

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



October 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.usc.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 September 30, 2017, and for which court documentation was received, coded, and edited at the Commission by October 25, 2017.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

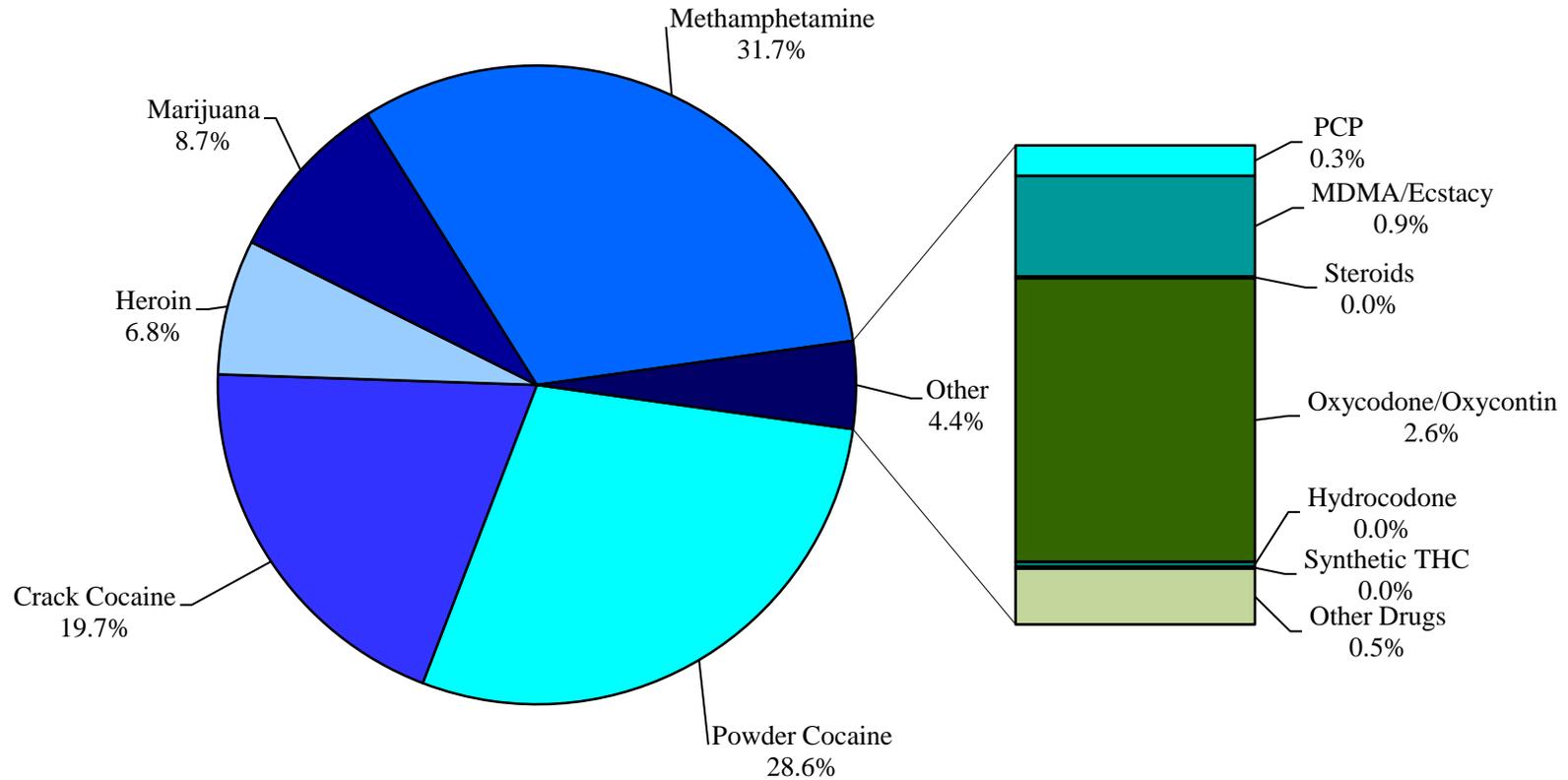
District	Total			Granted		Denied		District	Total			Granted		Denied	
	N	N	%	N	%	N	%		N	N	%	N	%		
TOTAL	47,768	30,991	64.9	16,777	35.1										
Southern Texas	3,187	1,540	48.3	1,647	51.7	Montana	331	235	71.0	96	29.0				
Western Texas	2,533	1,779	70.2	754	29.8	Southern California	321	320	99.7	1	0.3				
Northern Texas	1,938	1,144	59.0	794	41.0	New Jersey	318	184	57.9	134	42.1				
Middle Florida	1,756	875	49.8	881	50.2	Northern Alabama	308	237	76.9	71	23.1				
Puerto Rico	1,510	1,244	82.4	266	17.6	Idaho	306	269	87.9	37	12.1				
Eastern Texas	1,207	1,038	86.0	169	14.0	Eastern Pennsylvania	300	299	99.7	1	0.3				
Eastern Virginia	1,161	898	77.3	263	22.7	Western Washington	296	142	48.0	154	52.0				
Northern Iowa	1,134	522	46.0	612	54.0	Middle Pennsylvania	294	165	56.1	129	43.9				
Eastern North Carolina	1,084	725	66.9	359	33.1	Northern West Virginia	293	231	78.8	62	21.2				
South Carolina	1,057	764	72.3	293	27.7	Western Oklahoma	293	163	55.6	130	44.4				
Western North Carolina	1,012	544	53.8	468	46.2	Arizona	287	249	86.8	38	13.2				
Southern Florida	970	836	86.2	134	13.8	Wyoming	277	214	77.3	63	22.7				
Eastern Tennessee	960	794	82.7	166	17.3	Western Louisiana	273	198	72.5	75	27.5				
Western Virginia	890	533	59.9	357	40.1	Eastern New York	266	129	48.5	137	51.5				
Southern Iowa	886	450	50.8	436	49.2	Massachusetts	256	116	45.3	140	54.7				
Northern Florida	811	412	50.8	399	49.2	North Dakota	254	189	74.4	65	25.6				
Northern Georgia	801	461	57.6	340	42.4	Northern New York	254	163	64.2	91	35.8				
Nebraska	792	567	71.6	225	28.4	Connecticut	242	145	59.9	97	40.1				
Central Illinois	763	422	55.3	341	44.7	Eastern Wisconsin	241	178	73.9	63	26.1				
Maryland	756	487	64.4	269	35.6	Hawaii	238	222	93.3	16	6.7				
Central California	694	391	56.3	303	43.7	Northern Indiana	234	194	82.9	40	17.1				
Southern Georgia	677	329	48.6	348	51.4	Eastern Arkansas	233	225	96.6	8	3.4				
Middle North Carolina	665	349	52.5	316	47.5	Northern Oklahoma	229	130	56.8	99	43.2				
Eastern Kentucky	656	291	44.4	365	55.6	Nevada	224	183	81.7	41	18.3				
Western Missouri	644	399	62.0	245	38.0	Western Pennsylvania	213	119	55.9	94	44.1				
Eastern Missouri	633	419	66.2	214	33.8	Eastern Washington	209	103	49.3	106	50.7				
Northern Illinois	609	498	81.8	111	18.2	Northern Mississippi	194	156	80.4	38	19.6				
Eastern California	596	417	70.0	179	30.0	Middle Louisiana	184	82	44.6	102	55.4				
Kansas	589	410	69.6	179	30.4	Middle Tennessee	183	100	54.6	83	45.4				
Western Michigan	579	280	48.4	299	51.6	Western Wisconsin	181	118	65.2	63	34.8				
Southern Illinois	553	408	73.8	145	26.2	Middle Alabama	181	112	61.9	69	38.1				
Western Tennessee	512	239	46.7	273	53.3	Southern West Virginia	165	151	91.5	14	8.5				
Southern Indiana	453	282	62.3	171	37.7	Alaska	160	119	74.4	41	25.6				
Southern Alabama	452	292	64.6	160	35.4	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	388	275	70.9	113	29.1	South Dakota	153	118	77.1	35	22.9				
Middle Georgia	380	213	56.1	167	43.9	Western Kentucky	144	136	94.4	8	5.6				
Western Arkansas	363	216	59.5	147	40.5	Eastern Oklahoma	125	81	64.8	44	35.2				
Minnesota	362	235	64.9	127	35.1	Oregon	119	118	99.2	1	0.8				
Southern Ohio	361	297	82.3	64	17.7	District of Columbia	116	77	66.4	39	33.6				
Northern Ohio	357	281	78.7	76	21.3	Rhode Island	110	55	50.0	55	50.0				
Utah	356	188	52.8	168	47.2	New Hampshire	63	32	50.8	31	49.2				
Southern Mississippi	355	232	65.4	123	34.6	Vermont	44	39	88.6	5	11.4				
Northern California	345	186	53.9	159	46.1	Virgin Islands	39	26	66.7	13	33.3				
Eastern Louisiana	340	191	56.2	149	43.8	Delaware	37	18	48.6	19	51.4				
Western New York	334	209	62.6	125	37.4	Guam	22	22	100.0	0	0.0				
New Mexico	333	161	48.3	172	51.7	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 30,991 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 515 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	47,569	30,851	64.9	16,718	35.1
2017	33	0	0.0	33	100.0
2016	318	2	0.6	316	99.4
2015	1,315	133	10.1	1,182	89.9
2014	6,637	4,181	63.0	2,456	37.0
2013	7,756	5,607	72.3	2,149	27.7
2012	6,438	4,684	72.8	1,754	27.2
2011	4,892	3,447	70.5	1,445	29.5
2010	3,816	2,416	63.3	1,400	36.7
2009	3,379	2,121	62.8	1,258	37.2
2008	2,707	1,756	64.9	951	35.1
2007	2,264	1,473	65.1	791	34.9
2006	1,694	1,110	65.5	584	34.5
2005	1,271	777	61.1	494	38.9
2004	964	609	63.2	355	36.8
2003	829	501	60.4	328	39.6
2002	522	313	60.0	209	40.0
2001	447	281	62.9	166	37.1
2000	390	232	59.5	158	40.5
1999	371	237	63.9	134	36.1
1998	277	176	63.5	101	36.5
1997	234	152	65.0	82	35.0
1996	219	139	63.5	80	36.5
1995	203	119	58.6	84	41.4
1994	187	112	59.9	75	40.1
1993	129	87	67.4	42	32.6
1992	123	88	71.5	35	28.5
1991	86	63	73.3	23	26.7
1990	55	26	47.3	29	52.7
1989	13	9	69.2	4	30.8

¹ Of the 47,768 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	29,847	24,892	83.4	0	0.0	4,955	16.6
D.C. CIRCUIT	73	73	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,545	1,454	94.1	0	0.0	91	5.9
SECOND CIRCUIT	1,110	922	83.1	0	0.0	188	16.9
THIRD CIRCUIT	589	576	97.8	0	0.0	13	2.2
FOURTH CIRCUIT	4,537	3,739	82.4	0	0.0	798	17.6
FIFTH CIRCUIT	6,277	4,546	72.4	0	0.0	1,731	27.6
SIXTH CIRCUIT	2,662	2,263	85.0	0	0.0	399	15.0
SEVENTH CIRCUIT	2,079	2,039	98.1	0	0.0	40	1.9
EIGHTH CIRCUIT	3,311	2,414	72.9	0	0.0	897	27.1
NINTH CIRCUIT	2,652	2,574	97.1	0	0.0	78	2.9
TENTH CIRCUIT	1,331	1,223	91.9	0	0.0	108	8.1
ELEVENTH CIRCUIT	3,681	3,069	83.4	0	0.0	612	16.6

¹ Of the 30,991 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,190 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, 29,847 origins were cited for the 29,801 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	7,109	798	9.2	280	4.7	218	10.5	619	23.4	4,478	46.4	716	53.3
Black	10,025	2,831	32.5	5,219	87.0	839	40.3	502	19.0	254	2.6	380	28.3
Hispanic	12,504	5,000	57.4	441	7.4	1,010	48.5	1,440	54.4	4,494	46.6	119	8.9
Other	784	80	0.9	57	1.0	16	0.8	86	3.2	416	4.3	129	9.6
Total	30,422	8,709		5,997		2,083		2,647		9,642		1,344	
Citizenship													
U.S. Citizen	23,139	5,950	68.3	5,805	96.7	1,511	72.5	1,878	70.8	6,776	70.2	1,219	90.6
Non-Citizen	7,302	2,757	31.7	197	3.3	574	27.5	775	29.2	2,872	29.8	127	9.4
Total	30,441	8,707		6,002		2,085		2,653		9,648		1,346	
Gender													
Male	28,280	8,345	95.7	5,775	96.2	1,935	92.7	2,536	95.5	8,501	88.0	1,188	88.2
Female	2,193	374	4.3	230	3.8	152	7.3	120	4.5	1,158	12.0	159	11.8
Total	30,473	8,719		6,005		2,087		2,656		9,659		1,347	
Average Age													
	35	36		32		36		36		36		37	

¹ Of the 30,991 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 515 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 (54), missing citizenship information (35), 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	23.5	19.7	21.9	18.0	31.6	23.4	20.2	18.5	20.2	15.5	22.4	19.7	17.7	17.0
Firearms Mandatory Minimum Applied	11.1	11.1	11.3	10.0	16.0	16.1	7.0	7.3	9.3	10.0	9.3	8.6	9.7	10.7
Safety Valve	13.0	10.9	16.3	17.2	2.5	0.8	15.0	10.3	14.0	10.1	16.1	15.6	11.9	9.4
Guideline Role Adjustments														
Aggravating Role (USSG §3B1.1)	20.0	15.8	22.8	18.7	19.4	12.9	25.5	17.5	31.6	19.2	13.5	13.8	19.8	22.3
Mitigating Role (USSG §3B1.2)	3.7	4.5	3.3	4.4	1.2	1.6	4.3	4.7	4.1	6.8	5.5	6.4	2.7	4.0
Obstruction Adjustment (USSG §3C1.1)	6.2	5.3	6.4	5.1	7.6	6.3	4.1	4.6	9.4	6.6	4.9	4.1	4.7	7.4
Sentence Relative to the Guideline Range														
Within Range	63.9	48.4	67.4	52.3	65.7	54.4	66.4	41.6	68.7	60.2	58.5	39.1	59.9	33.4
Above Range	1.0	2.1	1.0	1.4	1.2	2.2	1.8	4.0	1.6	3.9	0.5	1.3	1.3	3.4
Below Range	35.0	49.5	31.6	46.3	33.1	43.4	31.7	54.5	29.7	35.9	41.0	59.7	38.8	63.1
Criminal History Category														
I	35.8	28.6	48.4	42.3	13.7	7.4	36.8	27.5	42.5	31.5	36.1	35.6	36.6	31.7
II	13.9	10.1	14.5	10.0	11.4	6.0	14.8	9.6	16.1	14.4	13.9	12.5	14.3	11.2
III	20.1	13.7	18.3	12.9	23.4	13.0	19.5	13.3	19.8	16.7	19.5	13.9	22.3	15.2
IV	12.3	8.1	9.3	6.1	18.9	9.1	11.6	6.6	10.1	9.0	11.7	9.0	12.0	8.3
V	7.5	5.7	4.0	3.6	13.1	7.4	7.9	5.7	5.8	5.8	7.8	5.5	6.2	7.1
VI	10.4	33.9	5.4	25.1	19.6	57.1	9.4	37.3	5.7	22.6	11.1	23.5	8.5	26.6

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	30,116	144	119	25	17.2
D.C. CIRCUIT	59	146	124	22	13.9
District of Columbia	59	146	124	22	13.9
FIRST CIRCUIT	1,511	126	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	1,217	123	103	20	16.1
Rhode Island	45	123	106	17	13.6
SECOND CIRCUIT	1,054	139	117	23	15.9
Connecticut	144	119	99	20	16.8
New York					
Eastern	119	181	150	31	16.8
Northern	122	109	89	20	18.7
Southern	431	150	126	24	14.6
Western	199	130	110	20	15.7
Vermont	39	115	97	18	15.9
THIRD CIRCUIT	802	146	121	25	16.5
Delaware	17	178	145	34	19.4
New Jersey	181	137	113	24	17.6
Pennsylvania					
Eastern	296	157	130	27	16.5
Middle	165	142	119	23	15.8
Western	119	133	113	20	14.9
Virgin Islands	24	146	121	25	17.0
FOURTH CIRCUIT	4,511	158	131	27	17.1
Maryland	482	145	120	26	17.0
North Carolina					
Eastern	718	165	137	28	17.2
Middle	348	147	123	25	16.1
Western	482	173	144	29	16.8
South Carolina	726	161	131	30	17.9
Virginia					
Eastern	855	174	145	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

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	6,306	140	116	24	17.0
Louisiana					
Eastern	191	143	120	23	15.8
Middle	80	148	122	26	17.1
Western	197	155	126	29	18.5
Mississippi					
Northern	156	125	100	26	20.8
Southern	230	141	116	26	17.6
Texas					
Eastern	1,020	144	119	26	18.2
Northern	1,128	167	138	29	17.3
Southern	1,534	133	112	21	15.5
Western	1,770	124	103	21	16.8
SIXTH CIRCUIT	2,604	128	106	23	17.7
Kentucky					
Eastern	290	120	101	19	16.0
Western	135	135	113	22	16.0
Michigan					
Eastern	273	141	116	25	17.5
Western	265	145	122	23	15.6
Ohio					
Northern	279	113	90	23	19.8
Southern	296	127	107	20	16.1
Tennessee					
Eastern	787	122	97	25	19.8
Middle	100	149	124	25	16.5
Western	179	139	116	23	16.5
SEVENTH CIRCUIT	2,054	161	129	33	19.6
Illinois					
Central	403	170	123	47	26.7
Northern	487	178	148	30	16.2
Southern	407	143	113	30	20.6
Indiana					
Northern	191	158	130	28	16.9
Southern	281	165	134	31	18.2
Wisconsin					
Eastern	175	134	112	22	16.4
Western	110	168	135	33	18.7
EIGHTH CIRCUIT	3,263	144	118	26	17.9
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	417	141	117	24	16.2
Western	390	126	105	21	16.7
Nebraska	567	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 Months²	Average New Sentence in Months²	Average Decrease in Months From Current Sentence²	Average Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	2,908	128	108	21	15.9
Alaska	118	134	114	20	15.1
Arizona	243	104	88	16	14.9
California					
Central	386	131	111	21	15.2
Eastern	417	130	109	21	16.3
Northern	186	123	105	19	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	231	156	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	1,406	150	124	26	16.9
Colorado	158	125	104	21	17.5
Kansas	409	158	131	27	17.0
New Mexico	161	128	107	21	16.2
Oklahoma					
Eastern	80	156	131	25	16.0
Northern	115	169	140	30	16.9
Western	122	179	137	41	16.4
Utah	188	134	112	22	16.0
Wyoming	173	160	132	28	18.1
ELEVENTH CIRCUIT	3,638	158	130	27	17.3
Alabama					
Middle	112	154	130	24	15.5
Northern	216	145	117	29	18.8
Southern	290	172	140	33	18.2
Florida					
Middle	869	141	116	24	17.3
Northern	386	206	170	36	17.1
Southern	820	153	129	25	15.9
Georgia					
Middle	212	113	88	24	22.1
Northern	457	180	150	30	16.4
Southern	276	151	124	28	17.8

¹ Of the 47,768 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 16,718 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 30,851 cases, 735 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.

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

Table 8

REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF MOTION¹

REASONS	N	%
Offense does not involve drugs	909	5.0
Sentence is determined by a non-drug guideline	702	3.9
Case does not involve drugs	207	1.1
Offender not eligible under §1B1.10	10,663	58.5
Career Offender or Armed Career Criminal provisions control sentence	3,550	19.5
Statutory mandatory minimum controls sentence	2,952	16.2
Guideline range does not change	2,156	11.8
Already received Amendment 782 reduction	1,447	7.9
Original sentence has been served	267	1.5
Defendant will be released before November 1, 2015	193	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	3,963	21.7
Offender has already benefitted from departure or variance	1,951	10.7
Denial because of binding plea	751	4.1
18 U.S.C. § 3553(a) factors	564	3.1
Protection of the public	425	2.3
Post-sentencing or post-conviction conduct	272	1.5
No reason provided/Other reason	2,670	14.6
No reason provided	2,139	11.7
Other	531	2.9

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, 18,205 reasons were cited in the 16,777 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.