

**U.S. Sentencing Commission
2014 Drug Guidelines Amendment
Retroactivity Data Report**



December 2015

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 April 30, 2014, the Commission submitted to Congress an amendment to the federal sentencing guidelines that revised the guidelines applicable to drug trafficking offenses by changing how the base offense levels in the drug or chemical quantity tables in sections 2D1.1 and 2D1.11 of the *Guidelines Manual*³ incorporate the statutory mandatory minimum penalties for drug trafficking offenses (Amendment 782).⁴ Specifically, the amendment reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties, resulting in corresponding guideline ranges that include the mandatory minimum penalties, and made conforming changes to section 2D1.1. Amendment 782 became effective on November 1, 2014.

On July 18, 2014, the Commission voted to give retroactive effect to Amendment 782 beginning on the effective date of the amendment. The Commission also voted to require that courts not release any offender whose term of imprisonment was reduced pursuant to retroactive application of Amendment 782 prior to November 1, 2015. To effectuate these decisions, the Commission promulgated Amendment 788 which added Amendment 782 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. Amendment 788 also added a new special instruction to §1B1.10 requiring that the effective date of all orders reducing a term of

¹ In each felony or Class A misdemeanor case sentenced in federal court, 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 See the Commission's website, www.ussc.gov, for electronic copies of the 1995-2014 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

³ U.S. SENTENCING COMMISSION, GUIDELINES MANUAL §2D1.1 (Unlawful Manufacturing, Importing, Exporting or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) (2013) (hereinafter USSG); USSG §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy).

⁴ References to the "2014 drug guidelines amendment," "the amendment," or any similar references mean Amendment 782.

imprisonment pursuant to retroactive application of Amendment 782 be November 1, 2015 or later. Amendment 788 became effective on November 1, 2014.

The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Amendment 782. The data in this report reflects all motions decided through September 30, 2015 and for which court documentation was received, coded, and edited at the Commission by November 30, 2015.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

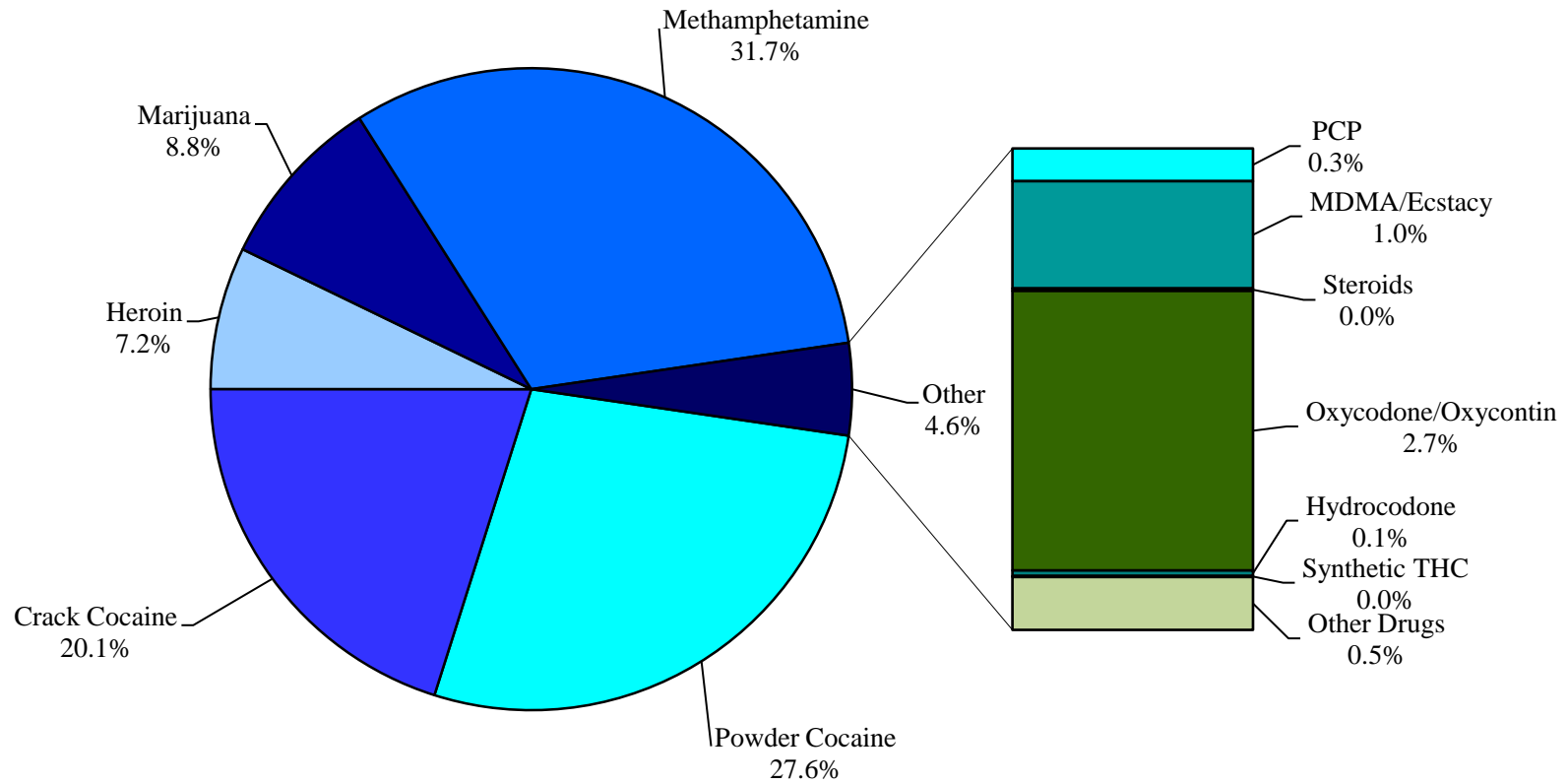
District	Total			Granted		Denied		District	Total			Granted		Denied	
	N	N	%	N	%	N	%		N	N	%	N	%		
TOTAL	27,824	21,003	75.5	6,821	24.5										
Southern Texas	1,902	1,156	60.8	746	39.2	Northern California	204	139	68.1	65	31.9				
Western Texas	1,635	1,343	82.1	292	17.9	Northern New York	203	144	70.9	59	29.1				
Northern Iowa	1,111	514	46.3	597	53.7	New Jersey	200	137	68.5	63	31.5				
Southern Florida	802	699	87.2	103	12.8	Northern Indiana	193	162	83.9	31	16.1				
South Carolina	801	591	73.8	210	26.2	Southern Mississippi	193	142	73.6	51	26.4				
Eastern Texas	783	736	94.0	47	6.0	Minnesota	192	141	73.4	51	26.6				
Eastern Virginia	756	593	78.4	163	21.6	Connecticut	188	123	65.4	65	34.6				
Western Virginia	746	506	67.8	240	32.2	Middle Pennsylvania	186	135	72.6	51	27.4				
Northern Texas	711	410	57.7	301	42.3	Northern Mississippi	184	154	83.7	30	16.3				
Western North Carolina	601	345	57.4	256	42.6	Western New York	182	120	65.9	62	34.1				
Southern Iowa	596	382	64.1	214	35.9	Eastern Wisconsin	180	152	84.4	28	15.6				
Northern Florida	578	347	60.0	231	40.0	Idaho	179	179	100.0	0	0.0				
Eastern North Carolina	553	441	79.7	112	20.3	Eastern Louisiana	155	136	87.7	19	12.3				
Eastern Missouri	506	399	78.9	107	21.1	New Mexico	154	95	61.7	59	38.3				
Puerto Rico	503	501	99.6	2	0.4	Massachusetts	150	81	54.0	69	46.0				
Kansas	493	369	74.8	124	25.2	Colorado	149	149	100.0	0	0.0				
Southern Georgia	480	275	57.3	205	42.7	Northern Oklahoma	148	110	74.3	38	25.7				
Nebraska	453	356	78.6	97	21.4	Maine	144	101	70.1	43	29.9				
Middle Florida	437	400	91.5	37	8.5	Eastern Michigan	142	121	85.2	21	14.8				
Eastern Kentucky	410	207	50.5	203	49.5	Middle North Carolina	136	107	78.7	29	21.3				
Northern Illinois	382	380	99.5	2	0.5	South Dakota	134	107	79.9	27	20.1				
Southern Alabama	380	256	67.4	124	32.6	Western Kentucky	132	126	95.5	6	4.5				
Central Illinois	370	292	78.9	78	21.1	Nevada	132	130	98.5	2	1.5				
Maryland	363	334	92.0	29	8.0	Western Pennsylvania	126	84	66.7	42	33.3				
Southern Illinois	342	285	83.3	57	16.7	Western Wisconsin	114	113	99.1	1	0.9				
Eastern Tennessee	302	264	87.4	38	12.6	Alaska	113	88	77.9	25	22.1				
Eastern California	299	257	86.0	42	14.0	Eastern New York	113	58	51.3	55	48.7				
Western Arkansas	296	183	61.8	113	38.2	Western Oklahoma	108	108	100.0	0	0.0				
Northern Ohio	296	244	82.4	52	17.6	Western Louisiana	107	78	72.9	29	27.1				
Southern Ohio	295	266	90.2	29	9.8	Northern Alabama	101	101	100.0	0	0.0				
Western Michigan	288	101	35.1	187	64.9	Oregon	101	100	99.0	1	1.0				
Central California	286	229	80.1	57	19.9	Middle Louisiana	98	53	54.1	45	45.9				
Middle Georgia	277	180	65.0	97	35.0	Southern West Virginia	94	91	96.8	3	3.2				
Southern New York	264	262	99.2	2	0.8	Middle Tennessee	89	70	78.7	19	21.3				
Western Tennessee	257	145	56.4	112	43.6	Rhode Island	87	51	58.6	36	41.4				
Eastern Pennsylvania	255	254	99.6	1	0.4	North Dakota	84	82	97.6	2	2.4				
Montana	248	180	72.6	68	27.4	District of Columbia	60	60	100.0	0	0.0				
Western Missouri	237	223	94.1	14	5.9	New Hampshire	55	32	58.2	23	41.8				
Western Washington	234	132	56.4	102	43.6	Eastern Washington	54	54	100.0	0	0.0				
Eastern Arkansas	231	223	96.5	8	3.5	Eastern Oklahoma	52	52	100.0	0	0.0				
Southern California	226	226	100.0	0	0.0	Middle Alabama	51	39	76.5	12	23.5				
Utah	224	150	67.0	74	33.0	Arizona	45	45	100.0	0	0.0				
Northern West Virginia	214	214	100.0	0	0.0	Vermont	37	33	89.2	4	10.8				
Wyoming	208	206	99.0	2	1.0	Delaware	22	11	50.0	11	50.0				
Southern Indiana	207	157	75.8	50	24.2	Northern Mariana Islands	3	3	100.0	0	0.0				
Northern Georgia	206	201	97.6	5	2.4	Virgin Islands	1	1	100.0	0	0.0				
Hawaii	205	191	93.2	14	6.8										

Note: Some districts may not have reported all denials of motions seeking retroactive application of Amendment 782.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 2

**DISTRIBUTION OF DRUG TYPE OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT¹**



¹ Of the 21,003 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, information on drug type was missing in 350 cases.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 3**APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT
BY YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
Total	27,736	20,933	75.5	6,803	24.5
2015	316	70	22.2	246	77.8
2014	3,476	2,492	71.7	984	28.3
2013	4,706	3,775	80.2	931	19.8
2012	3,958	3,240	81.9	718	18.1
2011	3,070	2,436	79.3	634	20.7
2010	2,279	1,661	72.9	618	27.1
2009	2,040	1,473	72.2	567	27.8
2008	1,632	1,202	73.7	430	26.3
2007	1,438	1,062	73.9	376	26.1
2006	1,075	797	74.1	278	25.9
2005	760	545	71.7	215	28.3
2004	603	432	71.6	171	28.4
2003	498	348	69.9	150	30.1
2002	296	212	71.6	84	28.4
2001	268	196	73.1	72	26.9
2000	222	153	68.9	69	31.1
1999	218	169	77.5	49	22.5
1998	154	118	76.6	36	23.4
1997	150	117	78.0	33	22.0
1996	126	102	81.0	24	19.0
1995	120	82	68.3	38	31.7
1994	98	72	73.5	26	26.5
1993	72	58	80.6	14	19.4
1992	78	60	76.9	18	23.1
1991	45	36	80.0	9	20.0
1990	27	17	63.0	10	37.0
1989	11	8	72.7	3	27.3

¹ Of the 27,824 cases reported to the Commission, 88 were excluded from this analysis because the case cannot be matched with an original case in the Commission's records.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 4**ORIGIN OF GRANTED MOTION FOR SENTENCE REDUCTION DUE TO
RETROACTIVE APPLICATION OF DRUG GUIDELINES AMENDMENT¹**

CIRCUIT	Total	Defendant		Director BOP²		Court	
	N	N	%	N	%	N	%
TOTAL	20,137	16,081	79.9	0	0.0	4,056	20.1
D.C. CIRCUIT	58	58	100.0	0	0.0	0	0.0
FIRST CIRCUIT	765	674	88.1	0	0.0	91	11.9
SECOND CIRCUIT	728	557	76.5	0	0.0	171	23.5
THIRD CIRCUIT	423	412	97.4	0	0.0	11	2.6
FOURTH CIRCUIT	3,114	2,484	79.8	0	0.0	630	20.2
FIFTH CIRCUIT	4,135	2,703	65.4	0	0.0	1,432	34.6
SIXTH CIRCUIT	1,530	1,222	79.9	0	0.0	308	20.1
SEVENTH CIRCUIT	1,524	1,496	98.2	0	0.0	28	1.8
EIGHTH CIRCUIT	2,590	1,727	66.7	0	0.0	863	33.3
NINTH CIRCUIT	1,745	1,711	98.1	0	0.0	34	1.9
TENTH CIRCUIT	1,072	984	91.8	0	0.0	88	8.2
ELEVENTH CIRCUIT	2,453	2,053	83.7	0	0.0	400	16.3

¹ Of the 21,003 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 888 cases were excluded from this analysis because the information received by the Commission prevented a determination of motion origin. Additionally, courts may cite multiple origins for a motion; consequently, the total number of origins cited generally exceeds the total number of cases. In this table, 20,137 origins were cited for the 20,115 cases.

² In 11 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 5

**DEMOGRAPHIC CHARACTERISTICS OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT**

Race/Ethnicity	Total Granted ¹	Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Metham- phetamine		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
White	4,977	546	9.6	207	5.0	166	11.2	450	24.8	3,104	47.5	504	52.8
Black	6,992	1,974	34.7	3,634	87.5	591	40.0	347	19.1	175	2.7	271	28.4
Hispanic	8,079	3,098	54.5	273	6.6	712	48.1	958	52.8	2,956	45.2	82	8.6
Other	573	70	1.2	37	0.9	10	0.7	60	3.3	299	4.6	97	10.2
Total	20,621	5,688		4,151		1,479		1,815		6,534		954	
Citizenship													
U.S. Citizen	15,744	3,884	68.3	4,017	96.7	1,056	71.4	1,301	71.5	4,617	70.6	869	91.0
Non-Citizen	4,889	1,802	31.7	137	3.3	423	28.6	519	28.5	1,922	29.4	86	9.0
Total	20,633	5,686		4,154		1,479		1,820		6,539		955	
Gender													
Male	19,117	5,434	95.5	3,986	95.9	1,367	92.3	1,745	95.8	5,739	87.7	846	88.5
Female	1,534	259	4.5	170	4.1	114	7.7	76	4.2	805	12.3	110	11.5
Total	20,651	5,693		4,156		1,481		1,821		6,544		956	
Average Age													
	35	36		32		36		36		35		37	

¹ Of the 21,003 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 350 cases were excluded due to missing drug type information. Additional cases were excluded from each section of this table due to the following reasons: missing race information (32), missing citizenship information (20), missing gender information (2), and missing age information (4).

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 6

**SELECTED SENTENCING FACTORS FOR OFFENDERS WHO WERE CONSIDERED FOR SENTENCE
REDUCTION DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT¹**

	Total		Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Methamphetamine		Other	
	Grant	Deny	Grant	Deny	Grant	Deny	Grant	Deny	Grant	Deny	Grant	Deny	Grant	Deny
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
Weapon														
Weapon Specific Offense Characteristic	22.5	19.2	20.4	18.6	30.4	23.5	18.5	17.1	19.5	15.0	21.8	17.9	16.5	14.2
Firearms Mandatory Minimum Applied	0.1	0.8	0.1	0.6	0.1	1.9	0.0	0.0	0.0	0.3	0.1	0.3	0.0	0.7
Safety Valve	14.6	8.5	18.5	9.3	2.8	0.9	16.9	9.0	15.8	9.5	17.9	14.9	14.0	10.1
Guideline Role Adjustments														
Aggravating Role (USSG §3B1.1)	17.8	14.2	20.2	17.4	17.6	11.8	22.0	15.9	29.4	18.0	11.8	12.1	16.8	18.5
Mitigating Role (USSG §3B1.2)	4.0	4.3	3.5	4.6	1.4	1.7	4.1	5.8	4.5	6.0	5.9	5.8	3.1	4.6
Obstruction Adjustment (USSG §3C1.1)	5.8	5.2	6.1	5.1	7.2	5.7	3.6	5.1	8.6	6.2	4.6	4.3	3.8	6.4
Sentence Relative to the Guideline Range														
Within Range	64.0	47.3	67.0	49.3	66.0	52.7	64.5	42.8	69.6	59.8	58.7	39.3	61.8	32.0
Above Range	0.8	1.9	0.9	1.5	1.0	1.8	1.0	3.6	1.0	3.3	0.4	1.1	1.5	4.6
Below Range	35.3	50.8	32.2	49.3	33.0	45.5	34.5	53.6	29.3	36.9	41.0	59.7	36.8	63.3
Criminal History Category														
I	36.0	24.4	48.4	31.3	13.5	7.7	36.8	24.5	43.5	31.4	36.7	33.6	38.6	28.5
II	13.8	10.5	14.5	10.7	11.5	6.4	14.0	10.1	15.4	13.9	14.1	13.2	14.2	12.1
III	20.2	14.6	18.3	16.2	23.5	12.9	19.9	13.9	20.8	16.5	19.4	14.6	21.8	14.6
IV	12.5	8.9	9.2	8.1	19.7	10.2	11.4	6.7	9.3	7.6	11.9	9.2	12.7	8.9
V	7.7	5.9	4.2	4.1	13.8	7.4	8.1	6.7	5.8	5.6	7.7	5.2	5.2	7.1
VI	9.8	35.8	5.4	29.6	17.9	55.4	9.8	38.0	5.2	25.1	10.2	24.2	7.5	28.8

¹ Some cases were excluded from sections of this table due to missing information on the offense or sentencing factors reported.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.

Table 7

**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE
APPLICATION OF DRUG GUIDELINES AMENDMENT¹**

CIRCUIT		Average Current Sentence in Months²	Average New Sentence in Months²	Average Decrease in Months From Current Sentence²	Average Percent Decrease From Current Sentence
District	N				
TOTAL	20,357	134	110	23	17.3
D.C. CIRCUIT	44	115	101	15	12.9
District of Columbia	44	115	101	15	12.9
FIRST CIRCUIT	749	117	97	20	16.6
Maine	100	123	102	21	17.5
Massachusetts	80	154	124	30	19.3
New Hampshire	32	132	112	20	16.4
Puerto Rico	495	108	90	18	16.2
Rhode Island	42	124	107	17	13.8
SECOND CIRCUIT	678	127	105	22	16.5
Connecticut	123	115	96	19	16.7
New York					
Eastern	51	183	149	34	18.6
Northern	104	112	91	21	19.2
Southern	256	134	112	22	15.2
Western	111	119	100	20	16.1
Vermont	33	100	84	16	16.5
THIRD CIRCUIT	615	131	109	22	16.5
Delaware	10	126	104	22	19.9
New Jersey	135	113	93	21	17.8
Pennsylvania					
Eastern	251	155	128	27	16.8
Middle	135	114	97	17	15.1
Western	84	116	98	18	15.5
Virgin Islands	0	--	--	--	--
FOURTH CIRCUIT	3,096	140	116	24	17.3
Maryland	333	119	99	20	16.7
North Carolina					
Eastern	436	126	104	22	17.5
Middle	107	137	113	24	17.2
Western	291	132	109	23	17.0
South Carolina	562	145	119	27	17.7
Virginia					
Eastern	568	168	139	29	16.5
Western	494	154	129	26	17.7
West Virginia					
Northern	214	113	93	20	17.3
Southern	91	101	83	18	18.5

Table 7 (continued)
DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE
APPLICATION OF DRUG GUIDELINES AMENDMENT

CIRCUIT		Average Current Sentence in Months²	Average New Sentence in Months²	Average Decrease in Months From Current Sentence²	Average Percent Decrease From Current Sentence
District	N				
FIFTH CIRCUIT	4,188	124	103	21	17.0
Louisiana					
Eastern	136	142	120	22	15.3
Middle	51	110	91	19	17.2
Western	78	137	112	25	18.0
Mississippi					
Northern	154	126	100	26	20.9
Southern	142	105	88	17	16.6
Texas					
Eastern	732	131	107	24	18.5
Northern	406	128	105	23	17.5
Southern	1,152	129	108	21	15.6
Western	1,337	115	96	19	17.0
SIXTH CIRCUIT	1,481	116	96	20	17.7
Kentucky					
Eastern	206	119	101	19	16.3
Western	125	138	115	22	16.0
Michigan					
Eastern	121	124	102	22	17.5
Western	87	109	91	18	16.0
Ohio					
Northern	243	110	88	23	20.4
Southern	266	122	102	20	16.4
Tennessee					
Eastern	263	99	79	21	20.4
Middle	70	126	105	21	16.5
Western	100	114	96	17	15.7
SEVENTH CIRCUIT	1,516	151	121	31	19.5
Illinois					
Central	289	162	117	45	26.9
Northern	372	162	135	28	16.3
Southern	285	133	105	28	20.8
Indiana					
Northern	160	147	122	25	16.6
Southern	156	146	118	28	17.9
Wisconsin					
Eastern	149	133	111	22	16.2
Western	105	169	136	33	18.7
EIGHTH CIRCUIT	2,544	137	113	25	18.0
Arkansas					
Eastern	223	122	102	20	17.0
Western	180	106	88	19	17.4
Iowa					
Northern	484	160	127	33	21.5
Southern	353	166	136	30	18.1
Minnesota	140	128	106	21	17.2
Missouri					
Eastern	397	141	117	24	16.2
Western	223	120	99	20	16.8
Nebraska	356	120	100	20	16.7
North Dakota	81	96	75	21	21.9
South Dakota	107	150	124	25	17.3

Table 7 (continued)
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE
APPLICATION OF DRUG GUIDELINES AMENDMENT**

CIRCUIT		Average Current Sentence in Months ²	Average New Sentence in Months ²	Average Decrease in Months From Current Sentence ²	Average Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	1,900	122	102	20	16.1
Alaska	87	129	109	20	15.5
Arizona	45	74	62	12	15.7
California					
Central	228	129	111	18	14.1
Eastern	257	115	95	19	17.3
Northern	139	108	92	16	15.0
Southern	225	97	81	15	15.8
Guam	0	--	--	--	--
Hawaii	190	148	123	25	17.0
Idaho	179	123	102	21	17.7
Montana	177	152	126	26	17.3
Nevada	128	124	104	21	16.4
Northern Mariana Islands	3	107	86	21	19.9
Oregon	99	115	96	19	16.7
Washington					
Eastern	54	126	107	19	14.7
Western	89	117	100	17	13.2
TENTH CIRCUIT	1,148	143	119	24	17.0
Colorado	149	123	103	21	17.5
Kansas	368	154	127	26	17.0
New Mexico	95	106	88	18	17.1
Oklahoma					
Eastern	52	116	97	19	16.9
Northern	96	162	133	29	17.1
Western	72	148	124	25	16.3
Utah	150	136	114	22	16.0
Wyoming	166	159	133	26	17.5
ELEVENTH CIRCUIT	2,398	152	125	27	17.5
Alabama					
Middle	39	123	103	20	15.9
Northern	94	156	129	27	16.3
Southern	254	170	139	31	18.0
Florida					
Middle	396	123	101	22	17.6
Northern	325	205	170	35	16.9
Southern	688	151	126	25	16.5
Georgia					
Middle	179	108	85	24	22.4
Northern	199	153	126	27	17.4
Southern	224	145	118	26	17.5

¹ Of the 27,824 cases reported to the Commission, 88 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 6,803 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 20,933 cases, 576 cases in which the court granted the motion were excluded from this analysis because the offender was sentenced to time served but the resulting term of imprisonment could not be determined from the records received by the Commission.

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 8

REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF MOTION¹

REASONS	N	%
Offense does not involve drugs	362	4.9
Sentence is determined by a non-drug guideline	295	4.0
Case does not involve drugs	67	0.9
Offender not eligible under §1B1.10	4,276	58.1
Career Offender or Armed Career Criminal provisions control sentence	1,553	21.1
Statutory mandatory minimum controls sentence	1,405	19.1
Guideline range does not change	709	9.6
Already received Amendment 782 reduction	345	4.7
Defendant will be released before November 1, 2015	142	1.9
Original sentence has been served	65	0.9
Statutory maximum sentence is less than applicable guideline range	56	0.8
Base offense level is 43	1	0.0
Denied on the merits	1,619	22.2
Offender has already benefitted from departure or variance	865	11.8
Denial because of binding plea	247	3.4
18 U.S.C. § 3553(a) factors	225	3.1
Protection of the public	190	2.6
Post-sentencing or post-conviction conduct	92	1.3
No reason provided/Other reason	1,095	14.9
No reason provided	836	11.4
Other	259	3.5

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, 7,352 reasons were cited in the 6,821 cases in which the court denied the motion for a sentence reduction pursuant to the retroactive application of Amendment 782.

SOURCE: U.S. Sentencing Commission, Amendment 782 Datafile.