

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

District	Total	Granted		Denied		District	Total	Granted		Denied	
	N	N	%	N	%		N	N	%	N	%
TOTAL	11,749	3,788	32.2	7,961	67.8	Northern New York	62	19	30.6	43	69.4
Western Texas	1,290	459	35.6	831	64.4	Eastern Louisiana	62	23	37.1	39	62.9
Southern Florida	901	277	30.7	624	69.3	Western New York	58	10	17.2	48	82.8
Northern Texas	879	239	27.2	640	72.8	Western Pennsylvania	58	25	43.1	33	56.9
Puerto Rico	834	241	28.9	593	71.1	Western North Carolina	58	25	43.1	33	56.9
Southern Texas	809	329	40.7	480	59.3	Western Washington	58	6	10.3	52	89.7
Middle Florida	578	353	61.1	225	38.9	Northern Indiana	56	14	25.0	42	75.0
Eastern Texas	400	256	64.0	144	36.0	South Carolina	55	33	60.0	22	40.0
Northern Georgia	246	69	28.0	177	72.0	New Mexico	53	11	20.8	42	79.2
Southern New York	233	31	13.3	202	86.7	Southern West Virginia	51	8	15.7	43	84.3
Western Missouri	190	29	15.3	161	84.7	Connecticut	50	9	18.0	41	82.0
Nebraska	171	61	35.7	110	64.3	Eastern New York	50	13	26.0	37	74.0
Arizona	171	15	8.8	156	91.2	Middle Alabama	49	8	16.3	41	83.7
Eastern Kentucky	167	40	24.0	127	76.0	Montana	48	10	20.8	38	79.2
Southern Iowa	165	17	10.3	148	89.7	Eastern Wisconsin	47	1	2.1	46	97.9
Central California	155	49	31.6	106	68.4	Western Kentucky	45	11	24.4	34	75.6
Eastern Virginia	138	35	25.4	103	74.6	Northern California	45	13	28.9	32	71.1
Western Oklahoma	123	16	13.0	107	87.0	Eastern Washington	45	15	33.3	30	66.7
Eastern Michigan	116	32	27.6	84	72.4	North Dakota	44	10	22.7	34	77.3
Eastern Missouri	115	18	15.7	97	84.3	Idaho	40	10	25.0	30	75.0
New Jersey	111	53	47.7	58	52.3	Northern Iowa	38	7	18.4	31	81.6
Minnesota	105	18	17.1	87	82.9	Western Tennessee	37	11	29.7	26	70.3
South Dakota	103	12	11.7	91	88.3	Eastern Pennsylvania	35	29	82.9	6	17.1
Middle North Carolina	102	14	13.7	88	86.3	Southern California	35	34	97.1	1	2.9
Massachusetts	101	32	31.7	69	68.3	Eastern Oklahoma	35	13	37.1	22	62.9
Eastern Tennessee	99	25	25.3	74	74.7	District of Columbia	34	10	29.4	24	70.6
Eastern California	98	54	55.1	44	44.9	Middle Louisiana	32	10	31.3	22	68.8
Eastern North Carolina	97	28	28.9	69	71.1	Hawaii	28	18	64.3	10	35.7
Western Virginia	97	11	11.3	86	88.7	Western Arkansas	27	14	51.9	13	48.1
Southern Indiana	94	22	23.4	72	76.6	Northern West Virginia	26	7	26.9	19	73.1
Southern Georgia	94	29	30.9	65	69.1	Oregon	24	8	33.3	16	66.7
Kansas	92	32	34.8	60	65.2	New Hampshire	23	14	60.9	9	39.1
Utah	92	32	34.8	60	65.2	Maine	22	2	9.1	20	90.9
Northern Ohio	90	27	30.0	63	70.0	Virgin Islands	22	12	54.5	10	45.5
Southern Alabama	89	20	22.5	69	77.5	Wyoming	22	7	31.8	15	68.2
Southern Mississippi	85	27	31.8	58	68.2	Western Wisconsin	21	4	19.0	17	81.0
Middle Pennsylvania	82	17	20.7	65	79.3	Rhode Island	16	2	12.5	14	87.5
Eastern Arkansas	82	18	22.0	64	78.0	Delaware	16	4	25.0	12	75.0
Middle Georgia	79	18	22.8	61	77.2	Northern Mississippi	16	4	25.0	12	75.0
Northern Oklahoma	77	22	28.6	55	71.4	Northern Florida	15	4	26.7	11	73.3
Southern Illinois	76	23	30.3	53	69.7	Maryland	13	9	69.2	4	30.8
Western Louisiana	74	14	18.9	60	81.1	Guam	12	12	100.0	0	0.0
Northern Illinois	74	29	39.2	45	60.8	Alaska	10	3	30.0	7	70.0
Colorado	74	20	27.0	54	73.0	Nevada	10	9	90.0	1	10.0
Southern Ohio	73	33	45.2	40	54.8	Northern Mariana Islands	8	4	50.0	4	50.0
Northern Alabama	73	39	53.4	34	46.6	Vermont	5	2	40.0	3	60.0
Central Illinois	70	6	8.6	64	91.4	Middle Tennessee	1	1	100.0	0	0.0
Western Michigan	68	19	27.9	49	72.1						

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	11,740	3,785	32.2	7,955	67.8
2025	11	0	0.0	11	100.0
2024	726	25	3.4	701	96.6
2023	3,450	1,340	38.8	2,110	61.2
2022	2,336	956	40.9	1,380	59.1
2021	1,215	458	37.7	757	62.3
2020	807	252	31.2	555	68.8
2019	802	224	27.9	578	72.1
2018	658	184	28.0	474	72.0
2017	478	154	32.2	324	67.8
2016	320	83	25.9	237	74.1
2015	210	31	14.8	179	85.2
2014	139	25	18.0	114	82.0
2013	134	7	5.2	127	94.8
2012	98	10	10.2	88	89.8
2011	69	9	13.0	60	87.0
2010	63	6	9.5	57	90.5
2009	51	5	9.8	46	90.2
2008	25	1	4.0	24	96.0
2007	27	3	11.1	24	88.9
2006	24	5	20.8	19	79.2
2005	21	1	4.8	20	95.2
2004	12	1	8.3	11	91.7
2003	6	0	0.0	6	100.0
2002	9	0	0.0	9	100.0
2001	12	4	33.3	8	66.7
2000	12	0	0.0	12	100.0
1999	6	0	0.0	6	100.0
1998	4	0	0.0	4	100.0
1997	2	0	0.0	2	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 11,749 cases reported to the Commission with motion status information, nine 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	3,780	2,882	76.2	0	0.0	898	23.8
D.C. CIRCUIT	10	10	100.0	0	0.0	0	0.0
FIRST CIRCUIT	291	275	94.5	0	0.0	16	5.5
SECOND CIRCUIT	84	69	82.1	0	0.0	15	17.9
THIRD CIRCUIT	135	130	96.3	0	0.0	5	3.7
FOURTH CIRCUIT	170	143	84.1	0	0.0	27	15.9
FIFTH CIRCUIT	1,360	773	56.8	0	0.0	587	43.2
SIXTH CIRCUIT	199	137	68.8	0	0.0	62	31.2
SEVENTH CIRCUIT	99	98	99.0	0	0.0	1	1.0
EIGHTH CIRCUIT	204	162	79.4	0	0.0	42	20.6
NINTH CIRCUIT	259	227	87.6	0	0.0	32	12.4
TENTH CIRCUIT	153	138	90.2	0	0.0	15	9.8
ELEVENTH CIRCUIT	816	720	88.2	0	0.0	96	11.8

¹ Of the 3,788 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, eight cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

² In 12 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	543	14.4	1,408	17.7
Black	392	10.4	1,532	19.3
Hispanic	2,736	72.4	4,743	59.7
Other	109	2.9	265	3.3
Total	3,780	100.0	7,948	100.0
Citizenship				
U.S. Citizen	1,742	46.1	4,848	61.0
Non-Citizen	2,037	53.9	3,098	39.0
Total	3,779	100.0	7,946	100.0
Gender				
Male	3,155	83.3	6,711	84.3
Female	633	16.7	1,250	15.7
Total	3,788	100.0	7,961	100.0
Average Age at Original Sentence		38	38	
Average Age at Motion Decision		41	42	

¹ Of the 11,749 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 (21), missing citizenship information (24), 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 B OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

Sentencing Factors	Granted	Denied
	%	%
Weapon^{2,3}		
Weapon Specific Offense Characteristic	1.7	29.4
Firearms Mandatory Minimum Applied	1.7	21.0
	0.0	9.5
Safety Valve²	80.6	26.4
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	0.7	20.3
Mitigating Role (USSG §3B1.2)	16.8	4.6
Obstruction Adjustment (USSG §3C1.1)	3.1	5.3
Sentence Relative to the Guideline Range		
Within Range	62.4	42.5
Above Range	0.9	4.2
Below Range	36.7	53.3
Criminal History Category		
I	100.0	72.1
II	0.0	9.2
III	0.0	6.8
IV	0.0	3.5
V	0.0	2.7
VI	0.0	5.7
Career Offender (§4B1.1)²	0.0	2.4

¹ Of the 11,749 cases reported to the Commission with motion status information, nine 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 11,523 cases with complete guideline application information.

³ In 79 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	3,785	100.0
Administration of Justice	13	0.3
Antitrust	0	0.0
Arson	1	0.0
Assault	0	0.0
Bribery/Corruption	36	1.0
Burglary/Trespass	0	0.0
Child Pornography	0	0.0
Commercialized Vice	5	0.1
Drug Possession	0	0.0
Drug Trafficking	2,997	79.2
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	375	9.9
Immigration	91	2.4
Individual Rights	0	0.0
Kidnapping	2	0.1
Manslaughter	0	0.0
Money Laundering	204	5.4
Murder	1	0.0
National Defense	3	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	40	1.1
Other	0	0.0

¹ Of the 3,788 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, three 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	7,950	100.0
Administration of Justice	21	0.3
Antitrust	1	0.0
Arson	13	0.2
Assault	44	0.6
Bribery/Corruption	59	0.7
Burglary/Trespass	2	0.0
Child Pornography	117	1.5
Commercialized Vice	6	0.1
Drug Possession	0	0.0
Drug Trafficking	5,094	64.1
Environmental	0	0.0
Extortion/Racketeering	14	0.2
Firearms	392	4.9
Food and Drug	4	0.1
Forgery/Counter/Copyright	4	0.1
Fraud/Theft/Embezzlement	668	8.4
Immigration	321	4.0
Individual Rights	18	0.2
Kidnapping	51	0.6
Manslaughter	7	0.1
Money Laundering	406	5.1
Murder	149	1.9
National Defense	29	0.4
Obscenity/Other Sex Offenses	10	0.1
Prison Offenses	3	0.0
Robbery	241	3.0
Sexual Abuse	214	2.7
Stalking/Harassing	13	0.2
Tax	44	0.6
Other	5	0.1

¹ Of the 7,961 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, six were excluded from this analysis because the cases cannot be matched with an original case in the Commission's records. Of the remaining cases, five were excluded due to missing information on the type of crime.

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	3,571	89	74	15	17.0
D.C. CIRCUIT	7	59	50	9	14.1
District of Columbia	7	59	50	9	14.1
FIRST CIRCUIT	281	90	74	16	17.7
Maine	2	--	--	--	--
Massachusetts	28	69	59	10	14.2
New Hampshire	9	84	72	12	16.7
Puerto Rico	240	93	76	17	18.2
Rhode Island	2	--	--	--	--
SECOND CIRCUIT	79	72	60	11	15.6
Connecticut	9	76	64	12	15.1
New York					
Eastern	12	75	59	16	16.9
Northern	19	52	43	10	21.0
Southern	31	79	69	11	13.2
Western	7	80	69	11	11.5
Vermont	1	--	--	--	--
THIRD CIRCUIT	121	63	52	10	17.2
Delaware	4	78	67	11	14.3
New Jersey	53	49	40	9	18.4
Pennsylvania					
Eastern	19	67	54	12	18.6
Middle	14	67	58	9	14.1
Western	19	62	53	9	14.4
Virgin Islands	12	109	89	20	18.6
FOURTH CIRCUIT	160	72	61	11	16.7
Maryland	9	75	69	6	12.5
North Carolina					
Eastern	28	64	54	10	15.8
Middle	14	95	86	9	10.5
Western	22	80	66	14	18.3
South Carolina	30	73	61	13	18.7
Virginia					
Eastern	32	64	53	11	17.7
Western	10	97	84	13	13.2
West Virginia					
Northern	7	33	25	8	24.2
Southern	8	77	63	14	17.7

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				
FIFTH CIRCUIT	1,344	92	76	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	4	56	45	11	19.7
Southern	26	92	79	14	18.8
Texas					
Eastern	255	131	107	24	18.4
Northern	237	130	107	23	17.6
Southern	324	81	68	13	15.8
Western	458	62	51	11	19.3
SIXTH CIRCUIT	160	74	62	12	17.2
Kentucky					
Eastern	39	82	70	12	16.0
Western	11	71	57	14	19.3
Michigan					
Eastern	25	82	69	13	16.4
Western	19	57	47	10	18.3
Ohio					
Northern	23	57	49	9	15.9
Southern	19	81	67	15	19.2
Tennessee					
Eastern	13	73	61	12	18.3
Middle	1	--	--	--	--
Western	10	91	74	17	17.9
SEVENTH CIRCUIT	83	84	72	12	14.8
Illinois					
Central	6	104	90	13	15.7
Northern	21	90	77	13	14.0
Southern	23	78	65	13	18.0
Indiana					
Northern	13	73	61	12	16.0
Southern	16	96	83	13	12.1
Wisconsin					
Eastern	1	--	--	--	--
Western	3	41	39	2	5.6
EIGHTH CIRCUIT	184	90	76	14	16.2
Arkansas					
Eastern	18	96	81	15	16.1
Western	14	52	43	9	18.4
Iowa					
Northern	7	108	92	16	15.2
Southern	16	113	96	17	15.9
Minnesota	10	80	71	9	13.7
Missouri					
Eastern	15	64	54	10	15.9
Western	26	100	86	14	14.8
Nebraska	61	103	86	17	16.2
North Dakota	10	44	36	8	21.0
South Dakota	7	59	50	9	15.4

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	240	69	58	11	17.0
Alaska	3	54	45	9	18.4
Arizona	10	83	71	12	14.2
California					
Central	49	60	51	9	16.9
Eastern	53	72	60	11	16.4
Northern	11	83	72	11	13.0
Southern	32	52	44	8	17.1
Guam	12	82	66	16	19.5
Hawaii	18	56	46	10	19.7
Idaho	10	66	53	13	19.3
Montana	6	100	82	18	18.4
Nevada	8	79	64	15	18.2
Northern Mariana Islands	4	61	53	8	12.3
Oregon	3	36	29	7	20.4
Washington					
Eastern	15	93	78	15	16.8
Western	6	110	92	18	15.1
TENTH CIRCUIT	127	82	68	14	16.4
Colorado	12	90	75	15	16.4
Kansas	16	109	91	18	16.1
New Mexico	11	55	46	9	16.5
Oklahoma					
Eastern	13	101	81	20	19.5
Northern	22	76	61	15	19.2
Western	15	96	79	16	16.6
Utah	31	64	55	9	13.8
Wyoming	7	76	65	11	13.6
ELEVENTH CIRCUIT	785	101	86	16	15.9
Alabama					
Middle	8	100	87	13	15.8
Northern	39	82	66	15	18.8
Southern	18	127	104	23	18.1
Florida					
Middle	343	116	98	17	15.1
Northern	4	68	62	6	9.9
Southern	272	95	80	16	16.4
Georgia					
Middle	13	74	64	10	14.9
Northern	63	82	71	11	15.0
Southern	25	54	44	10	18.3

¹ Of the 3,788 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, 217 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)	5,575	59.3
Assigned more than zero criminal history points at sentencing	2,445	26.0
Firearm possessed, etc. in connection with offense	1,394	14.8
Aggravating Role adjustment applied (USSG §3B1.1)	917	9.8
Conviction was a sex offense	234	2.5
Violence or threat of violence used in connection with offense	219	2.3
Offense resulted in death or serious bodily injury	161	1.7
Defendant caused substantial financial hardship	131	1.4
Hate crime adjustment applied (USSG §3A1.1)	54	0.6
21 U.S.C. § 848 conviction	9	0.1
Civil rights guideline applied (USSG §2H1.1)	7	0.1
Terrorism adjustment applied at sentencing (USSG §3A1.4)	4	0.0
Serious human rights offense adjustment applied (USSG §3A1.5)	0	0.0
Not eligible under §1B1.10	1,788	19.1
Current sentence below new guideline range and no §5K1.1	824	8.8
Statutory mandatory minimum penalty controls sentence	532	5.7
Individual received Amendment 821 reduction at original sentencing	230	2.4
Original sentence has been served	80	0.9
Guideline range does not change	69	0.7
Career Offender or Armed Career Criminal provisions control sentence	27	0.3
Sentenced to trumping statutory maximum penalty	16	0.2
Defendant will be released before effective date of amendment	10	0.1
Denied on the merits	742	7.9
18 U.S.C. § 3553(a) factors	576	6.1
Individual has already benefitted from departure or variance	106	1.1
Binding plea agreement determined sentence	33	0.4
Post-sentencing or post-conviction conduct	27	0.3
No reason provided/Other reason	1,298	13.8
No reason provided	1,015	10.8
Other	283	3.0

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, 9,403 reasons were cited in the 7,961 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.