

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



July 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 June 30, 2025 and for which court documentation was received, coded, and edited at the Commission by July 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	15,881	5,665	35.7	10,216	64.3						
Western Texas	1,302	513	39.4	789	60.6	Kansas	127	84	66.1	43	33.9
Northern Texas	1,083	248	22.9	835	77.1	Middle Florida	127	46	36.2	81	63.8
Southern Texas	640	249	38.9	391	61.1	Western New York	126	49	38.9	77	61.1
Eastern Missouri	442	103	23.3	339	76.7	Maryland	126	111	88.1	15	11.9
Western Missouri	434	121	27.9	313	72.1	Western Kentucky	122	36	29.5	86	70.5
Southern Iowa	373	70	18.8	303	81.2	Northern Illinois	120	58	48.3	62	51.7
Eastern Virginia	352	161	45.7	191	54.3	North Dakota	117	50	42.7	67	57.3
Eastern Tennessee	334	119	35.6	215	64.4	Colorado	113	55	48.7	58	51.3
Eastern Kentucky	322	113	35.1	209	64.9	Eastern Wisconsin	112	4	3.6	108	96.4
Southern Georgia	313	141	45.0	172	55.0	Utah	112	27	24.1	85	75.9
Middle North Carolina	310	72	23.2	238	76.8	Southern Ohio	104	54	51.9	50	48.1
Puerto Rico	299	85	28.4	214	71.6	Eastern Louisiana	98	51	52.0	47	48.0
Southern Florida	288	50	17.4	238	82.6	Eastern California	92	44	47.8	48	52.2
Eastern Arkansas	281	54	19.2	227	80.8	Eastern Oklahoma	91	48	52.7	43	47.3
Eastern North Carolina	278	106	38.1	172	61.9	Montana	89	42	47.2	47	52.8
Western Virginia	271	73	26.9	198	73.1	New Jersey	85	26	30.6	59	69.4
Northern Ohio	270	85	31.5	185	68.5	Idaho	84	55	65.5	29	34.5
Eastern Texas	269	143	53.2	126	46.8	Northern California	83	28	33.7	55	66.3
Arizona	229	74	32.3	155	67.7	Connecticut	79	13	16.5	66	83.5
Southern Indiana	222	111	50.0	111	50.0	Northern New York	79	35	44.3	44	55.7
Minnesota	221	44	19.9	177	80.1	Western Arkansas	71	44	62.0	27	38.0
Eastern Michigan	219	110	50.2	109	49.8	Northern Oklahoma	64	10	15.6	54	84.4
Southern New York	207	40	19.3	167	80.7	Wyoming	64	24	37.5	40	62.5
Middle Georgia	204	88	43.1	116	56.9	Eastern Pennsylvania	60	55	91.7	5	8.3
Southern Illinois	199	79	39.7	120	60.3	Middle Louisiana	59	16	27.1	43	72.9
Western Tennessee	192	87	45.3	105	54.7	Western Wisconsin	56	7	12.5	49	87.5
Northern Iowa	189	97	51.3	92	48.7	Northern Mississippi	50	25	50.0	25	50.0
Western Louisiana	188	46	24.5	142	75.5	Eastern New York	47	10	21.3	37	78.7
Central California	186	64	34.4	122	65.6	Eastern Washington	46	19	41.3	27	58.7
Western Michigan	185	63	34.1	122	65.9	Massachusetts	44	10	22.7	34	77.3
Central Illinois	182	49	26.9	133	73.1	Northern Florida	38	10	26.3	28	73.7
Northern Georgia	176	71	40.3	105	59.7	District of Columbia	35	11	31.4	24	68.6
Nebraska	173	48	27.7	125	72.3	New Hampshire	35	15	42.9	20	57.1
Western Oklahoma	169	36	21.3	133	78.7	Oregon	35	24	68.6	11	31.4
Middle Pennsylvania	161	63	39.1	98	60.9	Maine	34	12	35.3	22	64.7
South Dakota	161	41	25.5	120	74.5	Western Washington	32	6	18.8	26	81.3
South Carolina	154	87	56.5	67	43.5	Hawaii	30	21	70.0	9	30.0
Southern Mississippi	152	72	47.4	80	52.6	Southern California	29	25	86.2	4	13.8
Northern Indiana	150	58	38.7	92	61.3	Alaska	27	16	59.3	11	40.7
Northern West Virginia	144	67	46.5	77	53.5	Middle Tennessee	21	21	100.0	0	0.0
Northern Alabama	142	87	61.3	55	38.7	Rhode Island	14	3	21.4	11	78.6
Western Pennsylvania	141	40	28.4	101	71.6	Delaware	14	7	50.0	7	50.0
Western North Carolina	136	64	47.1	72	52.9	Vermont	10	1	10.0	9	90.0
Southern West Virginia	135	34	25.2	101	74.8	Nevada	8	8	100.0	0	0.0
New Mexico	131	33	25.2	98	74.8	Virgin Islands	2	1	50.0	1	50.0
Southern Alabama	129	40	31.0	89	69.0	Guam	2	2	100.0	0	0.0
Middle Alabama	128	45	35.2	83	64.8	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	15,871	5,660	35.7	10,211	64.3
2025	18	0	0.0	18	100.0
2024	592	21	3.5	571	96.5
2023	3,493	1,441	41.3	2,052	58.7
2022	2,833	1,115	39.4	1,718	60.6
2021	1,838	720	39.2	1,118	60.8
2020	1,459	544	37.3	915	62.7
2019	1,345	480	35.7	865	64.3
2018	1,054	359	34.1	695	65.9
2017	711	269	37.8	442	62.2
2016	553	171	30.9	382	69.1
2015	365	114	31.2	251	68.8
2014	304	91	29.9	213	70.1
2013	244	82	33.6	162	66.4
2012	198	50	25.3	148	74.7
2011	134	30	22.4	104	77.6
2010	145	42	29.0	103	71.0
2009	114	23	20.2	91	79.8
2008	85	17	20.0	68	80.0
2007	64	15	23.4	49	76.6
2006	63	15	23.8	48	76.2
2005	52	11	21.2	41	78.8
2004	45	10	22.2	35	77.8
2003	29	6	20.7	23	79.3
2002	31	9	29.0	22	71.0
2001	18	2	11.1	16	88.9
2000	20	7	35.0	13	65.0
1999	7	2	28.6	5	71.4
1998	13	5	38.5	8	61.5
1997	9	2	22.2	7	77.8
1996	16	4	25.0	12	75.0
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 15,881 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	5,643	4,123	73.1	0	0.0	1,520	26.9
D.C. CIRCUIT	11	11	100.0	0	0.0	0	0.0
FIRST CIRCUIT	125	105	84.0	0	0.0	20	16.0
SECOND CIRCUIT	148	115	77.7	0	0.0	33	22.3
THIRD CIRCUIT	181	167	92.3	0	0.0	14	7.7
FOURTH CIRCUIT	775	655	84.5	0	0.0	120	15.5
FIFTH CIRCUIT	1,361	816	60.0	0	0.0	545	40.0
SIXTH CIRCUIT	685	482	70.4	0	0.0	203	29.6
SEVENTH CIRCUIT	366	361	98.6	0	0.0	5	1.4
EIGHTH CIRCUIT	668	459	68.7	0	0.0	209	31.3
NINTH CIRCUIT	430	371	86.3	0	0.0	59	13.7
TENTH CIRCUIT	316	306	96.8	0	0.0	10	3.2
ELEVENTH CIRCUIT	577	275	47.7	0	0.0	302	52.3

¹ Of the 5,665 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 39 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.

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	1,452	25.7	2,319	22.8
Black	2,456	43.5	4,437	43.6
Hispanic	1,548	27.4	3,160	31.0
Other	196	3.5	272	2.7
Total	5,652	100.0	10,188	100.0
Citizenship				
U.S. Citizen	4,979	88.0	8,758	85.9
Non-Citizen	679	12.0	1,440	14.1
Total	5,658	100.0	10,198	100.0
Gender				
Male	5,233	92.4	9,115	89.2
Female	432	7.6	1,100	10.8
Total	5,665	100.0	10,215	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	41	

¹ Of the 15,881 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 (25), 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}	29.9	34.9
Weapon Specific Offense Characteristic	19.5	21.5
Firearms Mandatory Minimum Applied	12.3	15.7
Safety Valve²	4.6	6.4
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	8.7	11.8
Mitigating Role (USSG §3B1.2)	1.8	2.7
Obstruction Adjustment (USSG §3C1.1)	3.5	5.2
Sentence Relative to the Guideline Range		
Within Range	70.7	49.2
Above Range	3.8	6.8
Below Range	25.5	44.0
Criminal History Category		
I	8.1	6.9
II	29.8	9.7
III	37.5	21.3
IV	14.7	17.3
V	9.7	14.5
VI	0.2	30.2
Career Offender (§4B1.1)²	0.1	12.0

¹ Of the 15,881 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 15,591 cases with complete guideline application information.

³ In 336 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	5,659	100.0
Administration of Justice	16	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	96	1.7
Bribery/Corruption	5	0.1
Burglary/Trespass	4	0.1
Child Pornography	126	2.2
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	2,597	45.9
Environmental	0	0.0
Extortion/Racketeering	8	0.1
Firearms	1,340	23.7
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	180	3.2
Immigration	433	7.7
Individual Rights	0	0.0
Kidnapping	17	0.3
Manslaughter	9	0.2
Money Laundering	97	1.7
Murder	39	0.7
National Defense	7	0.1
Obscenity/Other Sex Offenses	20	0.4
Prison Offenses	89	1.6
Robbery	473	8.4
Sexual Abuse	76	1.3
Stalking/Harassing	7	0.1
Tax	2	0.0
Other	5	0.1

¹ Of the 5,665 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	10,209	100.0
Administration of Justice	26	0.3
Antitrust	0	0.0
Arson	13	0.1
Assault	160	1.6
Bribery/Corruption	7	0.1
Burglary/Trespass	5	0.0
Child Pornography	109	1.1
Commercialized Vice	4	0.0
Drug Possession	0	0.0
Drug Trafficking	5,547	54.3
Environmental	0	0.0
Extortion/Racketeering	17	0.2
Firearms	1,923	18.8
Food and Drug	1	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	290	2.8
Immigration	542	5.3
Individual Rights	3	0.0
Kidnapping	46	0.5
Manslaughter	13	0.1
Money Laundering	186	1.8
Murder	200	2.0
National Defense	9	0.1
Obscenity/Other Sex Offenses	14	0.1
Prison Offenses	58	0.6
Robbery	793	7.8
Sexual Abuse	200	2.0
Stalking/Harassing	21	0.2
Tax	11	0.1
Other	3	0.0

¹ Of the 10,216 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	5,289	114	102	12	11.6
D.C. CIRCUIT	7	59	55	5	7.6
District of Columbia	7	59	55	5	7.6
FIRST CIRCUIT	121	127	114	13	10.9
Maine	12	136	122	14	9.8
Massachusetts	8	122	106	16	14.3
New Hampshire	14	124	114	11	8.8
Puerto Rico	84	125	112	13	10.8
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	140	102	93	9	10.8
Connecticut	12	75	69	6	9.8
New York					
Eastern	10	115	108	8	7.6
Northern	35	76	67	9	14.3
Southern	37	108	99	9	9.6
Western	45	122	111	11	9.9
Vermont	1	--	--	--	--
THIRD CIRCUIT	166	111	100	11	11.3
Delaware	7	114	100	14	13.1
New Jersey	26	106	95	12	11.1
Pennsylvania					
Eastern	45	125	114	11	9.6
Middle	56	118	106	12	12.0
Western	31	84	76	8	11.6
Virgin Islands	1	--	--	--	--
FOURTH CIRCUIT	730	116	104	11	10.9
Maryland	92	127	115	12	9.9
North Carolina					
Eastern	106	89	80	9	10.6
Middle	72	99	90	9	10.2
Western	61	127	112	15	10.8
South Carolina	75	123	111	12	10.8
Virginia					
Eastern	150	137	124	12	10.5
Western	73	133	121	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	1,344	109	97	12	12.7
Louisiana					
Eastern	44	126	114	13	12.6
Middle	14	158	137	22	13.1
Western	46	120	109	11	10.6
Mississippi					
Northern	25	77	68	9	13.1
Southern	71	122	109	13	12.9
Texas					
Eastern	143	136	122	14	11.8
Northern	244	151	134	16	11.7
Southern	245	87	77	10	12.7
Western	512	89	79	10	13.6
SIXTH CIRCUIT	632	120	109	11	10.8
Kentucky					
Eastern	112	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	81	90	80	10	12.9
Southern	45	120	108	12	13.1
Tennessee					
Eastern	97	124	112	12	9.9
Middle	21	99	88	12	12.4
Western	84	120	109	11	11.4
SEVENTH CIRCUIT	324	128	115	13	11.4
Illinois					
Central	49	140	127	14	11.2
Northern	49	108	96	12	12.9
Southern	77	126	113	13	11.1
Indiana					
Northern	55	139	125	14	11.4
Southern	83	131	119	12	11.1
Wisconsin					
Eastern	4	83	75	8	9.5
Western	7	102	92	10	9.6
EIGHTH CIRCUIT	637	107	97	10	11.8
Arkansas					
Eastern	54	47	41	6	21.6
Western	44	93	83	10	11.5
Iowa					
Northern	97	113	101	12	12.2
Southern	68	151	138	13	10.7
Minnesota	34	117	106	10	10.2
Missouri					
Eastern	101	86	77	8	11.2
Western	106	123	111	11	9.9
Nebraska	48	157	144	13	10.1
North Dakota	49	79	69	10	12.6
South Dakota	36	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	380	105	94	11	11.8
Alaska	10	98	89	10	10.0
Arizona	49	74	65	9	13.2
California					
Central	64	115	104	12	10.3
Eastern	44	112	101	11	11.3
Northern	22	164	145	19	13.5
Southern	25	86	77	10	14.5
Guam	2	--	--	--	--
Hawaii	21	105	93	11	11.9
Idaho	55	119	106	13	12.2
Montana	37	98	90	8	9.9
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	280	113	102	11	11.3
Colorado	42	94	85	9	11.4
Kansas	66	153	138	15	10.8
New Mexico	33	83	75	8	11.5
Oklahoma					
Eastern	47	126	114	12	11.3
Northern	10	83	74	9	12.1
Western	35	84	74	9	12.7
Utah	26	87	77	9	10.7
Wyoming	21	139	128	11	10.0
ELEVENTH CIRCUIT	528	123	110	13	11.6
Alabama					
Middle	45	126	112	14	12.7
Northern	87	105	95	10	10.9
Southern	36	120	109	11	11.0
Florida					
Middle	45	118	105	13	12.2
Northern	10	143	126	16	14.1
Southern	50	148	133	15	10.7
Georgia					
Middle	71	129	114	15	13.1
Northern	66	137	125	12	9.7
Southern	118	114	102	12	11.8

¹ Of the 5,665 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 375 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	2,797	24.1
Did not receive status points	2,797	24.1
Not eligible under §1B1.10	5,317	45.8
CHC does not change	2,679	23.1
Career Offender or Armed Career Criminal provisions control sentence	733	6.3
Current sentence below new guideline range and no §5K1.1	685	5.9
Statutory mandatory minimum penalty controls sentence	456	3.9
Guideline range does not change	392	3.4
Individual received Amendment 821 reduction at original sentencing	218	1.9
Original sentence has been served	96	0.8
Sentenced to trumping statutory maximum penalty	50	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	1,641	14.2
18 U.S.C. § 3553(a) factors	1,261	10.9
Post-sentencing or post-conviction conduct	201	1.7
Individual has already benefitted from departure or variance	90	0.8
Binding plea agreement determined sentence	89	0.8
No reason provided/Other reason	1,837	15.9
No reason provided	1,552	13.4
Other	285	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, 11,592 reasons were cited in the 10,216 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.