

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



April 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.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 1995-2024 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 March 31, 2025 and for which court documentation was received, coded, and edited at the Commission by April 18, 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	%
TOTAL	15,127	5,515	36.5	9,612	63.5						
Western Texas	1,274	510	40.0	764	60.0	Middle Alabama	124	45	36.3	79	63.7
Northern Texas	1,054	244	23.1	810	76.9	Western New York	122	49	40.2	73	59.8
Southern Texas	617	248	40.2	369	59.8	Western Kentucky	120	36	30.0	84	70.0
Western Missouri	421	121	28.7	300	71.3	Northern Illinois	118	58	49.2	60	50.8
Eastern Missouri	395	98	24.8	297	75.2	Maryland	113	106	93.8	7	6.2
Southern Iowa	350	70	20.0	280	80.0	Utah	110	26	23.6	84	76.4
Eastern Virginia	334	159	47.6	175	52.4	Eastern Wisconsin	107	3	2.8	104	97.2
Eastern Kentucky	319	112	35.1	207	64.9	North Dakota	107	47	43.9	60	56.1
Middle North Carolina	295	70	23.7	225	76.3	Colorado	106	55	51.9	51	48.1
Southern Georgia	292	141	48.3	151	51.7	Southern Ohio	103	54	52.4	49	47.6
Puerto Rico	289	80	27.7	209	72.3	Eastern Louisiana	96	49	51.0	47	49.0
Eastern Arkansas	276	54	19.6	222	80.4	Middle Florida	88	33	37.5	55	62.5
Southern Florida	274	48	17.5	226	82.5	Montana	86	39	45.3	47	54.7
Eastern North Carolina	271	103	38.0	168	62.0	Eastern Oklahoma	86	47	54.7	39	45.3
Eastern Tennessee	269	86	32.0	183	68.0	Eastern California	83	42	50.6	41	49.4
Western Virginia	260	71	27.3	189	72.7	Idaho	82	55	67.1	27	32.9
Eastern Texas	252	136	54.0	116	46.0	New Jersey	81	24	29.6	57	70.4
Northern Ohio	245	84	34.3	161	65.7	Northern New York	79	35	44.3	44	55.7
Eastern Michigan	217	110	50.7	107	49.3	Northern California	78	26	33.3	52	66.7
Arizona	215	69	32.1	146	67.9	Connecticut	72	13	18.1	59	81.9
Southern Indiana	208	108	51.9	100	48.1	Western Arkansas	71	44	62.0	27	38.0
Minnesota	200	38	19.0	162	81.0	Wyoming	62	24	38.7	38	61.3
Southern New York	199	38	19.1	161	80.9	Eastern Pennsylvania	60	55	91.7	5	8.3
Southern Illinois	193	79	40.9	114	59.1	Northern Oklahoma	60	10	16.7	50	83.3
Middle Georgia	193	86	44.6	107	55.4	Middle Louisiana	58	16	27.6	42	72.4
Western Louisiana	185	46	24.9	139	75.1	Western Wisconsin	56	7	12.5	49	87.5
Northern Iowa	182	93	51.1	89	48.9	Eastern New York	45	9	20.0	36	80.0
Western Michigan	178	63	35.4	115	64.6	Northern Mississippi	45	25	55.6	20	44.4
Central California	178	63	35.4	115	64.6	Eastern Washington	45	19	42.2	26	57.8
Central Illinois	177	48	27.1	129	72.9	Massachusetts	44	10	22.7	34	77.3
Western Tennessee	170	85	50.0	85	50.0	Northern Florida	38	10	26.3	28	73.7
Nebraska	168	48	28.6	120	71.4	District of Columbia	34	11	32.4	23	67.6
South Dakota	154	40	26.0	114	74.0	Maine	33	12	36.4	21	63.6
Middle Pennsylvania	153	63	41.2	90	58.8	New Hampshire	33	15	45.5	18	54.5
South Carolina	151	86	57.0	65	43.0	Oregon	33	24	72.7	9	27.3
Southern Mississippi	151	71	47.0	80	53.0	Western Washington	31	6	19.4	25	80.6
Northern Georgia	151	69	45.7	82	54.3	Hawaii	30	21	70.0	9	30.0
Western Oklahoma	150	33	22.0	117	78.0	Southern California	27	24	88.9	3	11.1
Northern Indiana	146	55	37.7	91	62.3	Middle Tennessee	21	21	100.0	0	0.0
Northern West Virginia	141	67	47.5	74	52.5	Alaska	20	15	75.0	5	25.0
Northern Alabama	141	86	61.0	55	39.0	Rhode Island	14	3	21.4	11	78.6
Western Pennsylvania	135	39	28.9	96	71.1	Delaware	13	7	53.8	6	46.2
Western North Carolina	134	63	47.0	71	53.0	Vermont	10	1	10.0	9	90.0
Southern West Virginia	132	34	25.8	98	74.2	Nevada	8	8	100.0	0	0.0
Southern Alabama	128	40	31.3	88	68.8	Virgin Islands	2	1	50.0	1	50.0
Kansas	127	84	66.1	43	33.9	Guam	2	2	100.0	0	0.0
New Mexico	125	32	25.6	93	74.4	Northern Mariana Islands	2	2	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	15,117	5,510	36.4	9,607	63.6
2025	3	0	0.0	3	100.0
2024	515	20	3.9	495	96.1
2023	3,359	1,416	42.2	1,943	57.8
2022	2,699	1,085	40.2	1,614	59.8
2021	1,770	701	39.6	1,069	60.4
2020	1,400	531	37.9	869	62.1
2019	1,288	467	36.3	821	63.7
2018	1,012	353	34.9	659	65.1
2017	675	261	38.7	414	61.3
2016	530	165	31.1	365	68.9
2015	343	106	30.9	237	69.1
2014	288	87	30.2	201	69.8
2013	231	78	33.8	153	66.2
2012	186	48	25.8	138	74.2
2011	126	29	23.0	97	77.0
2010	138	41	29.7	97	70.3
2009	105	19	18.1	86	81.9
2008	79	16	20.3	63	79.7
2007	64	15	23.4	49	76.6
2006	61	13	21.3	48	78.7
2005	50	11	22.0	39	78.0
2004	43	10	23.3	33	76.7
2003	28	6	21.4	22	78.6
2002	29	8	27.6	21	72.4
2001	17	2	11.8	15	88.2
2000	18	7	38.9	11	61.1
1999	6	1	16.7	5	83.3
1998	12	5	41.7	7	58.3
1997	8	2	25.0	6	75.0
1996	15	4	26.7	11	73.3
1995	4	0	0.0	4	100.0
1994	10	2	20.0	8	80.0
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 15,127 cases reported to the Commission with motion status information, 10 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	5,493	3,978	72.4	0	0.0	1,515	27.6
D.C. CIRCUIT	11	11	100.0	0	0.0	0	0.0
FIRST CIRCUIT	120	100	83.3	0	0.0	20	16.7
SECOND CIRCUIT	145	112	77.2	0	0.0	33	22.8
THIRD CIRCUIT	178	164	92.1	0	0.0	14	7.9
FOURTH CIRCUIT	759	639	84.2	0	0.0	120	15.8
FIFTH CIRCUIT	1,343	800	59.6	0	0.0	543	40.4
SIXTH CIRCUIT	648	446	68.8	0	0.0	202	31.2
SEVENTH CIRCUIT	358	353	98.6	0	0.0	5	1.4
EIGHTH CIRCUIT	649	442	68.1	0	0.0	207	31.9
NINTH CIRCUIT	415	356	85.8	0	0.0	59	14.2
TENTH CIRCUIT	310	300	96.8	0	0.0	10	3.2
ELEVENTH CIRCUIT	557	255	45.8	0	0.0	302	54.2

¹ Of the 5,515 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, 22 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 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.

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	1,401	25.5	2,206	23.0
Black	2,407	43.7	4,139	43.2
Hispanic	1,508	27.4	2,980	31.1
Other	186	3.4	259	2.7
Total	5,502	100.0	9,584	100.0
Citizenship				
U.S. Citizen	4,849	88.0	8,233	85.8
Non-Citizen	659	12.0	1,362	14.2
Total	5,508	100.0	9,595	100.0
Gender				
Male	5,093	92.3	8,557	89.0
Female	422	7.7	1,054	11.0
Total	5,515	100.0	9,611	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	41	

¹ Of the 15,127 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 (41), missing citizenship information (24), missing gender information (1), and missing age information (12).

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	29.7	34.9
Firearms Mandatory Minimum Applied	19.4	21.5
	12.1	15.6
Safety Valve²	4.7	6.5
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	8.7	11.7
Mitigating Role (USSG §3B1.2)	1.8	2.7
Obstruction Adjustment (USSG §3C1.1)	3.4	5.3
Sentence Relative to the Guideline Range		
Within Range	70.9	49.3
Above Range	3.8	6.9
Below Range	25.4	43.8
Criminal History Category		
I	8.0	6.9
II	29.6	9.9
III	37.7	21.4
IV	14.8	17.5
V	9.7	14.5
VI	0.2	29.9
Career Offender (§4B1.1)²	0.1	11.9

¹ Of the 15,127 cases reported to the Commission with motion status information, 10 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 14,850 cases with complete guideline application information.

³ In 312 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	5,509	100.0
Administration of Justice	16	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	92	1.7
Bribery/Corruption	5	0.1
Burglary/Trespass	4	0.1
Child Pornography	122	2.2
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	2,518	45.7
Environmental	0	0.0
Extortion/Racketeering	8	0.1
Firearms	1,316	23.9
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	177	3.2
Immigration	433	7.9
Individual Rights	0	0.0
Kidnapping	14	0.3
Manslaughter	9	0.2
Money Laundering	91	1.7
Murder	34	0.6
National Defense	7	0.1
Obscenity/Other Sex Offenses	20	0.4
Prison Offenses	87	1.6
Robbery	460	8.3
Sexual Abuse	71	1.3
Stalking/Harassing	7	0.1
Tax	2	0.0
Other	3	0.1

¹ Of the 5,515 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, five 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	9,605	100.0
Administration of Justice	24	0.2
Antitrust	0	0.0
Arson	11	0.1
Assault	148	1.5
Bribery/Corruption	7	0.1
Burglary/Trespass	3	0.0
Child Pornography	99	1.0
Commercialized Vice	3	0.0
Drug Possession	0	0.0
Drug Trafficking	5,210	54.2
Environmental	0	0.0
Extortion/Racketeering	16	0.2
Firearms	1,814	18.9
Food and Drug	1	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	281	2.9
Immigration	518	5.4
Individual Rights	3	0.0
Kidnapping	45	0.5
Manslaughter	13	0.1
Money Laundering	168	1.7
Murder	187	1.9
National Defense	8	0.1
Obscenity/Other Sex Offenses	14	0.1
Prison Offenses	57	0.6
Robbery	750	7.8
Sexual Abuse	183	1.9
Stalking/Harassing	20	0.2
Tax	11	0.1
Other	3	0.0

¹ Of the 9,612 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, five 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	5,143	112	101	11	11.7
D.C. CIRCUIT	7	59	55	5	7.6
District of Columbia	7	59	55	5	7.6
FIRST CIRCUIT	116	125	112	13	11.0
Maine	12	136	122	14	9.8
Massachusetts	8	122	106	16	14.3
New Hampshire	14	124	114	11	8.8
Puerto Rico	79	122	110	13	10.9
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	138	101	92	9	10.9
Connecticut	12	75	69	6	9.8
New York					
Eastern	9	113	106	7	7.3
Northern	35	76	67	9	14.3
Southern	36	107	98	9	9.7
Western	45	122	111	11	9.9
Vermont	1	--	--	--	--
THIRD CIRCUIT	163	110	99	11	11.3
Delaware	7	114	100	14	13.1
New Jersey	24	107	95	12	11.2
Pennsylvania					
Eastern	45	125	114	11	9.6
Middle	56	118	106	12	12.0
Western	30	79	71	8	11.7
Virgin Islands	1	--	--	--	--
FOURTH CIRCUIT	714	115	103	11	10.9
Maryland	87	122	110	12	10.1
North Carolina					
Eastern	103	89	80	9	10.6
Middle	70	101	92	9	9.6
Western	60	128	112	15	10.8
South Carolina	74	122	110	12	10.9
Virginia					
Eastern	148	134	122	12	10.5
Western	71	134	122	12	9.5
West Virginia					
Northern	67	91	80	11	13.7
Southern	34	89	77	12	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	1,326	108	96	12	12.7
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	70	121	108	13	12.9
Texas					
Eastern	136	133	119	14	11.9
Northern	240	150	134	16	11.7
Southern	244	87	77	10	12.6
Western	509	88	78	10	13.7
SIXTH CIRCUIT	597	119	108	11	10.8
Kentucky					
Eastern	111	125	114	11	9.6
Western	36	123	114	9	9.3
Michigan					
Eastern	93	138	127	11	10.2
Western	63	126	114	12	10.3
Ohio					
Northern	80	90	80	10	12.9
Southern	46	120	108	12	13.0
Tennessee					
Eastern	65	110	100	10	10.0
Middle	21	99	88	12	12.4
Western	82	121	110	11	11.3
SEVENTH CIRCUIT	317	124	111	13	11.5
Illinois					
Central	48	136	123	13	11.2
Northern	49	108	96	12	12.9
Southern	77	126	113	13	11.1
Indiana					
Northern	52	117	104	13	11.8
Southern	81	132	120	12	11.1
Wisconsin					
Eastern	3	83	73	10	11.9
Western	7	102	92	10	9.6
EIGHTH CIRCUIT	618	107	97	10	11.9
Arkansas					
Eastern	54	47	41	6	21.6
Western	44	93	83	10	11.5
Iowa					
Northern	93	115	103	12	12.3
Southern	68	151	138	13	10.7
Minnesota	28	112	101	11	10.6
Missouri					
Eastern	96	85	76	8	11.4
Western	106	123	111	11	9.9
Nebraska	48	157	144	13	10.1
North Dakota	46	76	66	10	13.0
South Dakota	35	97	89	8	8.6

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	365	102	92	11	11.8
Alaska	9	97	88	9	9.8
Arizona	44	66	58	8	13.3
California					
Central	63	115	104	11	10.2
Eastern	42	111	100	12	11.6
Northern	20	147	132	15	12.8
Southern	24	82	73	9	14.7
Guam	2	--	--	--	--
Hawaii	21	105	93	11	11.9
Idaho	55	119	106	13	12.2
Montana	34	89	81	8	10.1
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	274	112	101	11	11.2
Colorado	42	94	85	9	11.4
Kansas	66	153	138	15	10.8
New Mexico	32	74	67	8	11.5
Oklahoma					
Eastern	46	124	112	12	11.3
Northern	10	83	74	9	12.1
Western	32	80	71	9	12.2
Utah	25	87	78	9	10.7
Wyoming	21	139	128	11	10.0
ELEVENTH CIRCUIT	508	121	108	13	11.6
Alabama					
Middle	45	126	112	14	12.7
Northern	86	105	95	10	10.9
Southern	36	120	109	11	11.0
Florida					
Middle	32	95	83	12	13.4
Northern	10	143	126	16	14.1
Southern	48	143	129	14	10.7
Georgia					
Middle	69	131	116	16	12.9
Northern	64	134	122	12	9.8
Southern	118	114	102	12	11.8

¹ Of the 5,515 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 371 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	2,654	24.4
Did not receive status points	2,654	24.4
Not eligible under §1B1.10	4,939	45.4
CHC does not change	2,506	23.0
Career Offender or Armed Career Criminal provisions control sentence	684	6.3
Current sentence below new guideline range and no §5K1.1	651	6.0
Statutory mandatory minimum penalty controls sentence	435	4.0
Guideline range does not change	347	3.2
Individual received Amendment 821 reduction at original sentencing	179	1.6
Original sentence has been served	86	0.8
Sentenced to trumping statutory maximum penalty	43	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
Denied on the merits	1,553	14.2
18 U.S.C. § 3553(a) factors	1,197	11.0
Post-sentencing or post-conviction conduct	189	1.7
Binding plea agreement determined sentence	86	0.8
Individual has already benefitted from departure or variance	81	0.7
No reason provided/Other reason	1,752	16.1
No reason provided	1,484	13.6
Other	268	2.5

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, 10,898 reasons were cited in the 9,612 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.