

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



April 2026

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 1995-2025 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, 2026 and for which court documentation was received, coded, and edited at the Commission by April 20, 2026.

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	17,218		5,901	34.3	11,317	65.7							
Western Texas	1,355		518	38.2	837	61.8	Middle Alabama	136		45	33.1	91	66.9
Northern Texas	1,163		259	22.3	904	77.7	Northern Illinois	133		65	48.9	68	51.1
Southern Texas	664		252	38.0	412	62.0	Kansas	133		85	63.9	48	36.1
Eastern Missouri	476		103	21.6	373	78.4	Western New York	130		49	37.7	81	62.3
Western Missouri	471		122	25.9	349	74.1	Southern Alabama	130		40	30.8	90	69.2
Eastern Tennessee	419		154	36.8	265	63.2	Western Kentucky	129		36	27.9	93	72.1
Eastern Virginia	394		166	42.1	228	57.9	North Dakota	127		54	42.5	73	57.5
Southern Iowa	384		70	18.2	314	81.8	Colorado	125		58	46.4	67	53.6
Eastern North Carolina	367		119	32.4	248	67.6	Eastern Wisconsin	121		4	3.3	117	96.7
Middle North Carolina	358		72	20.1	286	79.9	Utah	115		28	24.3	87	75.7
Eastern Kentucky	333		113	33.9	220	66.1	New Jersey	106		32	30.2	74	69.8
Southern Georgia	327		141	43.1	186	56.9	Southern Ohio	104		54	51.9	50	48.1
Eastern Texas	326		154	47.2	172	52.8	Eastern Oklahoma	102		51	50.0	51	50.0
Puerto Rico	315		89	28.3	226	71.7	Eastern Louisiana	101		51	50.5	50	49.5
Southern Florida	310		55	17.7	255	82.3	Eastern California	101		47	46.5	54	53.5
Northern Ohio	299		87	29.1	212	70.9	Montana	91		44	48.4	47	51.6
Eastern Arkansas	299		54	18.1	245	81.9	Idaho	89		55	61.8	34	38.2
Western Virginia	277		73	26.4	204	73.6	Northern California	85		29	34.1	56	65.9
Arizona	253		84	33.2	169	66.8	Connecticut	82		13	15.9	69	84.1
Minnesota	246		49	19.9	197	80.1	Northern New York	79		35	44.3	44	55.7
Southern Indiana	238		118	49.6	120	50.4	Western Arkansas	75		44	58.7	31	41.3
Eastern Michigan	233		112	48.1	121	51.9	Northern Oklahoma	75		10	13.3	65	86.7
Northern Iowa	224		105	46.9	119	53.1	Wyoming	66		24	36.4	42	63.6
Western Tennessee	222		88	39.6	134	60.4	Middle Louisiana	64		16	25.0	48	75.0
Middle Georgia	221		90	40.7	131	59.3	Eastern Pennsylvania	62		57	91.9	5	8.1
Southern New York	215		41	19.1	174	80.9	Western Wisconsin	57		7	12.3	50	87.7
Central California	214		65	30.4	149	69.6	Eastern New York	53		11	20.8	42	79.2
Middle Florida	209		69	33.0	140	67.0	Eastern Washington	53		22	41.5	31	58.5
Southern Illinois	208		79	38.0	129	62.0	Northern Mississippi	50		25	50.0	25	50.0
Western Michigan	203		65	32.0	138	68.0	Massachusetts	45		11	24.4	34	75.6
Western Louisiana	193		46	23.8	147	76.2	Oregon	39		24	61.5	15	38.5
Central Illinois	189		50	26.5	139	73.5	District of Columbia	38		13	34.2	25	65.8
Northern Georgia	188		75	39.9	113	60.1	Western Washington	38		7	18.4	31	81.6
South Dakota	183		46	25.1	137	74.9	Northern Florida	38		10	26.3	28	73.7
Southern Mississippi	180		81	45.0	99	55.0	New Hampshire	36		15	41.7	21	58.3
Nebraska	178		48	27.0	130	73.0	Maine	35		12	34.3	23	65.7
Western Oklahoma	174		36	20.7	138	79.3	Hawaii	34		21	61.8	13	38.2
Middle Pennsylvania	167		64	38.3	103	61.7	Southern California	30		26	86.7	4	13.3
South Carolina	165		89	53.9	76	46.1	Alaska	28		17	60.7	11	39.3
Northern Indiana	156		58	37.2	98	62.8	Middle Tennessee	22		22	100.0	0	0.0
Northern West Virginia	150		68	45.3	82	54.7	Vermont	16		1	6.3	15	93.8
Western Pennsylvania	148		41	27.7	107	72.3	Rhode Island	15		3	20.0	12	80.0
Western North Carolina	144		69	47.9	75	52.1	Delaware	14		7	50.0	7	50.0
Northern Alabama	144		87	60.4	57	39.6	Nevada	8		8	100.0	0	0.0
Maryland	143		115	80.4	28	19.6	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	138		36	26.1	102	73.9	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	17,208	5,896	34.3	11,312	65.7
2026	1	0	0.0	1	100.0
2025	100	0	0.0	100	100.0
2024	729	26	3.6	703	96.4
2023	3,736	1,489	39.9	2,247	60.1
2022	3,044	1,159	38.1	1,885	61.9
2021	1,966	737	37.5	1,229	62.5
2020	1,569	570	36.3	999	63.7
2019	1,457	511	35.1	946	64.9
2018	1,120	375	33.5	745	66.5
2017	762	283	37.1	479	62.9
2016	597	180	30.2	417	69.8
2015	383	115	30.0	268	70.0
2014	328	96	29.3	232	70.7
2013	263	85	32.3	178	67.7
2012	215	53	24.7	162	75.3
2011	145	34	23.4	111	76.6
2010	155	43	27.7	112	72.3
2009	127	25	19.7	102	80.3
2008	90	18	20.0	72	80.0
2007	68	16	23.5	52	76.5
2006	70	16	22.9	54	77.1
2005	56	12	21.4	44	78.6
2004	50	11	22.0	39	78.0
2003	33	6	18.2	27	81.8
2002	33	10	30.3	23	69.7
2001	19	2	10.5	17	89.5
2000	20	7	35.0	13	65.0
1999	7	2	28.6	5	71.4
1998	14	6	42.9	8	57.1
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	13	2	15.4	11	84.6
1993	1	0	0.0	1	100.0
1992	3	1	33.3	2	66.7
1991	1	0	0.0	1	100.0
1990	1	0	0.0	1	100.0
1989	0	0	--	0	--

¹ Of the 17,218 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.

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	5,878	4,343	73.9	0	0.0	1,535	26.1
D.C. CIRCUIT	13	13	100.0	0	0.0	0	0.0
FIRST CIRCUIT	130	110	84.6	0	0.0	20	15.4
SECOND CIRCUIT	150	117	78.0	0	0.0	33	22.0
THIRD CIRCUIT	191	175	91.6	0	0.0	16	8.4
FOURTH CIRCUIT	807	687	85.1	0	0.0	120	14.9
FIFTH CIRCUIT	1,400	845	60.4	0	0.0	555	39.6
SIXTH CIRCUIT	728	525	72.1	0	0.0	203	27.9
SEVENTH CIRCUIT	381	376	98.7	0	0.0	5	1.3
EIGHTH CIRCUIT	691	480	69.5	0	0.0	211	30.5
NINTH CIRCUIT	452	393	86.9	0	0.0	59	13.1
TENTH CIRCUIT	324	314	96.9	0	0.0	10	3.1
ELEVENTH CIRCUIT	611	308	50.4	0	0.0	303	49.6

¹ Of the 5,901 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.

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.

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	1,517	25.8	2,549	22.6
Black	2,550	43.3	4,949	43.9
Hispanic	1,611	27.4	3,480	30.8
Other	210	3.6	307	2.7
Total	5,888	100.0	11,285	100.0
Citizenship				
U.S. Citizen	5,188	88.0	9,702	85.9
Non-Citizen	706	12.0	1,595	14.1
Total	5,894	100.0	11,297	100.0
Gender				
Male	5,460	92.5	10,117	89.4
Female	441	7.5	1,198	10.6
Total	5,901	100.0	11,315	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	41	

¹ Of the 17,218 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 (45), missing citizenship information (27), missing gender information (2), and missing age information (14).

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	30.3	35.5
Firearms Mandatory Minimum Applied	19.9	21.9
Safety Valve²	12.5	15.9
	4.5	6.4
Guideline Role Adjustments²		
Aggravating Role (USSG §3B1.1)	8.8	11.9
Mitigating Role (USSG §3B1.2)	1.7	2.6
Obstruction Adjustment (USSG §3C1.1)	3.6	5.1
Sentence Relative to the Guideline Range		
Within Range	70.6	49.3
Above Range	3.9	6.9
Below Range	25.5	43.8
Criminal History Category		
I	8.0	6.8
II	30.0	9.7
III	37.4	21.1
IV	14.7	17.5
V	9.7	14.3
VI	0.2	30.6
Career Offender (§4B1.1)²	0.1	12.0

¹ Of the 17,218 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 16,888 cases with complete guideline application information.

³ In 375 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	5,895	100.0
Administration of Justice	17	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	101	1.7
Bribery/Corruption	5	0.1
Burglary/Trespass	4	0.1
Child Pornography	133	2.3
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	2,721	46.2
Environmental	0	0.0
Extortion/Racketeering	10	0.2
Firearms	1,379	23.4
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	185	3.1
Immigration	434	7.4
Individual Rights	0	0.0
Kidnapping	20	0.3
Manslaughter	9	0.2
Money Laundering	104	1.8
Murder	44	0.7
National Defense	7	0.1
Obscenity/Other Sex Offenses	21	0.4
Prison Offenses	90	1.5
Robbery	498	8.4
Sexual Abuse	84	1.4
Stalking/Harassing	7	0.1
Tax	3	0.1
Other	6	0.1

¹ Of the 5,901 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.

Table 7**TYPE OF CRIME FOR INDIVIDUALS DENIED RETROACTIVE APPLICATION OF PART A OF THE 2023 CRIMINAL HISTORY AMENDMENT¹**

TYPE OF CRIME	N	%
TOTAL	11,309	100.0
Administration of Justice	29	0.3
Antitrust	0	0.0
Arson	14	0.1
Assault	190	1.7
Bribery/Corruption	7	0.1
Burglary/Trespass	6	0.1
Child Pornography	120	1.1
Commercialized Vice	4	0.0
Drug Possession	0	0.0
Drug Trafficking	6,161	54.5
Environmental	0	0.0
Extortion/Racketeering	17	0.2
Firearms	2,133	18.9
Food and Drug	1	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	313	2.8
Immigration	584	5.2
Individual Rights	4	0.0
Kidnapping	51	0.5
Manslaughter	15	0.1
Money Laundering	204	1.8
Murder	224	2.0
National Defense	9	0.1
Obscenity/Other Sex Offenses	16	0.1
Prison Offenses	59	0.5
Robbery	881	7.8
Sexual Abuse	224	2.0
Stalking/Harassing	21	0.2
Tax	11	0.1
Other	3	0.0

¹ Of the 11,317 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 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	5,518	116	104	12	11.6
D.C. CIRCUIT	9	77	71	6	7.8
District of Columbia	9	77	71	6	7.8
FIRST CIRCUIT	126	125	113	13	10.9
Maine	12	136	122	14	9.8
Massachusetts	9	125	109	16	14.0
New Hampshire	14	124	114	11	8.8
Puerto Rico	88	123	111	12	10.8
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	142	103	94	9	10.8
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	--	--	--	--
THIRD CIRCUIT	176	112	101	11	11.3
Delaware	7	114	100	14	13.1
New Jersey	32	113	100	12	11.1
Pennsylvania					
Eastern	47	124	113	11	9.9
Middle	57	120	108	12	11.9
Western	32	84	76	8	11.8
Virgin Islands	1	--	--	--	--
FOURTH CIRCUIT	761	118	107	12	10.9
Maryland	96	127	115	12	10.1
North Carolina					
Eastern	119	105	96	9	10.3
Middle	72	99	90	9	10.2
Western	66	125	111	15	10.4
South Carolina	77	126	114	12	10.8
Virginia					
Eastern	154	137	124	13	10.6
Western	73	133	121	12	9.7
West Virginia					
Northern	68	92	81	11	13.7
Southern	36	93	81	12	15.3

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
FIFTH CIRCUIT		1,383	111	99	12	12.6
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		80	127	114	12	12.4
Texas						
Eastern		154	140	125	15	11.7
Northern		255	152	136	16	11.6
Southern		248	88	78	10	12.7
Western		517	90	79	10	13.6
SIXTH CIRCUIT		674	122	111	11	10.7
Kentucky						
Eastern		112	125	114	11	9.6
Western		36	123	114	9	9.3
Michigan						
Eastern		95	138	127	11	10.1
Western		65	125	113	12	10.3
Ohio						
Northern		83	91	81	10	12.9
Southern		45	120	108	12	13.1
Tennessee						
Eastern		131	131	119	12	9.6
Middle		22	98	86	12	12.6
Western		85	121	109	11	11.3
SEVENTH CIRCUIT		337	129	116	13	11.4
Illinois						
Central		50	144	130	14	11.2
Northern		54	113	101	13	13.0
Southern		77	126	113	13	11.1
Indiana						
Northern		55	139	125	14	11.4
Southern		90	132	120	12	10.9
Wisconsin						
Eastern		4	83	75	8	9.5
Western		7	102	92	10	9.6
EIGHTH CIRCUIT		660	109	99	11	11.7
Arkansas						
Eastern		54	47	41	6	21.6
Western		44	93	83	10	11.5
Iowa						
Northern		105	115	103	12	12.2
Southern		68	151	138	13	10.7
Minnesota		39	131	119	12	10.1
Missouri						
Eastern		101	86	77	8	11.2
Western		107	123	112	11	9.9
Nebraska		48	157	144	13	10.1
North Dakota		53	84	74	10	12.3
South Dakota		41	105	97	9	8.5

Table 8 (cont.)

CIRCUIT	District	N	Mean			
			Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
NINTH CIRCUIT		401	109	98	11	11.7
	Alaska	11	117	105	11	10.0
	Arizona	59	91	81	10	12.7
	California					
	Central	64	115	104	12	10.3
	Eastern	46	110	98	11	11.4
	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	19	99	87	11	11.9
	Western	7	102	91	11	11.5
TENTH CIRCUIT		288	114	103	11	11.4
	Colorado	45	102	93	10	11.1
	Kansas	67	154	137	16	11.5
	New Mexico	33	83	75	8	11.5
	Oklahoma					
	Eastern	50	124	111	12	11.4
	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		561	126	113	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	67	138	124	14	11.3
	Northern	10	143	126	16	14.1
	Southern	55	150	135	15	10.7
	Georgia					
	Middle	73	127	112	15	13.1
	Northern	70	139	127	12	9.7
	Southern	118	114	102	12	11.8

¹ Of the 5,901 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 382 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	3,034	23.6
Did not receive status points	3,034	23.6
Not eligible under §1B1.10	5,950	46.1
CHC does not change	2,957	23.0
Career Offender or Armed Career Criminal provisions control sentence	812	6.3
Current sentence below new guideline range and no §5K1.1	736	5.7
Statutory mandatory minimum penalty controls sentence	498	3.9
Guideline range does not change	454	3.5
Individual received Amendment 821 reduction at original sentencing	322	2.5
Original sentence has been served	108	0.8
Sentenced to trumping statutory maximum penalty	54	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
Denied on the merits	1,849	14.4
18 U.S.C. § 3553(a) factors	1,417	11.0
Post-sentencing or post-conviction conduct	218	1.7
Individual has already benefitted from departure or variance	112	0.9
Binding plea agreement determined sentence	102	0.8
No reason provided/Other reason	2,025	15.7
No reason provided	1,687	13.1
Other	338	2.6

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, 12,858 reasons were cited in the 11,317 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.