sup> 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](http://www.ussc.gov).

<sup>3</sup> 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.

<sup>4</sup> 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 December 31, 2024 and for which court documentation was received, coded, and edited at the Commission by January 28, 2025.

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	%
<b>TOTAL</b>	<b>14,030</b>	<b>5,304</b>	<b>37.8</b>	<b>8,726</b>	<b>62.2</b>	Kansas	116	84	72.4	32	27.6
Western Texas	1,220	503	41.2	717	58.8	Middle Alabama	116	45	38.8	71	61.2
Northern Texas	1,001	230	23.0	771	77.0	Western Kentucky	115	36	31.3	79	68.7
Southern Texas	591	243	41.1	348	58.9	Western New York	113	49	43.4	64	56.6
Western Missouri	385	115	29.9	270	70.1	Maryland	111	106	95.5	5	4.5
Eastern Missouri	374	97	25.9	277	74.1	Utah	107	26	24.3	81	75.7
Eastern Virginia	311	150	48.2	161	51.8	Colorado	100	53	53.0	47	47.0
Eastern Kentucky	310	111	35.8	199	64.2	Southern Ohio	96	50	52.1	46	47.9
Southern Iowa	277	70	25.3	207	74.7	North Dakota	96	42	43.8	54	56.3
Eastern Arkansas	269	54	20.1	215	79.9	Eastern Louisiana	92	49	53.3	43	46.7
Southern Georgia	267	141	52.8	126	47.2	Eastern Wisconsin	85	3	3.5	82	96.5
Puerto Rico	264	73	27.7	191	72.3	Montana	85	38	44.7	47	55.3
Eastern North Carolina	260	94	36.2	166	63.8	Eastern Oklahoma	82	43	52.4	39	47.6
Southern Florida	250	45	18.0	205	82.0	Idaho	81	55	67.9	26	32.1
Western Virginia	247	70	28.3	177	71.7	Northern California	78	26	33.3	52	66.7
Middle North Carolina	244	66	27.0	178	73.0	Eastern California	75	40	53.3	35	46.7
Eastern Tennessee	236	70	29.7	166	70.3	Western Arkansas	69	44	63.8	25	36.2
Northern Ohio	229	83	36.2	146	63.8	Connecticut	67	13	19.4	54	80.6
Eastern Texas	210	118	56.2	92	43.8	Eastern Pennsylvania	59	54	91.5	5	8.5
Eastern Michigan	209	105	50.2	104	49.8	Wyoming	59	24	40.7	35	59.3
Arizona	207	68	32.9	139	67.1	New Jersey	58	20	34.5	38	65.5
Southern Indiana	202	106	52.5	96	47.5	Middle Florida	58	25	43.1	33	56.9
Southern New York	187	35	18.7	152	81.3	Middle Louisiana	56	16	28.6	40	71.4
Southern Illinois	183	79	43.2	104	56.8	Northern Oklahoma	52	9	17.3	43	82.7
Middle Georgia	179	83	46.4	96	53.6	Western Wisconsin	50	7	14.0	43	86.0
Northern Iowa	176	92	52.3	84	47.7	Northern Mississippi	45	25	55.6	20	44.4
Western Louisiana	175	46	26.3	129	73.7	Massachusetts	43	9	20.9	34	79.1
Minnesota	170	28	16.5	142	83.5	Eastern New York	42	8	19.0	34	81.0
Western Michigan	166	61	36.7	105	63.3	Northern New York	42	35	83.3	7	16.7
Central Illinois	166	47	28.3	119	71.7	Eastern Washington	42	19	45.2	23	54.8
Central California	160	58	36.3	102	63.8	Northern Florida	35	10	28.6	25	71.4
Nebraska	153	47	30.7	106	69.3	New Hampshire	32	15	46.9	17	53.1
Southern Mississippi	146	66	45.2	80	54.8	Oregon	32	24	75.0	8	25.0
Middle Pennsylvania	143	58	40.6	85	59.4	Maine	31	12	38.7	19	61.3
Western Tennessee	143	79	55.2	64	44.8	District of Columbia	29	11	37.9	18	62.1
Northern Indiana	143	54	37.8	89	62.2	Western Washington	28	6	21.4	22	78.6
South Carolina	142	86	60.6	56	39.4	Southern California	26	23	88.5	3	11.5
Western Oklahoma	142	32	22.5	110	77.5	Hawaii	25	20	80.0	5	20.0
Northern West Virginia	140	67	47.9	73	52.1	Middle Tennessee	20	20	100.0	0	0.0
South Dakota	138	39	28.3	99	71.7	Alaska	17	15	88.2	2	11.8
Northern Alabama	138	86	62.3	52	37.7	Rhode Island	14	3	21.4	11	78.6
Northern Georgia	131	59	45.0	72	55.0	Delaware	13	7	53.8	6	46.2
Western Pennsylvania	130	38	29.2	92	70.8	Nevada	8	8	100.0	0	0.0
Western North Carolina	129	62	48.1	67	51.9	Vermont	7	1	14.3	6	85.7
Southern Alabama	122	39	32.0	83	68.0	Virgin Islands	2	1	50.0	1	50.0
Southern West Virginia	119	32	26.9	87	73.1	Northern Mariana Islands	2	2	100.0	0	0.0
New Mexico	118	30	25.4	88	74.6	Guam	1	1	100.0	0	0.0
Northern Illinois	116	57	49.1	59	50.9						

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 SENTENCE<sup>1</sup>**

<b>Fiscal Year</b>	<b>Total</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>14,023</b>	<b>5,301</b>	<b>37.8</b>	<b>8,722</b>	<b>62.2</b>
2024	398	16	4.0	382	96.0
2023	3,129	1,368	43.7	1,761	56.3
2022	2,522	1,050	41.6	1,472	58.4
2021	1,670	676	40.5	994	59.5
2020	1,304	509	39.0	795	61.0
2019	1,203	447	37.2	756	62.8
2018	951	340	35.8	611	64.2
2017	638	254	39.8	384	60.2
2016	500	160	32.0	340	68.0
2015	323	104	32.2	219	67.8
2014	255	81	31.8	174	68.2
2013	216	72	33.3	144	66.7
2012	167	44	26.3	123	73.7
2011	118	28	23.7	90	76.3
2010	122	39	32.0	83	68.0
2009	93	18	19.4	75	80.6
2008	74	15	20.3	59	79.7
2007	58	13	22.4	45	77.6
2006	57	12	21.1	45	78.9
2005	46	9	19.6	37	80.4
2004	39	8	20.5	31	79.5
2003	25	6	24.0	19	76.0
2002	27	8	29.6	19	70.4
2001	14	2	14.3	12	85.7
2000	18	7	38.9	11	61.1
1999	5	1	20.0	4	80.0
1998	12	5	41.7	7	58.3
1997	7	2	28.6	5	71.4
1996	15	4	26.7	11	73.3
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	--

<sup>1</sup> Of the 14,030 cases reported to the Commission with motion status information, seven 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 AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>	<b>Total</b>	<b>Defendant<sup>2</sup></b>		<b>Director BOP<sup>3</sup></b>		<b>Courts</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>5,283</b>	<b>3,785</b>	<b>71.6</b>	<b>0</b>	<b>0.0</b>	<b>1,498</b>	<b>28.4</b>
D.C. CIRCUIT	11	11	100.0	0	0.0	0	0.0
FIRST CIRCUIT	112	92	82.1	0	0.0	20	17.9
SECOND CIRCUIT	141	108	76.6	0	0.0	33	23.4
THIRD CIRCUIT	167	153	91.6	0	0.0	14	8.4
FOURTH CIRCUIT	733	618	84.3	0	0.0	115	15.7
FIFTH CIRCUIT	1,294	758	58.6	0	0.0	536	41.4
SIXTH CIRCUIT	612	411	67.2	0	0.0	201	32.8
SEVENTH CIRCUIT	353	349	98.9	0	0.0	4	1.1
EIGHTH CIRCUIT	624	419	67.1	0	0.0	205	32.9
NINTH CIRCUIT	403	344	85.4	0	0.0	59	14.6
TENTH CIRCUIT	300	291	97.0	0	0.0	9	3.0
ELEVENTH CIRCUIT	533	231	43.3	0	0.0	302	56.7

<sup>1</sup> Of the 5,304 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, 21 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

<sup>2</sup> 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.

<sup>3</sup> In four 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 AMENDMENT<sup>1</sup>**

<b>Demographics</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Race/Ethnicity</b>				
White	1,351	25.5	2,007	23.1
Black	2,320	43.8	3,727	42.8
Hispanic	1,452	27.4	2,734	31.4
Other	170	3.2	233	2.7
<b>Total</b>	<b>5,293</b>	<b>100.0</b>	<b>8,701</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	4,661	88.0	7,465	85.7
Non-Citizen	638	12.0	1,245	14.3
<b>Total</b>	<b>5,299</b>	<b>100.0</b>	<b>8,710</b>	<b>100.0</b>
<b>Gender</b>				
Male	4,894	92.3	7,748	88.8
Female	410	7.7	977	11.2
<b>Total</b>	<b>5,304</b>	<b>100.0</b>	<b>8,725</b>	<b>100.0</b>
<b>Average Age at Original Sentence</b>		<b>35</b>	<b>36</b>	
<b>Average Age at Motion Decision</b>		<b>39</b>	<b>41</b>	

<sup>1</sup> Of the 14,030 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 (36), missing citizenship information (21), missing gender information (1), 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 A OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

<b>Sentencing Factors</b>	<b>Granted</b>	<b>Denied</b>
	<b>%</b>	<b>%</b>
<b>Weapon<sup>2,3</sup></b>		
Weapon Specific Offense Characteristic	29.1	34.8
Firearms Mandatory Minimum Applied	19.0	21.3
	11.9	15.7
<b>Safety Valve<sup>2</sup></b>	4.8	6.4
<b>Guideline Role Adjustments<sup>2</sup></b>		
Aggravating Role (USSG §3B1.1)	8.4	11.7
Mitigating Role (USSG §3B1.2)	1.8	2.7
Obstruction Adjustment (USSG §3C1.1)	3.4	5.2
<b>Sentence Relative to the Guideline Range</b>		
Within Range	70.8	49.4
Above Range	3.8	6.9
Below Range	25.4	43.7
<b>Criminal History Category</b>		
I	8.0	6.8
II	29.5	9.8
III	37.8	21.5
IV	14.7	17.7
V	9.8	14.3
VI	0.2	29.8
<b>Career Offender (§4B1.1)<sup>2</sup></b>	0.1	11.7

<sup>1</sup> Of the 14,030 cases reported to the Commission with motion status information, seven were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records.

<sup>2</sup> This section was limited to the 13,774 cases with complete guideline application information.

<sup>3</sup> In 274 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 AMENDMENT<sup>1</sup>**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>5,300</b>	<b>100.0</b>
Administration of Justice	16	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	83	1.6
Bribery/Corruption	5	0.1
Burglary/Trespass	2	0.0
Child Pornography	116	2.2
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	2,413	45.5
Environmental	0	0.0
Extortion/Racketeering	8	0.2
Firearms	1,293	24.4
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	166	3.1
Immigration	425	8.0
Individual Rights	0	0.0
Kidnapping	13	0.2
Manslaughter	9	0.2
Money Laundering	84	1.6
Murder	32	0.6
National Defense	6	0.1
Obscenity/Other Sex Offenses	20	0.4
Prison Offenses	85	1.6
Robbery	431	8.1
Sexual Abuse	68	1.3
Stalking/Harassing	7	0.1
Tax	2	0.0
Other	3	0.1

<sup>1</sup> Of the 5,304 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, three 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 AMENDMENT<sup>1</sup>**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>8,720</b>	<b>100.0</b>
Administration of Justice	20	0.2
Antitrust	0	0.0
Arson	11	0.1
Assault	135	1.5
Bribery/Corruption	6	0.1
Burglary/Trespass	3	0.0
Child Pornography	90	1.0
Commercialized Vice	3	0.0
Drug Possession	0	0.0
Drug Trafficking	4,739	54.3
Environmental	0	0.0
Extortion/Racketeering	15	0.2
Firearms	1,642	18.8
Food and Drug	1	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	259	3.0
Immigration	485	5.6
Individual Rights	3	0.0
Kidnapping	38	0.4
Manslaughter	10	0.1
Money Laundering	148	1.7
Murder	165	1.9
National Defense	7	0.1
Obscenity/Other Sex Offenses	13	0.1
Prison Offenses	53	0.6
Robbery	675	7.7
Sexual Abuse	161	1.8
Stalking/Harassing	17	0.2
Tax	10	0.1
Other	3	0.0

<sup>1</sup> Of the 8,726 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 AMENDMENT<sup>1</sup>**

CIRCUIT District	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
<b>TOTAL</b>	<b>4,936</b>	<b>110</b>	<b>99</b>	<b>11</b>	<b>11.7</b>
<b>D.C. CIRCUIT</b>	<b>7</b>	<b>59</b>	<b>55</b>	<b>5</b>	<b>7.6</b>
District of Columbia	7	59	55	5	7.6
<b>FIRST CIRCUIT</b>	<b>109</b>	<b>116</b>	<b>104</b>	<b>12</b>	<b>11.0</b>
Maine	12	136	122	14	9.8
Massachusetts	8	122	106	16	14.3
New Hampshire	14	124	114	11	8.8
Puerto Rico	72	109	98	11	10.9
Rhode Island	3	157	136	21	19.8
<b>SECOND CIRCUIT</b>	<b>134</b>	<b>99</b>	<b>90</b>	<b>9</b>	<b>10.9</b>
Connecticut	12	75	69	6	9.8
New York					
Eastern	8	91	86	6	7.4
Northern	35	76	67	9	14.3
Southern	33	104	96	9	9.6
Western	45	122	111	11	9.9
Vermont	1	--	--	--	--
<b>THIRD CIRCUIT</b>	<b>152</b>	<b>109</b>	<b>98</b>	<b>11</b>	<b>11.3</b>
Delaware	7	114	100	14	13.1
New Jersey	20	104	93	11	11.0
Pennsylvania					
Eastern	44	122	111	11	9.7
Middle	51	116	104	12	12.3
Western	29	80	72	8	11.5
Virgin Islands	1	--	--	--	--
<b>FOURTH CIRCUIT</b>	<b>688</b>	<b>113</b>	<b>102</b>	<b>11</b>	<b>10.9</b>
Maryland	87	122	110	12	10.1
North Carolina					
Eastern	94	85	77	8	10.6
Middle	66	101	92	9	9.6
Western	59	128	113	15	10.8
South Carolina	74	122	110	12	10.9
Virginia					
Eastern	139	130	118	12	10.4
Western	70	133	121	12	9.5
West Virginia					
Northern	67	91	80	11	13.7
Southern	32	84	73	11	15.7

Table 8 (cont.)

		Mean			
CIRCUIT		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
District	N				
FIFTH CIRCUIT	1,277	105	94	12	12.8
Louisiana					
Eastern	42	124	111	12	12.7
Middle	14	158	137	22	13.1
Western	46	120	109	11	10.6
Mississippi					
Northern	25	77	68	9	13.1
Southern	65	112	101	12	13.1
Texas					
Eastern	118	118	106	13	12.3
Northern	226	147	131	16	11.8
Southern	239	87	77	10	12.8
Western	502	88	78	10	13.7
SIXTH CIRCUIT	564	118	107	11	10.9
Kentucky					
Eastern	110	125	115	11	9.6
Western	36	123	114	9	9.3
Michigan					
Eastern	88	138	126	11	10.3
Western	61	124	112	12	10.4
Ohio					
Northern	79	90	80	10	13.0
Southern	43	124	111	13	13.1
Tennessee					
Eastern	51	105	94	10	10.4
Middle	20	97	86	10	11.7
Western	76	119	108	11	11.4
SEVENTH CIRCUIT	312	124	111	13	11.5
Illinois					
Central	47	136	123	13	11.3
Northern	48	105	93	11	12.9
Southern	77	126	113	13	11.1
Indiana					
Northern	51	115	102	13	11.9
Southern	79	135	123	13	11.0
Wisconsin					
Eastern	3	83	73	10	11.9
Western	7	102	92	10	9.6
EIGHTH CIRCUIT	593	106	95	10	11.9
Arkansas					
Eastern	54	47	41	6	21.6
Western	44	93	83	10	11.5
Iowa					
Northern	92	113	101	12	12.3
Southern	68	151	138	13	10.7
Minnesota	18	105	94	11	11.5
Missouri					
Eastern	95	85	77	8	11.3
Western	100	119	108	11	10.0
Nebraska	47	152	139	13	10.1
North Dakota	41	73	64	9	12.8
South Dakota	34	98	90	8	8.5

**Table 8 (cont.)**

		Mean			
CIRCUIT		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	353	101	90	10	11.8
Alaska	9	97	88	9	9.8
Arizona	43	65	57	7	13.2
California					
Central	58	111	101	10	9.8
Eastern	40	113	101	12	11.7
Northern	20	147	132	15	12.8
Southern	23	80	71	9	15.0
Guam	1	--	--	--	--
Hawaii	20	99	89	11	12.0
Idaho	55	119	106	13	12.2
Montana	33	87	79	8	10.3
Nevada	6	138	124	14	10.9
Northern Mariana Islands	2	--	--	--	--
Oregon	21	90	81	8	10.4
Washington					
Eastern	16	83	73	10	12.0
Western	6	73	64	9	12.3
TENTH CIRCUIT	264	108	97	11	11.3
Colorado	40	89	80	9	11.7
Kansas	66	153	138	15	10.8
New Mexico	30	74	67	7	11.4
Oklahoma					
Eastern	42	112	100	12	11.7
Northern	9	77	68	9	12.9
Western	31	71	63	8	12.3
Utah	25	87	78	9	10.7
Wyoming	21	139	128	11	10.0
ELEVENTH CIRCUIT	483	119	107	12	11.7
Alabama					
Middle	45	126	112	14	12.7
Northern	86	105	95	10	10.9
Southern	35	122	111	11	10.6
Florida					
Middle	24	89	77	12	14.1
Northern	10	143	126	16	14.1
Southern	45	136	124	13	10.6
Georgia					
Middle	66	132	116	16	13.0
Northern	54	125	114	12	10.3
Southern	118	114	102	12	11.8

<sup>1</sup> Of the 5,304 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 367 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.

<sup>2</sup> 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 AMENDMENT<sup>1</sup>**

<b>REASONS</b>	<b>N</b>	<b>%</b>
<b>Not eligible under the amendment</b>	<b>2,435</b>	<b>24.6</b>
Did not receive status points	2,435	24.6
<b>Not eligible under §1B1.10</b>	<b>4,489</b>	<b>45.3</b>
CHC does not change	2,294	23.2
Career Offender or Armed Career Criminal provisions control sentence	612	6.2
Current sentence below new guideline range and no §5K1.1	607	6.1
Statutory mandatory minimum penalty controls sentence	394	4.0
Guideline range does not change	331	3.3
Individual received Amendment 821 reduction at original sentencing	130	1.3
Original sentence has been served	71	0.7
Sentenced to trumping statutory maximum penalty	42	0.4
Defendant will be released before effective date of amendment	6	0.1
CHC determined by Repeat and Dangerous Sex Offender (USSG §4B1.5)	2	0.0
<b>Denied on the merits</b>	<b>1,406</b>	<b>14.2</b>
18 U.S.C. § 3553(a) factors	1,092	11.0
Post-sentencing or post-conviction conduct	165	1.7
Binding plea agreement determined sentence	80	0.8
Individual has already benefitted from departure or variance	69	0.7
<b>No reason provided/Other reason</b>	<b>1,573</b>	<b>15.9</b>
No reason provided	1,323	13.4
Other	250	2.5

<sup>1</sup> 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, 9,903 reasons were cited in the 8,726 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.