

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



September 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 June 30, 2026 and for which court documentation was received, coded, and edited at the Commission by August 25, 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	17,626	5,950	33.8	11,676	66.2	Southern West Virginia	139	36	25.9	103	74.1
Western Texas	1,371	519	37.9	852	62.1	Middle Alabama	137	45	32.8	92	67.2
Northern Texas	1,189	263	22.1	926	77.9	Kansas	135	85	63.0	50	37.0
Southern Texas	681	256	37.6	425	62.4	Western Kentucky	132	36	27.3	96	72.7
Eastern Missouri	481	103	21.4	378	78.6	Western New York	130	49	37.7	81	62.3
Western Missouri	475	123	25.9	352	74.1	North Dakota	130	56	43.1	74	56.9
Eastern Tennessee	426	157	36.9	269	63.1	Southern Alabama	130	40	30.8	90	69.2
Eastern Virginia	404	166	41.1	238	58.9	Colorado	125	58	46.4	67	53.6
Southern Iowa	385	70	18.2	315	81.8	Eastern Wisconsin	123	4	3.3	119	96.7
Eastern North Carolina	379	121	31.9	258	68.1	New Jersey	115	32	27.8	83	72.2
Middle North Carolina	361	73	20.2	288	79.8	Utah	115	28	24.3	87	75.7
Southern Georgia	351	142	40.5	209	59.5	Southern Ohio	104	54	51.9	50	48.1
Eastern Texas	342	157	45.9	185	54.1	Eastern Oklahoma	103	51	49.5	52	50.5
Eastern Kentucky	335	113	33.7	222	66.3	Eastern Louisiana	101	51	50.5	50	49.5
Southern Florida	319	56	17.6	263	82.4	Eastern California	101	47	46.5	54	53.5
Puerto Rico	316	90	28.5	226	71.5	Idaho	93	55	59.1	38	40.9
Eastern Arkansas	309	56	18.1	253	81.9	Montana	91	44	48.4	47	51.6
Northern Ohio	304	87	28.6	217	71.4	Northern California	85	29	34.1	56	65.9
Western Virginia	280	73	26.1	207	73.9	Connecticut	84	14	16.7	70	83.3
Southern Mississippi	265	81	30.6	184	69.4	Northern New York	79	35	44.3	44	55.7
Arizona	258	84	32.6	174	67.4	Western Arkansas	76	44	57.9	32	42.1
Minnesota	255	49	19.2	206	80.8	Northern Oklahoma	76	10	13.2	66	86.8
Southern Indiana	240	118	49.2	122	50.8	Wyoming	67	24	35.8	43	64.2
Eastern Michigan	233	112	48.1	121	51.9	Middle Louisiana	64	16	25.0	48	75.0
Northern Iowa	232	107	46.1	125	53.9	Eastern Pennsylvania	63	58	92.1	5	7.9
Middle Florida	230	74	32.2	156	67.8	Western Wisconsin	58	7	12.1	51	87.9
Middle Georgia	227	90	39.6	137	60.4	Eastern New York	53	11	20.8	42	79.2
Western Tennessee	224	88	39.3	136	60.7	Eastern Washington	53	22	41.5	31	58.5
Central California	218	66	30.3	152	69.7	Northern Mississippi	50	25	50.0	25	50.0
Southern New York	215	41	19.1	174	80.9	Massachusetts	45	11	24.4	34	75.6
Southern Illinois	211	79	37.4	132	62.6	Western Washington	40	7	17.5	33	82.5
Western Michigan	207	66	31.9	141	68.1	District of Columbia	39	14	35.9	25	64.1
Western Louisiana	200	46	23.0	154	77.0	Oregon	39	24	61.5	15	38.5
Northern Georgia	190	75	39.5	115	60.5	Northern Florida	38	10	26.3	28	73.7
Central Illinois	189	50	26.5	139	73.5	New Hampshire	36	15	41.7	21	58.3
South Dakota	187	49	26.2	138	73.8	Maine	35	12	34.3	23	65.7
Nebraska	181	48	26.5	133	73.5	Hawaii	34	21	61.8	13	38.2
South Carolina	175	90	51.4	85	48.6	Southern California	30	26	86.7	4	13.3
Western Oklahoma	175	36	20.6	139	79.4	Alaska	28	17	60.7	11	39.3
Middle Pennsylvania	168	64	38.1	104	61.9	Middle Tennessee	22	22	100.0	0	0.0
Northern Indiana	157	59	37.6	98	62.4	Vermont	18	1	5.6	17	94.4
Western North Carolina	153	74	48.4	79	51.6	Rhode Island	15	3	20.0	12	80.0
Northern West Virginia	151	68	45.0	83	55.0	Delaware	14	7	50.0	7	50.0
Western Pennsylvania	148	41	27.7	107	72.3	Nevada	8	8	100.0	0	0.0
Maryland	144	115	79.9	29	20.1	Guam	3	3	100.0	0	0.0
Northern Alabama	144	87	60.4	57	39.6	Virgin Islands	2	1	50.0	1	50.0
Northern Illinois	141	65	46.1	76	53.9	Northern Mariana Islands	2	2	100.0	0	0.0
New Mexico	140	33	23.6	107	76.4						

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	17,616	5,945	33.7	11,671	66.3
2026	7	0	0.0	7	100.0
2025	132	0	0.0	132	100.0
2024	771	26	3.4	745	96.6
2023	3,809	1,498	39.3	2,311	60.7
2022	3,097	1,168	37.7	1,929	62.3
2021	2,005	744	37.1	1,261	62.9
2020	1,606	572	35.6	1,034	64.4
2019	1,486	517	34.8	969	65.2
2018	1,143	378	33.1	765	66.9
2017	777	288	37.1	489	62.9
2016	609	181	29.7	428	70.3
2015	393	115	29.3	278	70.7
2014	335	98	29.3	237	70.7
2013	266	86	32.3	180	67.7
2012	217	53	24.4	164	75.6
2011	151	35	23.2	116	76.8
2010	157	43	27.4	114	72.6
2009	129	25	19.4	104	80.6
2008	91	18	19.8	73	80.2
2007	70	16	22.9	54	77.1
2006	72	17	23.6	55	76.4
2005	59	12	20.3	47	79.7
2004	52	12	23.1	40	76.9
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	21	8	38.1	13	61.9
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	3	0	0.0	3	100.0
1992	4	1	25.0	3	75.0
1991	2	0	0.0	2	100.0
1990	1	0	0.0	1	100.0
1989	0	0	--	0	--

¹ Of the 17,626 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	5,927	4,391	74.1	0	0.0	1,536	25.9
D.C. CIRCUIT	14	14	100.0	0	0.0	0	0.0
FIRST CIRCUIT	131	111	84.7	0	0.0	20	15.3
SECOND CIRCUIT	151	118	78.1	0	0.0	33	21.9
THIRD CIRCUIT	192	176	91.7	0	0.0	16	8.3
FOURTH CIRCUIT	816	695	85.2	0	0.0	121	14.8
FIFTH CIRCUIT	1,412	857	60.7	0	0.0	555	39.3
SIXTH CIRCUIT	732	529	72.3	0	0.0	203	27.7
SEVENTH CIRCUIT	382	377	98.7	0	0.0	5	1.3
EIGHTH CIRCUIT	701	490	69.9	0	0.0	211	30.1
NINTH CIRCUIT	454	395	87.0	0	0.0	59	13.0
TENTH CIRCUIT	324	314	96.9	0	0.0	10	3.1
ELEVENTH CIRCUIT	618	315	51.0	0	0.0	303	49.0

¹ Of the 5,950 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	1,530	25.8	2,612	22.4
Black	2,571	43.3	5,126	44.0
Hispanic	1,622	27.3	3,588	30.8
Other	214	3.6	318	2.7
Total	5,937	100.0	11,644	100.0
Citizenship				
U.S. Citizen	5,234	88.1	10,000	85.8
Non-Citizen	709	11.9	1,655	14.2
Total	5,943	100.0	11,655	100.0
Gender				
Male	5,508	92.6	10,452	89.5
Female	442	7.4	1,222	10.5
Total	5,950	100.0	11,674	100.0
Average Age at Original Sentence		35	36	
Average Age at Motion Decision		39	41	

¹ Of the 17,626 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 (28), missing gender information (2), and missing age information (15).

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	30.4	35.6
Firearms Mandatory Minimum Applied	19.9	22.0
	12.6	15.9
Safety Valve²	4.5	6.3
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	49.6
Above Range	3.9	6.9
Below Range	25.4	43.5
Criminal History Category		
I	8.0	6.8
II	30.0	9.7
III	37.4	21.1
IV	14.7	17.4
V	9.8	14.4
VI	0.2	30.6
Career Offender (§4B1.1)²	0.1	11.9

¹ Of the 17,626 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 17,281 cases with complete guideline application information.

³ In 381 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	5,944	100.0
Administration of Justice	17	0.3
Antitrust	0	0.0
Arson	5	0.1
Assault	102	1.7
Bribery/Corruption	5	0.1
Burglary/Trespass	4	0.1
Child Pornography	135	2.3
Commercialized Vice	2	0.0
Drug Possession	2	0.0
Drug Trafficking	2,746	46.2
Environmental	0	0.0
Extortion/Racketeering	10	0.2
Firearms	1,391	23.4
Food and Drug	1	0.0
Forgery/Counter/Copyright	3	0.1
Fraud/Theft/Embezzlement	187	3.1
Immigration	434	7.3
Individual Rights	0	0.0
Kidnapping	20	0.3
Manslaughter	9	0.2
Money Laundering	104	1.7
Murder	45	0.8
National Defense	7	0.1
Obscenity/Other Sex Offenses	21	0.4
Prison Offenses	90	1.5
Robbery	502	8.4
Sexual Abuse	86	1.4
Stalking/Harassing	7	0.1
Tax	3	0.1
Other	6	0.1

¹ Of the 5,950 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	11,668	100.0
Administration of Justice	29	0.2
Antitrust	0	0.0
Arson	14	0.1
Assault	193	1.7
Bribery/Corruption	7	0.1
Burglary/Trespass	6	0.1
Child Pornography	125	1.1
Commercialized Vice	5	0.0
Drug Possession	0	0.0
Drug Trafficking	6,379	54.7
Environmental	0	0.0
Extortion/Racketeering	18	0.2
Firearms	2,201	18.9
Food and Drug	1	0.0
Forgery/Counter/Copyright	8	0.1
Fraud/Theft/Embezzlement	319	2.7
Immigration	596	5.1
Individual Rights	5	0.0
Kidnapping	53	0.5
Manslaughter	16	0.1
Money Laundering	208	1.8
Murder	227	1.9
National Defense	9	0.1
Obscenity/Other Sex Offenses	16	0.1
Prison Offenses	62	0.5
Robbery	907	7.8
Sexual Abuse	228	2.0
Stalking/Harassing	21	0.2
Tax	12	0.1
Other	3	0.0

¹ Of the 11,676 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.

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 District	N	Mean			
		Current Sentence In Months	New Sentence In Months	Decrease In Months From Current Sentence ²	Percent Decrease From Current Sentence
TOTAL	5,567	117	105	12	11.6
D.C. CIRCUIT	10	89	83	6	7.2
District of Columbia	10	89	83	6	7.2
FIRST CIRCUIT	127	128	114	14	11.0
Maine	12	136	122	14	9.8
Massachusetts	9	125	109	16	14.0
New Hampshire	14	124	114	11	8.8
Puerto Rico	89	127	114	14	10.9
Rhode Island	3	157	136	21	19.8
SECOND CIRCUIT	143	104	94	9	10.7
Connecticut	13	81	75	6	9.5
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	177	112	101	11	11.3
Delaware	7	114	100	14	13.1
New Jersey	32	113	100	12	11.1
Pennsylvania					
Eastern	48	124	113	11	9.8
Middle	57	120	108	12	11.9
Western	32	84	76	8	11.8
Virgin Islands	1	--	--	--	--
FOURTH CIRCUIT	770	120	108	12	10.9
Maryland	96	127	115	12	10.1
North Carolina					
Eastern	121	106	97	9	10.2
Middle	73	98	90	9	10.2
Western	71	135	117	18	10.6
South Carolina	78	129	116	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.)

		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	1,395	112	100	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	157	140	125	15	11.7
Northern	259	152	136	16	11.6
Southern	252	91	80	11	12.7
Western	518	90	79	10	13.6
SIXTH CIRCUIT	678	123	111	11	10.6
Kentucky					
Eastern	112	125	114	11	9.6
Western	36	123	114	9	9.3
Michigan					
Eastern	95	138	127	11	10.1
Western	66	130	118	12	10.2
Ohio					
Northern	83	91	81	10	12.9
Southern	45	120	108	12	13.1
Tennessee					
Eastern	134	132	120	12	9.5
Middle	22	98	86	12	12.6
Western	85	121	109	11	11.3
SEVENTH CIRCUIT	338	129	116	13	11.3
Illinois					
Central	50	144	130	14	11.2
Northern	54	113	101	13	13.0
Southern	77	126	113	13	11.1
Indiana					
Northern	56	138	125	14	11.3
Southern	90	132	120	12	10.9
Wisconsin					
Eastern	4	83	75	8	9.5
Western	7	102	92	10	9.6
EIGHTH CIRCUIT	670	110	100	11	11.7
Arkansas					
Eastern	56	49	43	6	21.2
Western	44	93	83	10	11.5
Iowa					
Northern	107	115	102	12	12.3
Southern	68	151	138	13	10.7
Minnesota	39	131	119	12	10.1
Missouri					
Eastern	101	86	77	8	11.2
Western	108	123	112	11	9.9
Nebraska	48	157	144	13	10.1
North Dakota	55	92	81	11	12.2
South Dakota	44	111	101	9	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	403	109	98	11	11.7
Alaska	11	117	105	11	10.0
Arizona	59	91	81	10	12.7
California					
Central	65	116	104	11	10.2
Eastern	46	110	98	11	11.4
Northern	23	158	140	18	13.3
Southern	26	89	78	11	14.7
Guam	3	183	162	21	11.3
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	568	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	72	139	125	14	11.3
Northern	10	143	126	16	14.1
Southern	56	149	134	15	10.6
Georgia					
Middle	73	127	112	15	13.1
Northern	70	139	127	12	9.7
Southern	119	114	102	12	11.9

¹ Of the 5,950 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	3,126	23.5
Did not receive status points	3,126	23.5
Not eligible under §1B1.10	6,172	46.2
CHC does not change	3,059	23.0
Career Offender or Armed Career Criminal provisions control sentence	844	6.3
Current sentence below new guideline range and no §5K1.1	750	5.6
Statutory mandatory minimum penalty controls sentence	506	3.8
Guideline range does not change	482	3.6
Individual received Amendment 821 reduction at original sentencing	352	2.6
Original sentence has been served	115	0.9
Sentenced to trumping statutory maximum penalty	55	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	1,907	14.3
18 U.S.C. § 3553(a) factors	1,456	10.9
Post-sentencing or post-conviction conduct	224	1.7
Individual has already benefitted from departure or variance	125	0.9
Binding plea agreement determined sentence	102	0.8
No reason provided/Other reason	2,098	15.8
No reason provided	1,732	13.0
Other	366	2.8

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, 13,303 reasons were cited in the 11,676 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.