

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



July 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.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 1995-2016 *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 June 30, 2017, and for which court documentation was received, coded, and edited at the Commission by July 21, 2017.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

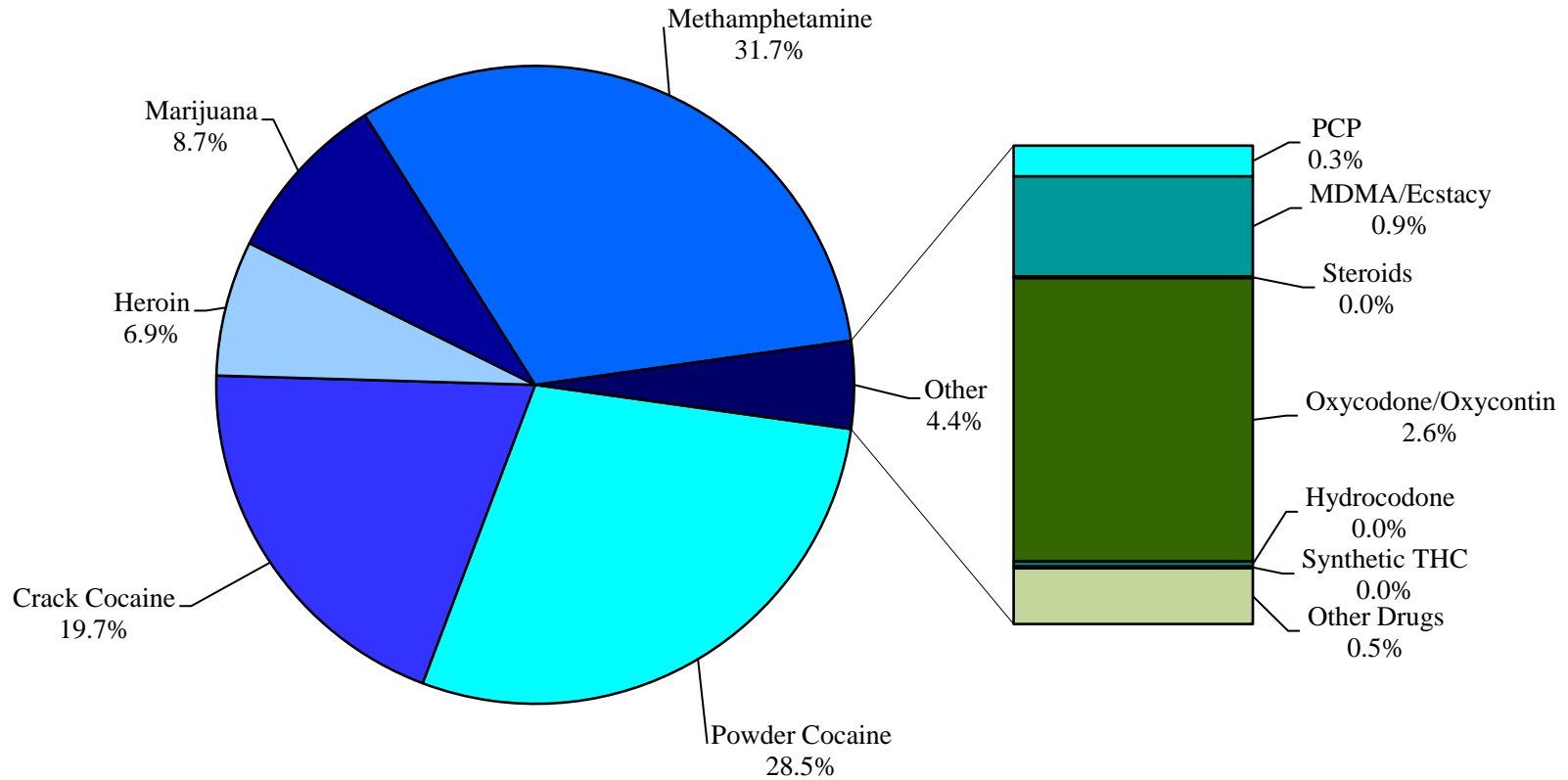
District	Total			Granted		Denied		District	Total			Granted		Denied	
	N	N	%	N	%	N	%		N	N	%	N	%		
TOTAL	47,100	30,730	65.2	16,370	34.8										
Southern Texas	3,094	1,527	49.4	1,567	50.6	New Mexico	327	159	48.6	168	51.4				
Western Texas	2,474	1,769	71.5	705	28.5	Southern California	321	320	99.7	1	0.3				
Northern Texas	1,922	1,143	59.5	779	40.5	New Jersey	310	183	59.0	127	41.0				
Middle Florida	1,728	860	49.8	868	50.2	Idaho	306	269	87.9	37	12.1				
Puerto Rico	1,433	1,167	81.4	266	18.6	Eastern Pennsylvania	300	299	99.7	1	0.3				
Eastern Texas	1,201	1,036	86.3	165	13.7	Northern Alabama	295	229	77.6	66	22.4				
Eastern Virginia	1,154	895	77.6	259	22.4	Western Washington	295	141	47.8	154	52.2				
Northern Iowa	1,134	522	46.0	612	54.0	Northern West Virginia	293	231	78.8	62	21.2				
Eastern North Carolina	1,072	724	67.5	348	32.5	Western Oklahoma	292	162	55.5	130	44.5				
South Carolina	1,052	760	72.2	292	27.8	Middle Pennsylvania	290	164	56.6	126	43.4				
Western North Carolina	1,008	544	54.0	464	46.0	Arizona	281	243	86.5	38	13.5				
Southern Florida	968	834	86.2	134	13.8	Western Louisiana	271	197	72.7	74	27.3				
Eastern Tennessee	938	774	82.5	164	17.5	Eastern New York	259	125	48.3	134	51.7				
Western Virginia	888	533	60.0	355	40.0	Massachusetts	255	115	45.1	140	54.9				
Southern Iowa	886	450	50.8	436	49.2	North Dakota	254	189	74.4	65	25.6				
Northern Florida	809	411	50.8	398	49.2	Northern New York	254	163	64.2	91	35.8				
Northern Georgia	792	458	57.8	334	42.2	Connecticut	242	145	59.9	97	40.1				
Nebraska	790	565	71.5	225	28.5	Eastern Wisconsin	241	178	73.9	63	26.1				
Central Illinois	754	420	55.7	334	44.3	Wyoming	240	214	89.2	26	10.8				
Maryland	739	483	65.4	256	34.6	Hawaii	238	222	93.3	16	6.7				
Southern Georgia	677	329	48.6	348	51.4	Northern Indiana	234	194	82.9	40	17.1				
Central California	676	391	57.8	285	42.2	Eastern Arkansas	233	225	96.6	8	3.4				
Middle North Carolina	660	347	52.6	313	47.4	Northern Oklahoma	227	130	57.3	97	42.7				
Eastern Kentucky	653	289	44.3	364	55.7	Nevada	224	183	81.7	41	18.3				
Eastern Missouri	632	418	66.1	214	33.9	Western Pennsylvania	210	118	56.2	92	43.8				
Northern Illinois	604	497	82.3	107	17.7	Eastern Washington	208	103	49.5	105	50.5				
Kansas	588	409	69.6	179	30.4	Northern Mississippi	194	156	80.4	38	19.6				
Eastern California	584	411	70.4	173	29.6	Middle Louisiana	184	82	44.6	102	55.4				
Western Michigan	573	278	48.5	295	51.5	Western Wisconsin	180	117	65.0	63	35.0				
Western Missouri	550	366	66.5	184	33.5	Middle Tennessee	180	99	55.0	81	45.0				
Southern Illinois	545	403	73.9	142	26.1	Middle Alabama	178	111	62.4	67	37.6				
Western Tennessee	506	236	46.6	270	53.4	Southern West Virginia	165	151	91.5	14	8.5				
Southern Alabama	451	292	64.7	159	35.3	Alaska	160	119	74.4	41	25.6				
Southern Indiana	450	281	62.4	169	37.6	Colorado	158	158	100.0	0	0.0				
Southern New York	447	441	98.7	6	1.3	Maine	156	104	66.7	52	33.3				
Eastern Michigan	382	272	71.2	110	28.8	South Dakota	153	118	77.1	35	22.9				
Middle Georgia	377	213	56.5	164	43.5	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	362	235	64.9	127	35.1	Oregon	119	118	99.2	1	0.8				
Southern Ohio	359	296	82.5	63	17.5	District of Columbia	113	76	67.3	37	32.7				
Northern Ohio	357	281	78.7	76	21.3	Rhode Island	110	55	50.0	55	50.0				
Utah	355	188	53.0	167	47.0	New Hampshire	62	32	51.6	30	48.4				
Southern Mississippi	352	231	65.6	121	34.4	Vermont	44	39	88.6	5	11.4				
Northern California	343	185	53.9	158	46.1	Virgin Islands	39	26	66.7	13	33.3				
Eastern Louisiana	336	189	56.3	147	43.8	Delaware	37	18	48.6	19	51.4				
Montana	329	234	71.1	95	28.9	Guam	22	22	100.0	0	0.0				
Western New York	328	206	62.8	122	37.2	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 AMENDMENT¹**



¹ Of the 30,730 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 508 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	46,901	30,591	65.2	16,310	34.8
2017	18	0	0.0	18	100.0
2016	290	2	0.7	288	99.3
2015	1,267	130	10.3	1,137	89.7
2014	6,516	4,119	63.2	2,397	36.8
2013	7,649	5,556	72.6	2,093	27.4
2012	6,355	4,649	73.2	1,706	26.8
2011	4,844	3,422	70.6	1,422	29.4
2010	3,770	2,394	63.5	1,376	36.5
2009	3,347	2,109	63.0	1,238	37.0
2008	2,681	1,743	65.0	938	35.0
2007	2,243	1,466	65.4	777	34.6
2006	1,676	1,109	66.2	567	33.8
2005	1,258	773	61.4	485	38.6
2004	958	606	63.3	352	36.7
2003	818	496	60.6	322	39.4
2002	515	312	60.6	203	39.4
2001	445	280	62.9	165	37.1
2000	384	230	59.9	154	40.1
1999	363	234	64.5	129	35.5
1998	273	175	64.1	98	35.9
1997	231	151	65.4	80	34.6
1996	216	137	63.4	79	36.6
1995	202	120	59.4	82	40.6
1994	183	111	60.7	72	39.3
1993	127	86	67.7	41	32.3
1992	122	87	71.3	35	28.7
1991	83	60	72.3	23	27.7
1990	54	25	46.3	29	53.7
1989	13	9	69.2	4	30.8

¹ Of the 47,100 cases reported to the Commission, 199 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	29,589	24,646	83.3	0	0.0	4,943	16.7
D.C. CIRCUIT	72	72	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,468	1,377	93.8	0	0.0	91	6.2
SECOND CIRCUIT	1,103	915	83.0	0	0.0	188	17.0
THIRD CIRCUIT	586	573	97.8	0	0.0	13	2.2
FOURTH CIRCUIT	4,523	3,725	82.4	0	0.0	798	17.6
FIFTH CIRCUIT	6,247	4,522	72.4	0	0.0	1,725	27.6
SIXTH CIRCUIT	2,630	2,233	84.9	0	0.0	397	15.1
SEVENTH CIRCUIT	2,069	2,029	98.1	0	0.0	40	1.9
EIGHTH CIRCUIT	3,275	2,378	72.6	0	0.0	897	27.4
NINTH CIRCUIT	2,638	2,561	97.1	0	0.0	77	2.9
TENTH CIRCUIT	1,327	1,219	91.9	0	0.0	108	8.1
ELEVENTH CIRCUIT	3,651	3,042	83.3	0	0.0	609	16.7

¹ Of the 30,730 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,186 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, 29,589 origins were cited for the 29,544 cases.

² 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 ¹	Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Metham- phetamine		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
White	7,055	786	9.1	280	4.7	216	10.4	617	23.5	4,447	46.4	709	53.1
Black	9,968	2,818	32.7	5,184	87.1	836	40.4	498	19.0	252	2.6	380	28.5
Hispanic	12,367	4,926	57.2	435	7.3	1,001	48.4	1,425	54.3	4,462	46.6	118	8.8
Other	779	79	0.9	55	0.9	16	0.8	85	3.2	416	4.3	128	9.6
Total	30,169	8,609		5,954		2,069		2,625		9,577		1,335	
Citizenship													
U.S. Citizen	22,934	5,867	68.2	5,762	96.7	1,501	72.5	1,862	70.7	6,731	70.2	1,211	90.6
Non-Citizen	7,254	2,740	31.8	197	3.3	570	27.5	770	29.3	2,851	29.8	126	9.4
Total	30,188	8,607		5,959		2,071		2,632		9,582		1,337	
Gender													
Male	28,036	8,246	95.7	5,732	96.1	1,921	92.7	2,517	95.6	8,441	88.0	1,179	88.1
Female	2,183	373	4.3	230	3.9	152	7.3	117	4.4	1,152	12.0	159	11.9
Total	30,219	8,619		5,962		2,073		2,634		9,593		1,338	
Average Age													
	35	36		32		35		36		36		37	

¹ Of the 30,730 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 508 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 (53), 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 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	23.4	19.7	21.8	18.0	31.5	23.3	20.2	18.6	20.1	15.7	22.4	19.6	17.5	16.7
Firearms Mandatory Minimum Applied	11.0	11.1	11.3	10.1	16.1	16.0	6.9	7.3	9.2	10.2	9.2	8.6	9.8	10.7
Safety Valve	13.1	10.8	16.3	17.0	2.6	0.8	15.0	10.3	14.1	9.2	16.1	15.6	12.0	9.6
Guideline Role Adjustments														
Aggravating Role (USSG §3B1.1)	20.0	15.8	22.8	18.8	19.4	12.9	25.5	17.4	31.5	19.4	13.5	13.7	19.5	22.4
Mitigating Role (USSG §3B1.2)	3.7	4.4	3.4	4.2	1.2	1.7	4.3	4.6	4.1	6.7	5.5	6.4	2.7	4.0
Obstruction Adjustment (USSG §3C1.1)	6.2	5.3	6.4	5.1	7.5	6.3	4.1	4.6	9.5	6.8	4.8	4.1	4.7	7.4
Sentence Relative to the Guideline Range														
Within Range	63.9	48.5	67.3	52.5	65.7	54.5	66.4	41.7	68.8	60.1	58.5	39.0	59.9	33.2
Above Range	1.0	2.0	1.0	1.4	1.2	2.1	1.7	4.0	1.5	4.0	0.5	1.2	1.3	3.5
Below Range	35.1	49.5	31.6	46.1	33.1	43.4	31.8	54.4	29.7	35.9	41.0	59.8	38.7	63.3
Criminal History Category														
I	35.8	28.4	48.3	42.3	13.8	7.3	36.6	27.5	42.6	30.9	36.2	35.6	36.7	31.6
II	13.9	10.1	14.6	10.0	11.4	6.0	14.9	9.5	16.1	14.4	13.9	12.5	14.3	11.3
III	20.1	13.6	18.4	12.7	23.3	13.0	19.6	13.5	19.8	16.9	19.4	13.8	22.3	15.2
IV	12.3	8.1	9.3	6.1	18.8	9.1	11.6	6.6	10.1	9.1	11.7	9.0	12.0	8.5
V	7.5	5.6	4.1	3.6	13.2	7.4	7.9	5.8	5.8	5.7	7.8	5.5	6.2	6.9
VI	10.4	34.1	5.4	25.3	19.5	57.2	9.4	37.1	5.7	23.0	11.0	23.7	8.4	26.5

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	29,863	144	119	25	17.2
D.C. CIRCUIT	58	140	120	20	13.7
District of Columbia	58	140	120	20	13.7
FIRST CIRCUIT	1,435	125	105	21	16.3
Maine	103	123	102	21	17.5
Massachusetts	114	160	130	30	18.4
New Hampshire	32	132	112	20	16.4
Puerto Rico	1,141	122	102	20	16.1
Rhode Island	45	123	106	17	13.6
SECOND CIRCUIT	1,048	139	116	23	15.9
Connecticut	144	119	99	20	16.8
New York					
Eastern	115	177	147	31	16.9
Northern	122	109	89	20	18.7
Southern	431	151	127	24	14.7
Western	197	130	110	20	15.7
Vermont	39	115	97	18	15.9
THIRD CIRCUIT	800	146	121	24	16.4
Delaware	17	178	145	34	19.4
New Jersey	181	137	113	24	17.6
Pennsylvania					
Eastern	296	157	130	27	16.5
Middle	164	141	118	22	15.6
Western	118	133	113	20	14.9
Virgin Islands	24	146	121	25	17.0
FOURTH CIRCUIT	4,499	158	131	27	17.1
Maryland	478	145	119	26	17.0
North Carolina					
Eastern	717	165	137	28	17.2
Middle	346	148	123	25	16.1
Western	482	173	144	29	16.8
South Carolina	724	161	131	30	17.9
Virginia					
Eastern	852	174	145	29	16.5
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

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	6,276	139	115	24	17.0
Louisiana					
Eastern	189	144	120	23	15.8
Middle	80	148	122	26	17.1
Western	196	155	126	29	18.6
Mississippi					
Northern	156	125	100	26	20.8
Southern	229	141	115	25	17.5
Texas					
Eastern	1,018	144	118	26	18.2
Northern	1,127	166	138	29	17.3
Southern	1,521	133	111	21	15.5
Western	1,760	123	103	21	16.9
SIXTH CIRCUIT	2,573	128	105	23	17.7
Kentucky					
Eastern	288	120	101	19	16.0
Western	135	135	113	22	16.0
Michigan					
Eastern	271	140	116	25	17.5
Western	263	144	122	23	15.5
Ohio					
Northern	279	113	90	23	19.8
Southern	295	127	107	20	16.1
Tennessee					
Eastern	767	120	95	25	19.9
Middle	99	149	124	25	16.5
Western	176	139	117	22	16.2
SEVENTH CIRCUIT	2,044	161	129	33	19.6
Illinois					
Central	401	169	123	47	26.5
Northern	486	178	148	30	16.2
Southern	402	142	112	29	20.6
Indiana					
Northern	191	158	130	28	16.9
Southern	280	165	133	31	18.2
Wisconsin					
Eastern	175	134	112	22	16.4
Western	109	168	135	33	18.8
EIGHTH CIRCUIT	3,227	144	118	26	18.0
Arkansas					
Eastern	225	122	102	20	17.0
Western	213	112	92	19	17.4
Iowa					
Northern	491	163	129	33	21.4
Southern	420	171	140	31	18.2
Minnesota	234	157	131	26	17.0
Missouri					
Eastern	416	141	118	24	16.2
Western	357	122	101	21	16.8
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 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	2,894	128	108	21	15.9
Alaska	118	134	114	20	15.1
Arizona	237	103	87	16	15.0
California					
Central	386	131	111	21	15.2
Eastern	411	129	109	21	16.4
Northern	185	123	105	18	14.8
Southern	319	100	85	16	15.4
Guam	22	167	132	36	20.3
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	117	121	101	20	16.7
Washington					
Eastern	101	134	114	20	14.8
Western	97	117	100	17	13.0
TENTH CIRCUIT	1,401	149	124	25	16.8
Colorado	158	125	104	21	17.5
Kansas	408	158	131	27	17.0
New Mexico	159	128	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
ELEVENTH CIRCUIT	3,608	157	130	27	17.3
Alabama					
Middle	111	153	130	23	15.5
Northern	208	142	114	28	18.6
Southern	290	172	140	33	18.2
Florida					
Middle	854	140	116	24	17.3
Northern	385	206	170	36	17.2
Southern	818	153	129	25	16.0
Georgia					
Middle	212	113	88	24	22.1
Northern	454	180	150	30	16.4
Southern	276	151	124	28	17.8

¹ Of the 47,100 cases reported to the Commission, 199 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 16,310 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 30,591 cases, 728 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	891	5.0
Sentence is determined by a non-drug guideline	693	3.9
Case does not involve drugs	198	1.1
Offender not eligible under §1B1.10	10,378	58.5
Career Offender or Armed Career Criminal provisions control sentence	3,485	19.7
Statutory mandatory minimum controls sentence	2,897	16.3
Guideline range does not change	2,119	11.9
Already received Amendment 782 reduction	1,360	7.7
Original sentence has been served	227	1.3
Defendant will be released before November 1, 2015	192	1.1
Statutory maximum sentence is less than applicable guideline range	95	0.5
Base offense level is 43	3	0.0
Denied on the merits	3,830	21.6
Offender has already benefitted from departure or variance	1,901	10.7
Denial because of binding plea	723	4.1
18 U.S.C. § 3553(a) factors	532	3.0
Protection of the public	409	2.3
Post-sentencing or post-conviction conduct	265	1.5
No reason provided/Other reason	2,635	14.9
No reason provided	2,108	11.9
Other	527	3.0

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, 17,734 reasons were cited in the 16,370 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.