

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



**May 2017**

## 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 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*<sup>3</sup> incorporate the statutory mandatory minimum penalties for drug trafficking offenses (Amendment 782).<sup>4</sup> 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

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<sup>1</sup> 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).

<sup>2</sup> See the Commission's website, [www.usc.gov](http://www.usc.gov), for electronic copies of the 1995-2016 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

<sup>3</sup> 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).

<sup>4</sup> 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 March 31, 2017, and for which court documentation was received, coded, and edited at the Commission by April 27, 2017.

**Table 1**

**GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT**

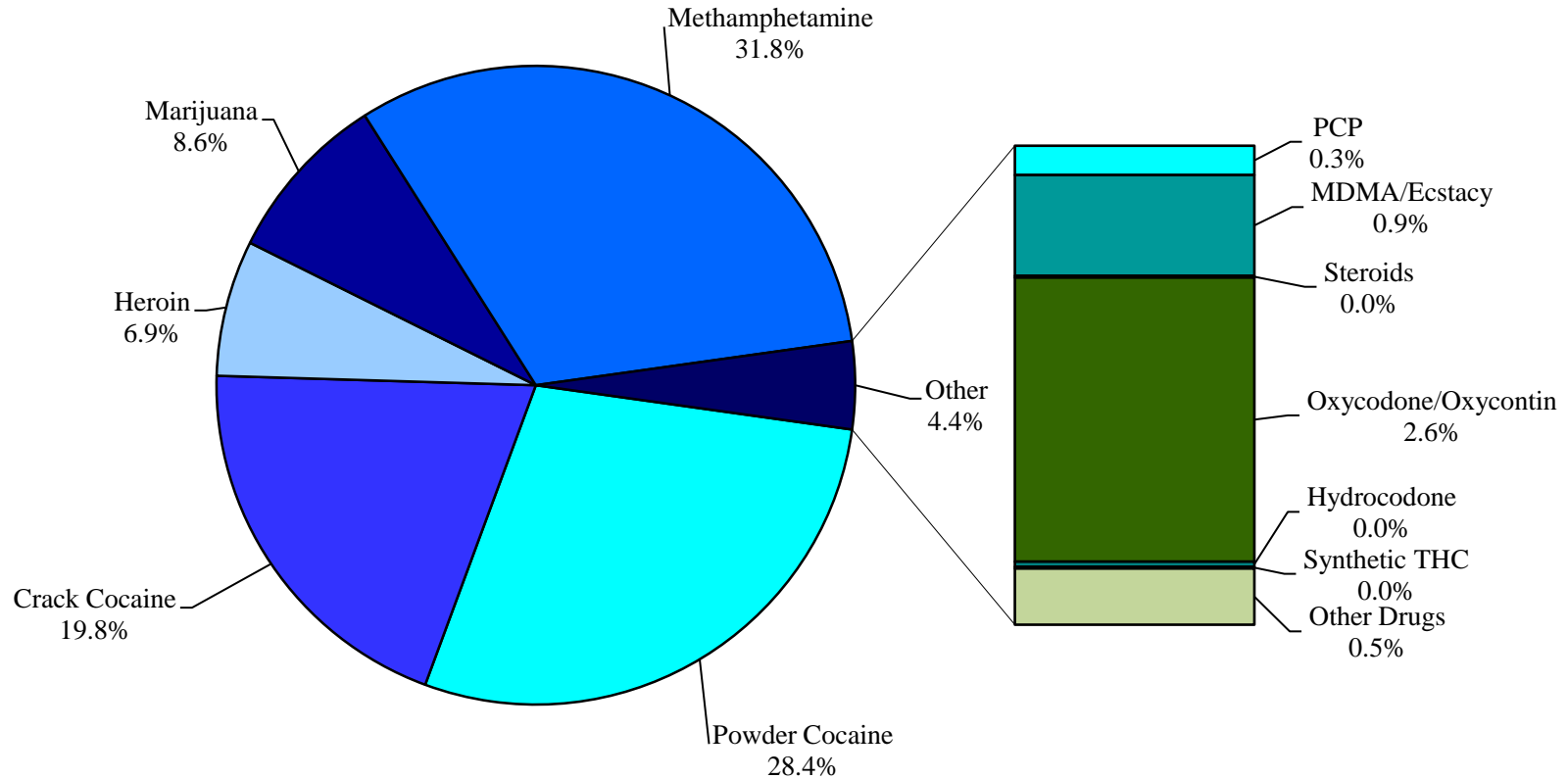
District	Total			Granted		Denied		District	Total			Granted		Denied	
	N	N	%	N	%	N	%		N	N	%	N	%		
<b>TOTAL</b>	<b>46,235</b>	<b>30,327</b>	<b>65.6</b>	<b>15,908</b>	<b>34.4</b>										
Southern Texas	2,964	1,439	48.5	1,525	51.5	New Mexico	323	157	48.6	166	51.4				
Western Texas	2,409	1,760	73.1	649	26.9	Southern California	320	319	99.7	1	0.3				
Northern Texas	1,892	1,129	59.7	763	40.3	Idaho	306	269	87.9	37	12.1				
Middle Florida	1,605	822	51.2	783	48.8	Eastern Pennsylvania	300	299	99.7	1	0.3				
Puerto Rico	1,417	1,151	81.2	266	18.8	New Jersey	299	180	60.2	119	39.8				
Eastern Texas	1,180	1,017	86.2	163	13.8	Western Washington	294	140	47.6	154	52.4				
Eastern Virginia	1,140	887	77.8	253	22.2	Northern West Virginia	293	231	78.8	62	21.2				
Northern Iowa	1,133	521	46.0	612	54.0	Western Oklahoma	288	161	55.9	127	44.1				
South Carolina	1,049	759	72.4	290	27.6	Northern Alabama	286	221	77.3	65	22.7				
Eastern North Carolina	1,045	717	68.6	328	31.4	Middle Pennsylvania	283	163	57.6	120	42.4				
Western North Carolina	1,004	543	54.1	461	45.9	Arizona	271	241	88.9	30	11.1				
Southern Florida	958	825	86.1	133	13.9	Western Louisiana	263	189	71.9	74	28.1				
Western Virginia	885	533	60.2	352	39.8	Eastern New York	256	122	47.7	134	52.3				
Southern Iowa	883	450	51.0	433	49.0	Massachusetts	254	114	44.9	140	55.1				
Eastern Tennessee	872	717	82.2	155	17.8	Northern New York	254	163	64.2	91	35.8				
Nebraska	789	565	71.6	224	28.4	North Dakota	251	189	75.3	62	24.7				
Northern Florida	786	403	51.3	383	48.7	Connecticut	242	145	59.9	97	40.1				
Northern Georgia	776	454	58.5	322	41.5	Eastern Wisconsin	240	178	74.2	62	25.8				
Central Illinois	744	412	55.4	332	44.6	Wyoming	240	214	89.2	26	10.8				
Maryland	678	472	69.6	206	30.4	Hawaii	238	222	93.3	16	6.7				
Southern Georgia	676	328	48.5	348	51.5	Eastern Arkansas	233	225	96.6	8	3.4				
Central California	669	389	58.1	280	41.9	Northern Indiana	233	194	83.3	39	16.7				
Middle North Carolina	649	347	53.5	302	46.5	Northern Oklahoma	225	130	57.8	95	42.2				
Eastern Kentucky	649	288	44.4	361	55.6	Nevada	224	183	81.7	41	18.3				
Eastern Missouri	632	418	66.1	214	33.9	Western Pennsylvania	208	118	56.7	90	43.3				
Northern Illinois	595	490	82.4	105	17.6	Eastern Washington	206	102	49.5	104	50.5				
Kansas	582	407	69.9	175	30.1	Northern Mississippi	193	156	80.8	37	19.2				
Eastern California	569	405	71.2	164	28.8	Middle Louisiana	184	82	44.6	102	55.4				
Western Michigan	568	274	48.2	294	51.8	Western Wisconsin	180	117	65.0	63	35.0				
Southern Illinois	530	397	74.9	133	25.1	Middle Tennessee	178	99	55.6	79	44.4				
Western Missouri	512	343	67.0	169	33.0	Middle Alabama	170	109	64.1	61	35.9				
Western Tennessee	505	236	46.7	269	53.3	Southern West Virginia	165	151	91.5	14	8.5				
Southern Alabama	449	290	64.6	159	35.4	Alaska	160	119	74.4	41	25.6				
Southern New York	445	439	98.7	6	1.3	Colorado	158	158	100.0	0	0.0				
Southern Indiana	444	279	62.8	165	37.2	Maine	155	103	66.5	52	33.5				
Eastern Michigan	379	269	71.0	110	29.0	South Dakota	153	118	77.1	35	22.9				
Middle Georgia	376	213	56.6	163	43.4	Western Kentucky	144	136	94.4	8	5.6				
Western Arkansas	363	216	59.5	147	40.5	Eastern Oklahoma	124	80	64.5	44	35.5				
Minnesota	361	234	64.8	127	35.2	Oregon	118	117	99.2	1	0.8				
Northern Ohio	357	281	78.7	76	21.3	Rhode Island	110	55	50.0	55	50.0				
Southern Ohio	357	296	82.9	61	17.1	District of Columbia	108	75	69.4	33	30.6				
Utah	354	188	53.1	166	46.9	New Hampshire	61	32	52.5	29	47.5				
Southern Mississippi	348	231	66.4	117	33.6	Vermont	44	39	88.6	5	11.4				
Northern California	340	185	54.4	155	45.6	Virgin Islands	39	26	66.7	13	33.3				
Montana	329	234	71.1	95	28.9	Delaware	37	18	48.6	19	51.4				
Eastern Louisiana	327	186	56.9	141	43.1	Guam	21	21	100.0	0	0.0				
Western New York	326	205	62.9	121	37.1	Northern Mariana Islands	3	3	100.0	0	0.0				

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 AMENDMENT<sup>1</sup>**



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<sup>1</sup> Of the 30,327 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 503 cases.

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

**Table 3****APPLICATION OF RETROACTIVE DRUG GUIDELINES 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>46,035</b>	<b>30,191</b>	<b>65.6</b>	<b>15,844</b>	<b>34.4</b>
2016	261	2	0.8	259	99.2
2015	1,219	128	10.5	1,091	89.5
2014	6,355	4,036	63.5	2,319	36.5
2013	7,517	5,486	73.0	2,031	27.0
2012	6,228	4,575	73.5	1,653	26.5
2011	4,770	3,383	70.9	1,387	29.1
2010	3,714	2,371	63.8	1,343	36.2
2009	3,304	2,084	63.1	1,220	36.9
2008	2,629	1,715	65.2	914	34.8
2007	2,226	1,458	65.5	768	34.5
2006	1,659	1,100	66.3	559	33.7
2005	1,244	769	61.8	475	38.2
2004	947	604	63.8	343	36.2
2003	808	492	60.9	316	39.1
2002	500	304	60.8	196	39.2
2001	438	279	63.7	159	36.3
2000	376	228	60.6	148	39.4
1999	355	228	64.2	127	35.8
1998	270	174	64.4	96	35.6
1997	228	150	65.8	78	34.2
1996	214	135	63.1	79	36.9
1995	199	120	60.3	79	39.7
1994	179	107	59.8	72	40.2
1993	126	85	67.5	41	32.5
1992	120	85	70.8	35	29.2
1991	82	59	72.0	23	28.0
1990	54	25	46.3	29	53.7
1989	13	9	69.2	4	30.8

<sup>1</sup> Of the 46,235 cases reported to the Commission, 200 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 AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>	<b>Total</b>	<b>Defendant</b>		<b>Director BOP<sup>2</sup></b>		<b>Court</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>29,190</b>	<b>24,276</b>	<b>83.2</b>	<b>0</b>	<b>0.0</b>	<b>4,914</b>	<b>16.8</b>
D.C. CIRCUIT	71	71	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,450	1,359	93.7	0	0.0	91	6.3
SECOND CIRCUIT	1,097	909	82.9	0	0.0	188	17.1
THIRD CIRCUIT	582	569	97.8	0	0.0	13	2.2
FOURTH CIRCUIT	4,495	3,697	82.2	0	0.0	798	17.8
FIFTH CIRCUIT	6,107	4,406	72.1	0	0.0	1,701	27.9
SIXTH CIRCUIT	2,565	2,168	84.5	0	0.0	397	15.5
SEVENTH CIRCUIT	2,046	2,006	98.0	0	0.0	40	2.0
EIGHTH CIRCUIT	3,250	2,354	72.4	0	0.0	896	27.6
NINTH CIRCUIT	2,625	2,548	97.1	0	0.0	77	2.9
TENTH CIRCUIT	1,322	1,214	91.8	0	0.0	108	8.2
ELEVENTH CIRCUIT	3,580	2,975	83.1	0	0.0	605	16.9

<sup>1</sup> Of the 30,327 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,182 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, 29,190 origins were cited for the 29,145 cases.

<sup>2</sup> In 13 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 <sup>1</sup>	Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Metham- phetamine		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
White	6,958	773	9.1	279	4.7	215	10.5	611	23.8	4,379	46.3	701	53.2
Black	9,859	2,775	32.8	5,145	87.1	824	40.2	492	19.2	250	2.6	373	28.3
Hispanic	12,180	4,838	57.2	430	7.3	995	48.5	1,382	53.8	4,418	46.7	117	8.9
Other	775	79	0.9	55	0.9	16	0.8	84	3.3	414	4.4	127	9.6
<b>Total</b>	<b>29,772</b>	<b>8,465</b>		<b>5,909</b>		<b>2,050</b>		<b>2,569</b>		<b>9,461</b>		<b>1,318</b>	
<b>Citizenship</b>													
U.S. Citizen	22,635	5,763	68.1	5,719	96.7	1,488	72.5	1,824	70.8	6,646	70.2	1,195	90.5
Non-Citizen	7,155	2,699	31.9	195	3.3	564	27.5	752	29.2	2,820	29.8	125	9.5
<b>Total</b>	<b>29,790</b>	<b>8,462</b>		<b>5,914</b>		<b>2,052</b>		<b>2,576</b>		<b>9,466</b>		<b>1,320</b>	
<b>Gender</b>													
Male	27,665	8,107	95.7	5,689	96.1	1,903	92.6	2,465	95.6	8,339	88.0	1,162	88.0
Female	2,156	367	4.3	228	3.9	151	7.4	113	4.4	1,138	12.0	159	12.0
<b>Total</b>	<b>29,821</b>	<b>8,474</b>		<b>5,917</b>		<b>2,054</b>		<b>2,578</b>		<b>9,477</b>		<b>1,321</b>	
<b>Average Age</b>													
	<b>35</b>	<b>36</b>		<b>32</b>		<b>35</b>		<b>36</b>		<b>35</b>		<b>37</b>	

<sup>1</sup> Of the 30,327 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 503 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 (52), missing citizenship information (34), missing gender information (3), and missing age information (9).

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 AMENDMENT<sup>1</sup>**

	<b>Total</b>		<b>Powder Cocaine</b>		<b>Crack Cocaine</b>		<b>Heroin</b>		<b>Marijuana</b>		<b>Methamphetamine</b>		<b>Other</b>	
	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
<b>Weapon</b>														
Weapon Specific Offense Characteristic	23.4	19.7	21.6	18.1	31.4	23.2	20.1	18.5	19.7	15.8	22.4	19.6	17.5	16.7
Firearms Mandatory Minimum Applied	11.0	11.1	11.2	10.0	16.0	16.0	6.9	7.4	9.4	10.4	9.2	8.6	9.6	10.8
<b>Safety Valve</b>	13.1	10.7	16.4	16.9	2.6	0.8	15.1	10.3	14.1	9.3	16.2	15.6	12.1	9.2
<b>Guideline Role Adjustments</b>														
Aggravating Role (USSG §3B1.1)	19.8	15.7	22.6	18.7	19.2	12.9	25.4	17.3	31.4	19.5	13.4	13.5	19.4	22.5
Mitigating Role (USSG §3B1.2)	3.7	4.3	3.4	4.2	1.2	1.6	4.3	4.5	4.1	6.2	5.5	6.3	2.6	4.0
Obstruction Adjustment (USSG §3C1.1)	6.1	5.3	6.4	5.0	7.5	6.2	4.1	4.7	9.3	6.7	4.8	4.1	4.7	7.6
<b>Sentence Relative to the Guideline Range</b>														
Within Range	63.9	48.5	67.3	52.6	65.6	54.6	66.3	41.9	68.6	59.7	58.5	39.0	59.9	33.0
Above Range	1.0	2.0	1.0	1.5	1.2	2.1	1.7	4.0	1.6	3.9	0.5	1.2	1.4	3.6
Below Range	35.1	49.5	31.7	45.9	33.2	43.3	32.0	54.1	29.8	36.4	41.0	59.7	38.8	63.4
<b>Criminal History Category</b>														
I	35.8	28.4	48.4	42.3	13.8	7.3	36.6	27.9	42.3	31.1	36.2	35.6	37.0	31.5
II	13.8	10.1	14.5	10.1	11.4	6.1	14.9	9.6	16.1	14.2	13.9	12.6	14.2	11.5
III	20.1	13.6	18.4	12.6	23.3	13.1	19.6	13.7	19.9	16.8	19.4	13.6	22.3	15.3
IV	12.3	8.1	9.3	6.2	18.9	9.1	11.6	6.6	10.1	8.9	11.8	9.0	12.0	8.5
V	7.5	5.6	4.0	3.7	13.2	7.3	7.8	5.8	5.8	5.7	7.8	5.6	6.1	6.8
VI	10.4	34.1	5.4	25.2	19.5	57.0	9.4	36.6	5.7	23.3	11.0	23.7	8.4	26.3

<sup>1</sup> 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 AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>		<b>Average Current Sentence in Months<sup>2</sup></b>	<b>Average New Sentence in Months<sup>2</sup></b>	<b>Average Decrease in Months From Current Sentence<sup>2</sup></b>	<b>Average Percent Decrease From Current Sentence</b>
District	<b>N</b>				
<b>TOTAL</b>	<b>29,470</b>	<b>144</b>	<b>119</b>	<b>25</b>	<b>17.2</b>
<b>D.C. CIRCUIT</b>	<b>57</b>	<b>138</b>	<b>118</b>	<b>20</b>	<b>13.8</b>
District of Columbia	57	138	118	20	13.8
<b>FIRST CIRCUIT</b>	<b>1,417</b>	<b>125</b>	<b>105</b>	<b>21</b>	<b>16.3</b>
Maine	102	123	102	21	17.4
Massachusetts	113	160	130	30	18.4
New Hampshire	32	132	112	20	16.4
Puerto Rico	1,125	122	102	20	16.1
Rhode Island	45	123	106	17	13.6
<b>SECOND CIRCUIT</b>	<b>1,042</b>	<b>139</b>	<b>116</b>	<b>23</b>	<b>15.9</b>
Connecticut	144	119	99	20	16.8
New York					
Eastern	112	176	146	31	16.9
Northern	122	109	89	20	18.7
Southern	429	150	127	24	14.7
Western	196	129	110	20	15.7
Vermont	39	115	97	18	15.9
<b>THIRD CIRCUIT</b>	<b>796</b>	<b>144</b>	<b>120</b>	<b>24</b>	<b>16.4</b>
Delaware	17	178	145	34	19.4
New Jersey	178	131	108	23	17.5
Pennsylvania					
Eastern	296	157	130	27	16.5
Middle	163	141	119	22	15.6
Western	118	133	113	20	14.9
Virgin Islands	24	146	121	25	17.0
<b>FOURTH CIRCUIT</b>	<b>4,473</b>	<b>158</b>	<b>131</b>	<b>27</b>	<b>17.1</b>
Maryland	468	142	117	25	17.1
North Carolina					
Eastern	710	166	138	28	17.2
Middle	346	148	123	25	16.1
Western	482	173	144	29	16.8
South Carolina	723	161	131	30	17.9
Virginia					
Eastern	844	173	144	29	16.4
Western	519	157	131	26	17.7
West Virginia					
Northern	231	113	94	20	17.3
Southern	150	122	100	22	18.3

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

<b>CIRCUIT</b>		<b>Average Current Sentence in Months<sup>2</sup></b>	<b>Average New Sentence in Months<sup>2</sup></b>	<b>Average Decrease in Months From Current Sentence<sup>2</sup></b>	<b>Average Percent Decrease From Current Sentence</b>
District	<b>N</b>				
<b>FIFTH CIRCUIT</b>	<b>6,138</b>	<b>138</b>	<b>115</b>	<b>24</b>	<b>17.0</b>
Louisiana					
Eastern	186	141	119	22	15.6
Middle	80	148	122	26	17.1
Western	188	151	123	28	18.4
Mississippi					
Northern	156	125	100	26	20.8
Southern	229	141	115	25	17.5
Texas					
Eastern	999	144	118	26	18.2
Northern	1,114	166	137	29	17.3
Southern	1,434	131	110	21	15.5
Western	1,752	123	102	21	16.9
<b>SIXTH CIRCUIT</b>	<b>2,508</b>	<b>126</b>	<b>104</b>	<b>23</b>	<b>17.8</b>
Kentucky					
Eastern	287	120	102	19	16.0
Western	135	135	113	22	16.0
Michigan					
Eastern	268	140	116	25	17.4
Western	259	143	121	22	15.6
Ohio					
Northern	279	113	90	23	19.8
Southern	295	127	107	20	16.1
Tennessee					
Eastern	710	115	91	24	20.3
Middle	99	149	124	25	16.5
Western	176	139	117	22	16.2
<b>SEVENTH CIRCUIT</b>	<b>2,024</b>	<b>160</b>	<b>128</b>	<b>33</b>	<b>19.6</b>
Illinois					
Central	396	167	121	46	26.5
Northern	479	176	146	30	16.2
Southern	396	141	112	30	20.7
Indiana					
Northern	191	158	130	28	16.9
Southern	278	164	133	31	18.2
Wisconsin					
Eastern	175	134	112	22	16.4
Western	109	168	135	33	18.8
<b>EIGHTH CIRCUIT</b>	<b>3,202</b>	<b>144</b>	<b>118</b>	<b>26</b>	<b>18.0</b>
Arkansas					
Eastern	225	122	102	20	17.0
Western	213	112	92	19	17.4
Iowa					
Northern	490	162	129	33	21.5
Southern	420	171	140	31	18.2
Minnesota	233	157	131	26	17.0
Missouri					
Eastern	416	141	118	24	16.2
Western	334	120	100	20	17.0
Nebraska	565	139	116	24	16.8
North Dakota	188	137	110	27	21.0
South Dakota	118	153	126	27	17.7

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

CIRCUIT		Average Current Sentence in Months <sup>2</sup>	Average New Sentence in Months <sup>2</sup>	Average Decrease in Months From Current Sentence <sup>2</sup>	Average Percent Decrease From Current Sentence
District	N				
<b>NINTH CIRCUIT</b>	<b>2,879</b>	<b>128</b>	<b>107</b>	<b>20</b>	<b>15.9</b>
Alaska	118	134	114	20	15.1
Arizona	235	102	87	15	14.9
California					
Central	384	130	110	20	15.1
Eastern	405	129	108	21	16.5
Northern	185	123	105	18	14.8
Southern	318	101	85	16	15.5
Guam	21	166	130	36	20.7
Hawaii	221	146	121	25	17.0
Idaho	267	143	119	24	17.1
Montana	230	157	130	27	16.9
Nevada	180	124	104	20	16.3
Northern Mariana Islands	3	107	86	21	19.9
Oregon	116	121	101	20	16.8
Washington					
Eastern	100	134	114	20	14.8
Western	96	117	100	17	13.0
<b>TENTH CIRCUIT</b>	<b>1,397</b>	<b>149</b>	<b>124</b>	<b>25</b>	<b>16.8</b>
Colorado	158	125	104	21	17.5
Kansas	406	158	131	27	17.0
New Mexico	157	127	107	21	16.2
Oklahoma					
Eastern	79	157	132	25	16.2
Northern	115	169	140	30	16.9
Western	121	162	136	27	15.8
Utah	188	134	112	22	16.0
Wyoming	173	160	132	28	18.1
<b>ELEVENTH CIRCUIT</b>	<b>3,537</b>	<b>157</b>	<b>129</b>	<b>27</b>	<b>17.3</b>
Alabama					
Middle	109	152	129	23	15.4
Northern	200	140	112	28	18.8
Southern	288	171	139	32	18.2
Florida					
Middle	817	139	114	24	17.4
Northern	377	206	170	36	17.1
Southern	809	153	128	25	16.0
Georgia					
Middle	212	113	88	24	22.1
Northern	450	179	150	30	16.4
Southern	275	150	123	28	17.8

<sup>1</sup> Of the 46,235 cases reported to the Commission, 200 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 15,844 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 30,191 cases, 721 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.

<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.

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

**Table 8****REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF MOTION<sup>1</sup>**

<b>REASONS</b>	<b>N</b>	<b>%</b>
<b>Offense does not involve drugs</b>	<b>871</b>	<b>5.0</b>
Sentence is determined by a non-drug guideline	676	3.9
Case does not involve drugs	195	1.1
<b>Offender not eligible under §1B1.10</b>	<b>10,051</b>	<b>58.5</b>
Career Offender or Armed Career Criminal provisions control sentence	3,374	19.6
Statutory mandatory minimum controls sentence	2,835	16.5
Guideline range does not change	2,049	11.9
Already received Amendment 782 reduction	1,290	7.5
Original sentence has been served	216	1.3
Defendant will be released before November 1, 2015	189	1.1
Statutory maximum sentence is less than applicable guideline range	95	0.6
Base offense level is 43	3	0.0
<b>Denied on the merits</b>	<b>3,734</b>	<b>21.7</b>
Offender has already benefitted from departure or variance	1,865	10.8
Denial because of binding plea	702	4.1
18 U.S.C. § 3553(a) factors	515	3.0
Protection of the public	394	2.3
Post-sentencing or post-conviction conduct	258	1.5
<b>No reason provided/Other reason</b>	<b>2,572</b>	<b>15.0</b>
No reason provided	2,063	12.0
Other	509	3.0

<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, 17,228 reasons were cited in the 15,908 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.