

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



**December 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 1995-2024 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 September 30, 2025 and for which court documentation was received, coded, and edited at the Commission by December 3, 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>16,560</b>	<b>5,780</b>	<b>34.9</b>	<b>10,780</b>	<b>65.1</b>	Kansas	131	84	64.1	47	35.9
Western Texas	1,328	514	38.7	814	61.3	Southern Alabama	130	40	30.8	90	69.2
Northern Texas	1,119	253	22.6	866	77.4	Middle Alabama	129	45	34.9	84	65.1
Southern Texas	653	250	38.3	403	61.7	Western New York	127	49	38.6	78	61.4
Eastern Missouri	469	103	22.0	366	78.0	Northern Illinois	124	59	47.6	65	52.4
Western Missouri	444	122	27.5	322	72.5	North Dakota	123	51	41.5	72	58.5
Eastern Tennessee	390	138	35.4	252	64.6	Western Kentucky	122	36	29.5	86	70.5
Southern Iowa	381	70	18.4	311	81.6	Colorado	119	57	47.9	62	52.1
Eastern Virginia	372	163	43.8	209	56.2	Eastern Wisconsin	114	4	3.5	110	96.5
Middle North Carolina	350	72	20.6	278	79.4	Utah	114	28	24.6	86	75.4
Eastern North Carolina	334	115	34.4	219	65.6	Southern Ohio	104	54	51.9	50	48.1
Eastern Kentucky	327	113	34.6	214	65.4	Eastern Louisiana	101	51	50.5	50	49.5
Southern Georgia	323	141	43.7	182	56.3	New Jersey	98	30	30.6	68	69.4
Puerto Rico	310	89	28.7	221	71.3	Eastern California	95	45	47.4	50	52.6
Eastern Texas	300	150	50.0	150	50.0	Montana	91	44	48.4	47	51.6
Southern Florida	296	52	17.6	244	82.4	Eastern Oklahoma	91	48	52.7	43	47.3
Eastern Arkansas	288	54	18.8	234	81.3	Idaho	86	55	64.0	31	36.0
Northern Ohio	286	86	30.1	200	69.9	Northern California	85	29	34.1	56	65.9
Western Virginia	273	73	26.7	200	73.3	Connecticut	82	13	15.9	69	84.1
Arizona	242	78	32.2	164	67.8	Northern New York	79	35	44.3	44	55.7
Eastern Michigan	233	112	48.1	121	51.9	Western Arkansas	73	44	60.3	29	39.7
Minnesota	230	46	20.0	184	80.0	Northern Oklahoma	69	10	14.5	59	85.5
Southern Indiana	227	113	49.8	114	50.2	Wyoming	65	24	36.9	41	63.1
Western Tennessee	216	88	40.7	128	59.3	Eastern Pennsylvania	61	56	91.8	5	8.2
Middle Georgia	215	90	41.9	125	58.1	Middle Louisiana	60	16	26.7	44	73.3
Southern New York	212	41	19.3	171	80.7	Western Wisconsin	56	7	12.5	49	87.5
Northern Iowa	202	99	49.0	103	51.0	Eastern New York	51	11	21.6	40	78.4
Southern Illinois	200	79	39.5	121	60.5	Northern Mississippi	50	25	50.0	25	50.0
Central California	200	65	32.5	135	67.5	Eastern Washington	46	19	41.3	27	58.7
Western Michigan	192	64	33.3	128	66.7	Massachusetts	44	10	22.7	34	77.3
Western Louisiana	191	46	24.1	145	75.9	Northern Florida	38	10	26.3	28	73.7
Central Illinois	185	50	27.0	135	73.0	Oregon	37	24	64.9	13	35.1
Northern Georgia	182	74	40.7	108	59.3	District of Columbia	35	11	31.4	24	68.6
Nebraska	176	48	27.3	128	72.7	Maine	35	12	34.3	23	65.7
Western Oklahoma	171	36	21.1	135	78.9	New Hampshire	35	15	42.9	20	57.1
South Dakota	169	43	25.4	126	74.6	Hawaii	33	21	63.6	12	36.4
Middle Pennsylvania	163	63	38.7	100	61.3	Western Washington	32	6	18.8	26	81.3
South Carolina	162	88	54.3	74	45.7	Southern California	30	26	86.7	4	13.3
Middle Florida	160	59	36.9	101	63.1	Alaska	27	16	59.3	11	40.7
Southern Mississippi	155	73	47.1	82	52.9	Middle Tennessee	22	22	100.0	0	0.0
Northern Indiana	152	58	38.2	94	61.8	Rhode Island	15	3	20.0	12	80.0
Northern West Virginia	146	67	45.9	79	54.1	Delaware	14	7	50.0	7	50.0
Western Pennsylvania	144	40	27.8	104	72.2	Vermont	11	1	9.1	10	90.9
Western North Carolina	144	69	47.9	75	52.1	Nevada	8	8	100.0	0	0.0
Northern Alabama	143	87	60.8	56	39.2	Virgin Islands	2	1	50.0	1	50.0
New Mexico	139	33	23.7	106	76.3	Guam	2	2	100.0	0	0.0
Southern West Virginia	137	36	26.3	101	73.7	Northern Mariana Islands	2	2	100.0	0	0.0
Maryland	131	111	84.7	20	15.3						

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>16,550</b>	<b>5,775</b>	<b>34.9</b>	<b>10,775</b>	<b>65.1</b>
2025	49	0	0.0	49	100.0
2024	652	23	3.5	629	96.5
2023	3,613	1,471	40.7	2,142	59.3
2022	2,945	1,132	38.4	1,813	61.6
2021	1,911	727	38.0	1,184	62.0
2020	1,513	557	36.8	956	63.2
2019	1,416	499	35.2	917	64.8
2018	1,087	364	33.5	723	66.5
2017	731	273	37.3	458	62.7
2016	573	175	30.5	398	69.5
2015	374	114	30.5	260	69.5
2014	316	94	29.7	222	70.3
2013	253	85	33.6	168	66.4
2012	206	51	24.8	155	75.2
2011	140	32	22.9	108	77.1
2010	150	42	28.0	108	72.0
2009	122	23	18.9	99	81.1
2008	89	18	20.2	71	79.8
2007	67	16	23.9	51	76.1
2006	69	15	21.7	54	78.3
2005	54	12	22.2	42	77.8
2004	49	11	22.4	38	77.6
2003	32	6	18.8	26	81.3
2002	33	10	30.3	23	69.7
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	10	2	20.0	8	80.0
1996	18	4	22.2	14	77.8
1995	4	0	0.0	4	100.0
1994	11	2	18.2	9	81.8
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 16,560 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 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>5,757</b>	<b>4,235</b>	<b>73.6</b>	<b>0</b>	<b>0.0</b>	<b>1,522</b>	<b>26.4</b>
D.C. CIRCUIT	11	11	100.0	0	0.0	0	0.0
FIRST CIRCUIT	129	109	84.5	0	0.0	20	15.5
SECOND CIRCUIT	150	117	78.0	0	0.0	33	22.0
THIRD CIRCUIT	186	171	91.9	0	0.0	15	8.1
FOURTH CIRCUIT	794	674	84.9	0	0.0	120	15.1
FIFTH CIRCUIT	1,376	830	60.3	0	0.0	546	39.7
SIXTH CIRCUIT	710	507	71.4	0	0.0	203	28.6
SEVENTH CIRCUIT	370	365	98.6	0	0.0	5	1.4
EIGHTH CIRCUIT	676	467	69.1	0	0.0	209	30.9
NINTH CIRCUIT	439	380	86.6	0	0.0	59	13.4
TENTH CIRCUIT	319	309	96.9	0	0.0	10	3.1
ELEVENTH CIRCUIT	597	295	49.4	0	0.0	302	50.6

<sup>1</sup> Of the 5,780 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, 23 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin.

<sup>2</sup> 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.

<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.

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 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	1,487	25.8	2,441	22.7
Black	2,499	43.3	4,700	43.7
Hispanic	1,579	27.4	3,320	30.9
Other	202	3.5	289	2.7
<b>Total</b>	<b>5,767</b>	<b>100.0</b>	<b>10,750</b>	<b>100.0</b>
<b>Citizenship</b>				
U.S. Citizen	5,080	88.0	9,240	85.9
Non-Citizen	693	12.0	1,521	14.1
<b>Total</b>	<b>5,773</b>	<b>100.0</b>	<b>10,761</b>	<b>100.0</b>
<b>Gender</b>				
Male	5,343	92.4	9,629	89.3
Female	437	7.6	1,149	10.7
<b>Total</b>	<b>5,780</b>	<b>100.0</b>	<b>10,778</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 16,560 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 (43), missing citizenship information (26), missing gender information (2), and missing age information (13).

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	30.1	35.3
Firearms Mandatory Minimum Applied	19.7	21.8
	12.4	15.9
<b>Safety Valve<sup>2</sup></b>	4.6	6.3
<b>Guideline Role Adjustments<sup>2</sup></b>		
Aggravating Role (USSG §3B1.1)	8.7	11.8
Mitigating Role (USSG §3B1.2)	1.7	2.7
Obstruction Adjustment (USSG §3C1.1)	3.5	5.1
<b>Sentence Relative to the Guideline Range</b>		
Within Range	70.6	49.3
Above Range	3.8	6.8
Below Range	25.6	43.9
<b>Criminal History Category</b>		
I	8.1	6.8
II	29.9	9.6
III	37.5	21.2
IV	14.7	17.5
V	9.7	14.4
VI	0.2	30.6
<b>Career Offender (§4B1.1)<sup>2</sup></b>	0.1	12.1

<sup>1</sup> Of the 16,560 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.

<sup>2</sup> This section was limited to the 16,249 cases with complete guideline application information.

<sup>3</sup> In 358 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>5,774</b>	<b>100.0</b>
Administration of Justice	16	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	97	1.7
Bribery/Corruption	5	0.1
Burglary/Trespass	4	0.1
Child Pornography	128	2.2
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	2,661	46.1
Environmental	0	0.0
Extortion/Racketeering	9	0.2
Firearms	1,360	23.6
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	184	3.2
Immigration	433	7.5
Individual Rights	0	0.0
Kidnapping	19	0.3
Manslaughter	9	0.2
Money Laundering	101	1.7
Murder	39	0.7
National Defense	7	0.1
Obscenity/Other Sex Offenses	20	0.3
Prison Offenses	90	1.6
Robbery	484	8.4
Sexual Abuse	79	1.4
Stalking/Harassing	7	0.1
Tax	3	0.1
Other	6	0.1

<sup>1</sup> Of the 5,780 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 AMENDMENT<sup>1</sup>**

<b>TYPE OF CRIME</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>10,772</b>	<b>100.0</b>
Administration of Justice	27	0.3
Antitrust	0	0.0
Arson	14	0.1
Assault	175	1.6
Bribery/Corruption	7	0.1
Burglary/Trespass	5	0.0
Child Pornography	114	1.1
Commercialized Vice	4	0.0
Drug Possession	0	0.0
Drug Trafficking	5,858	54.4
Environmental	0	0.0
Extortion/Racketeering	17	0.2
Firearms	2,033	18.9
Food and Drug	1	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	301	2.8
Immigration	560	5.2
Individual Rights	3	0.0
Kidnapping	47	0.4
Manslaughter	15	0.1
Money Laundering	195	1.8
Murder	212	2.0
National Defense	9	0.1
Obscenity/Other Sex Offenses	16	0.1
Prison Offenses	58	0.5
Robbery	844	7.8
Sexual Abuse	214	2.0
Stalking/Harassing	21	0.2
Tax	11	0.1
Other	3	0.0

<sup>1</sup> Of the 10,780 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, three were excluded due to missing information on the type of crime.

Table 8

**EXTENT OF SENTENCE REDUCTIONS DUE TO RETROACTIVE  
APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT<sup>1</sup>**

CIRCUIT	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>5,402</b>	<b>115</b>	<b>103</b>	<b>12</b>	<b>11.6</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>125</b>	<b>125</b>	<b>112</b>	<b>13</b>	<b>10.9</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	88	123	111	12	10.8
Rhode Island	3	157	136	21	19.8
<b>SECOND CIRCUIT</b>	<b>142</b>	<b>103</b>	<b>94</b>	<b>9</b>	<b>10.8</b>
Connecticut	12	75	69	6	9.8
New York					
Eastern	11	131	122	10	7.8
Northern	35	76	67	9	14.3
Southern	38	108	99	9	9.5
Western	45	122	111	11	9.9
Vermont	1	--	--	--	--
<b>THIRD CIRCUIT</b>	<b>171</b>	<b>112</b>	<b>101</b>	<b>11</b>	<b>11.2</b>
Delaware	7	114	100	14	13.1
New Jersey	30	110	98	12	11.0
Pennsylvania					
Eastern	46	126	114	11	9.7
Middle	56	118	106	12	12.0
Western	31	84	76	8	11.6
Virgin Islands	1	--	--	--	--
<b>FOURTH CIRCUIT</b>	<b>749</b>	<b>118</b>	<b>106</b>	<b>11</b>	<b>10.9</b>
Maryland	92	127	115	12	9.9
North Carolina					
Eastern	115	102	93	9	10.4
Middle	72	99	90	9	10.2
Western	66	125	111	15	10.4
South Carolina	76	124	112	12	10.8
Virginia					
Eastern	152	136	124	12	10.5
Western	73	133	121	12	9.7
West Virginia					
Northern	67	91	80	11	13.7
Southern	36	93	81	12	15.3

Table 8 (cont.)

CIRCUIT	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence <sup>2</sup>	Percent Decrease From Current Sentence
District					
<b>FIFTH CIRCUIT</b>	<b>1,359</b>	<b>110</b>	<b>98</b>	<b>12</b>	<b>12.7</b>
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	72	127	114	12	12.7
Texas					
Eastern	150	138	123	14	11.7
Northern	249	151	135	16	11.7
Southern	246	87	77	10	12.6
Western	513	89	79	10	13.6
<b>SIXTH CIRCUIT</b>	<b>657</b>	<b>122</b>	<b>111</b>	<b>11</b>	<b>10.7</b>
Kentucky					
Eastern	112	125	114	11	9.6
Western	36	123	114	9	9.3
Michigan					
Eastern	95	138	127	11	10.1
Western	64	126	113	12	10.4
Ohio					
Northern	82	89	80	10	12.9
Southern	45	120	108	12	13.1
Tennessee					
Eastern	116	131	119	12	9.8
Middle	22	98	86	12	12.6
Western	85	121	109	11	11.3
<b>SEVENTH CIRCUIT</b>	<b>328</b>	<b>128</b>	<b>115</b>	<b>13</b>	<b>11.4</b>
Illinois					
Central	50	144	130	14	11.2
Northern	50	109	97	12	12.9
Southern	77	126	113	13	11.1
Indiana					
Northern	55	139	125	14	11.4
Southern	85	130	117	12	11.2
Wisconsin					
Eastern	4	83	75	8	9.5
Western	7	102	92	10	9.6
<b>EIGHTH CIRCUIT</b>	<b>645</b>	<b>108</b>	<b>98</b>	<b>10</b>	<b>11.8</b>
Arkansas					
Eastern	54	47	41	6	21.6
Western	44	93	83	10	11.5
Iowa					
Northern	99	114	102	12	12.2
Southern	68	151	138	13	10.7
Minnesota	36	129	117	12	10.2
Missouri					
Eastern	101	86	77	8	11.2
Western	107	123	112	11	9.9
Nebraska	48	157	144	13	10.1
North Dakota	50	81	71	10	12.5
South Dakota	38	97	89	8	8.4

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	389	106	95	11	11.7
Alaska	10	98	89	10	10.0
Arizona	53	79	70	9	12.9
California					
Central	64	115	104	12	10.3
Eastern	45	111	99	11	11.2
Northern	23	158	140	18	13.3
Southern	26	89	78	11	14.7
Guam	2	--	--	--	--
Hawaii	21	105	93	11	11.9
Idaho	55	119	106	13	12.2
Montana	39	106	97	9	9.8
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	283	113	102	11	11.2
Colorado	44	97	88	9	11.1
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	27	88	79	9	10.6
Wyoming	21	139	128	11	10.0
ELEVENTH CIRCUIT	547	124	111	13	11.5
Alabama					
Middle	45	126	112	14	12.7
Northern	87	105	95	10	10.9
Southern	36	120	109	11	11.0
Florida					
Middle	57	130	116	14	11.9
Northern	10	143	126	16	14.1
Southern	52	148	134	15	10.7
Georgia					
Middle	73	127	112	15	13.1
Northern	69	137	125	12	9.7
Southern	118	114	102	12	11.8

<sup>1</sup> Of the 5,780 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 377 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>2,907</b>	<b>23.8</b>
Did not receive status points	2,907	23.8
<b>Not eligible under §1B1.10</b>	<b>5,650</b>	<b>46.1</b>
CHC does not change	2,832	23.2
Career Offender or Armed Career Criminal provisions control sentence	777	6.4
Current sentence below new guideline range and no §5K1.1	712	5.8
Statutory mandatory minimum penalty controls sentence	478	3.9
Guideline range does not change	427	3.5
Individual received Amendment 821 reduction at original sentencing	260	2.1
Original sentence has been served	103	0.8
Sentenced to trumping statutory maximum penalty	52	0.4
Defendant will be released before effective date of amendment	6	0.0
CHC determined by Repeat and Dangerous Sex Offender (USSG §4B1.5)	3	0.0
<b>Denied on the merits</b>	<b>1,721</b>	<b>14.1</b>
18 U.S.C. § 3553(a) factors	1,321	10.8
Post-sentencing or post-conviction conduct	206	1.7
Individual has already benefitted from departure or variance	104	0.9
Binding plea agreement determined sentence	90	0.7
<b>No reason provided/Other reason</b>	<b>1,949</b>	<b>15.9</b>
No reason provided	1,641	13.4
Other	308	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, 12,227 reasons were cited in the 10,780 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.