

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



**January 2018**

## 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 December 31, 2017, and for which court documentation was received, coded, and edited at the Commission by January 18, 2018.

**Table 1**

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

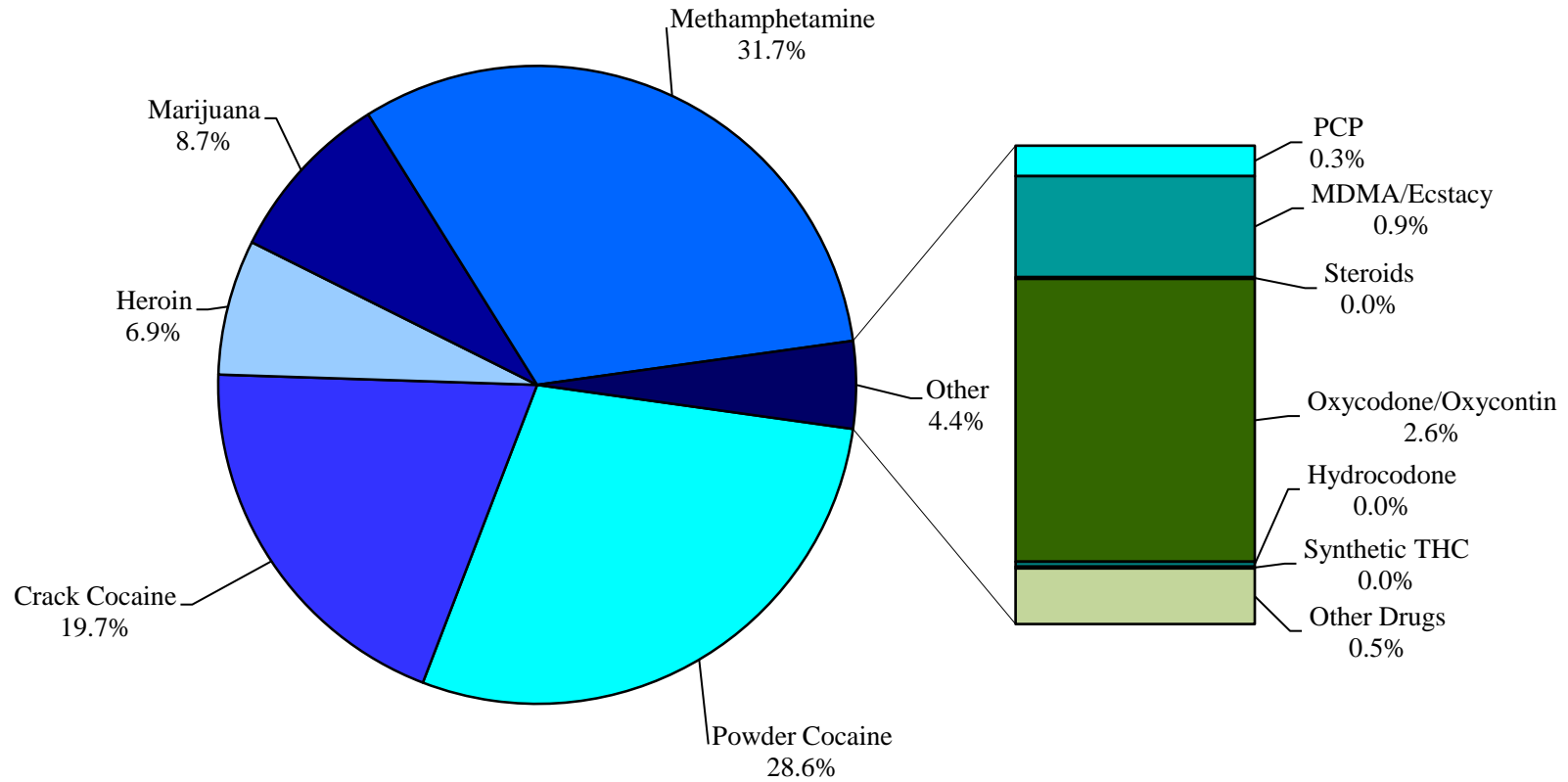
District	Total	Granted		Denied		District	Total	Granted		Denied	
	N	N	%	N	%		N	N	%	N	%
<b>TOTAL</b>	<b>48,013</b>	<b>31,089</b>	<b>64.8</b>	<b>16,924</b>	<b>35.2</b>						
Southern Texas	3,227	1,563	48.4	1,664	51.6	Montana	332	235	70.8	97	29.2
Western Texas	2,540	1,782	70.2	758	29.8	Southern California	323	322	99.7	1	0.3
Northern Texas	1,942	1,144	58.9	798	41.1	Northern Alabama	319	240	75.2	79	24.8
Middle Florida	1,790	886	49.5	904	50.5	New Jersey	318	184	57.9	134	42.1
Puerto Rico	1,512	1,248	82.5	264	17.5	Idaho	306	269	87.9	37	12.1
Eastern Texas	1,216	1,040	85.5	176	14.5	Eastern Pennsylvania	300	299	99.7	1	0.3
Eastern Virginia	1,164	899	77.2	265	22.8	Middle Pennsylvania	297	166	55.9	131	44.1
Northern Iowa	1,134	522	46.0	612	54.0	Western Washington	296	142	48.0	154	52.0
Eastern North Carolina	1,114	733	65.8	381	34.2	Northern West Virginia	293	231	78.8	62	21.2
South Carolina	1,058	765	72.3	293	27.7	Western Oklahoma	293	163	55.6	130	44.4
Western North Carolina	1,013	544	53.7	469	46.3	Arizona	290	251	86.6	39	13.4
Southern Florida	972	837	86.1	135	13.9	Western Louisiana	277	198	71.5	79	28.5
Eastern Tennessee	972	799	82.2	173	17.8	Wyoming	277	214	77.3	63	22.7
Western Virginia	890	533	59.9	357	40.1	Eastern New York	267	130	48.7	137	51.3
Southern Iowa	886	450	50.8	436	49.2	Massachusetts	256	116	45.3	140	54.7
Northern Florida	814	414	50.9	400	49.1	North Dakota	254	189	74.4	65	25.6
Northern Georgia	802	462	57.6	340	42.4	Northern New York	254	163	64.2	91	35.8
Nebraska	793	568	71.6	225	28.4	Connecticut	242	145	59.9	97	40.1
Central Illinois	767	424	55.3	343	44.7	Eastern Wisconsin	241	178	73.9	63	26.1
Maryland	766	489	63.8	277	36.2	Hawaii	238	222	93.3	16	6.7
Central California	697	391	56.1	306	43.9	Northern Indiana	235	195	83.0	40	17.0
Southern Georgia	677	329	48.6	348	51.4	Eastern Arkansas	233	225	96.6	8	3.4
Middle North Carolina	666	349	52.4	317	47.6	Northern Oklahoma	229	130	56.8	99	43.2
Eastern Kentucky	657	291	44.3	366	55.7	Nevada	225	184	81.8	41	18.2
Western Missouri	645	400	62.0	245	38.0	Western Pennsylvania	214	119	55.6	95	44.4
Eastern Missouri	633	419	66.2	214	33.8	Eastern Washington	209	103	49.3	106	50.7
Northern Illinois	611	499	81.7	112	18.3	Northern Mississippi	194	156	80.4	38	19.6
Eastern California	599	417	69.6	182	30.4	Middle Louisiana	184	82	44.6	102	55.4
Kansas	590	411	69.7	179	30.3	Middle Tennessee	183	100	54.6	83	45.4
Western Michigan	581	281	48.4	300	51.6	Middle Alabama	183	112	61.2	71	38.8
Southern Illinois	561	410	73.1	151	26.9	Western Wisconsin	181	118	65.2	63	34.8
Western Tennessee	526	245	46.6	281	53.4	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	453	293	64.7	160	35.3	Colorado	158	158	100.0	0	0.0
Southern New York	449	443	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	381	213	55.9	168	44.1	Western Kentucky	144	136	94.4	8	5.6
Minnesota	364	237	65.1	127	34.9	Eastern Oklahoma	125	81	64.8	44	35.2
Western Arkansas	363	216	59.5	147	40.5	Oregon	120	119	99.2	1	0.8
Southern Ohio	361	297	82.3	64	17.7	District of Columbia	117	77	65.8	40	34.2
Utah	357	188	52.7	169	47.3	Rhode Island	110	55	50.0	55	50.0
Northern Ohio	357	281	78.7	76	21.3	New Hampshire	63	32	50.8	31	49.2
Southern Mississippi	356	232	65.2	124	34.8	Vermont	44	39	88.6	5	11.4
Northern California	346	187	54.0	159	46.0	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	338	210	62.1	128	37.9	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 AMENDMENT<sup>1</sup>**



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<sup>1</sup> Of the 31,089 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 516 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>47,813</b>	<b>30,948</b>	<b>64.7</b>	<b>16,865</b>	<b>35.3</b>
2017	39	0	0.0	39	100.0
2016	327	2	0.6	325	99.4
2015	1,328	136	10.2	1,192	89.8
2014	6,670	4,199	63.0	2,471	37.0
2013	7,797	5,625	72.1	2,172	27.9
2012	6,468	4,694	72.6	1,774	27.4
2011	4,916	3,454	70.3	1,462	29.7
2010	3,832	2,423	63.2	1,409	36.8
2009	3,400	2,129	62.6	1,271	37.4
2008	2,719	1,762	64.8	957	35.2
2007	2,272	1,478	65.1	794	34.9
2006	1,703	1,114	65.4	589	34.6
2005	1,275	779	61.1	496	38.9
2004	968	611	63.1	357	36.9
2003	834	503	60.3	331	39.7
2002	522	313	60.0	209	40.0
2001	448	281	62.7	167	37.3
2000	391	232	59.3	159	40.7
1999	371	237	63.9	134	36.1
1998	280	177	63.2	103	36.8
1997	234	152	65.0	82	35.0
1996	220	140	63.6	80	36.4
1995	204	121	59.3	83	40.7
1994	188	113	60.1	75	39.9
1993	130	87	66.9	43	33.1
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

<sup>1</sup> Of the 48,013 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>29,942</b>	<b>24,982</b>	<b>83.4</b>	<b>0</b>	<b>0.0</b>	<b>4,960</b>	<b>16.6</b>
D.C. CIRCUIT	73	73	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,549	1,458	94.1	0	0.0	91	5.9
SECOND CIRCUIT	1,114	926	83.1	0	0.0	188	16.9
THIRD CIRCUIT	590	577	97.8	0	0.0	13	2.2
FOURTH CIRCUIT	4,549	3,751	82.5	0	0.0	798	17.5
FIFTH CIRCUIT	6,305	4,569	72.5	0	0.0	1,736	27.5
SIXTH CIRCUIT	2,674	2,275	85.1	0	0.0	399	14.9
SEVENTH CIRCUIT	2,085	2,045	98.1	0	0.0	40	1.9
EIGHTH CIRCUIT	3,315	2,418	72.9	0	0.0	897	27.1
NINTH CIRCUIT	2,658	2,580	97.1	0	0.0	78	2.9
TENTH CIRCUIT	1,331	1,223	91.9	0	0.0	108	8.1
ELEVENTH CIRCUIT	3,699	3,087	83.5	0	0.0	612	16.5

<sup>1</sup> Of the 31,089 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,193 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, 29,942 origins were cited for the 29,896 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	7,124	801	9.2	282	4.7	218	10.4	620	23.3	4,487	46.4	716	53.2
Black	10,057	2,840	32.5	5,229	87.0	845	40.4	506	19.0	257	2.7	380	28.2
Hispanic	12,551	5,020	57.4	441	7.3	1,015	48.5	1,449	54.4	4,506	46.6	120	8.9
Other	787	80	0.9	57	0.9	16	0.8	88	3.3	416	4.3	130	9.7
<b>Total</b>	<b>30,519</b>	<b>8,741</b>		<b>6,009</b>		<b>2,094</b>		<b>2,663</b>		<b>9,666</b>		<b>1,346</b>	
<b>Citizenship</b>													
U.S. Citizen	23,211	5,971	68.3	5,817	96.7	1,522	72.6	1,892	70.9	6,790	70.2	1,219	90.4
Non-Citizen	7,327	2,768	31.7	197	3.3	574	27.4	777	29.1	2,882	29.8	129	9.6
<b>Total</b>	<b>30,538</b>	<b>8,739</b>		<b>6,014</b>		<b>2,096</b>		<b>2,669</b>		<b>9,672</b>		<b>1,348</b>	
<b>Gender</b>													
Male	28,374	8,376	95.7	5,787	96.2	1,946	92.8	2,551	95.5	8,524	88.0	1,190	88.2
Female	2,196	375	4.3	230	3.8	152	7.2	121	4.5	1,159	12.0	159	11.8
<b>Total</b>	<b>30,570</b>	<b>8,751</b>		<b>6,017</b>		<b>2,098</b>		<b>2,672</b>		<b>9,683</b>		<b>1,349</b>	
<b>Average Age</b>													
	<b>35</b>	<b>36</b>		<b>32</b>		<b>35</b>		<b>36</b>		<b>36</b>		<b>37</b>	

<sup>1</sup> Of the 31,089 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 516 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 AMENDMENT<sup>1</sup>**

	<u>Total</u>		<u>Powder Cocaine</u>		<u>Crack Cocaine</u>		<u>Heroin</u>		<u>Marijuana</u>		<u>Methamphetamine</u>		<u>Other</u>	
	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>	<u>Grant</u>	<u>Deny</u>
	%	%	%	%	%	%	%	%	%	%	%	%	%	%
<b>Weapon</b>														
Weapon Specific Offense Characteristic	23.5	19.7	21.9	18.0	31.7	23.5	20.2	18.4	20.3	15.4	22.4	19.8	17.6	17.0
Firearms Mandatory Minimum Applied	11.1	11.1	11.3	10.0	16.0	16.0	7.1	7.5	9.3	10.0	9.3	8.6	9.7	10.5
<b>Safety Valve</b>	13.0	11.0	16.2	17.3	2.5	0.8	14.9	10.3	13.9	10.0	16.0	15.6	11.9	9.3
<b>Guideline Role Adjustments</b>														
Aggravating Role (USSG §3B1.1)	20.0	15.8	22.8	18.7	19.4	12.9	25.4	17.5	31.7	19.2	13.5	13.8	19.9	22.8
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	6.5	2.7	3.9
Obstruction Adjustment (USSG §3C1.1)	6.2	5.3	6.4	5.1	7.5	6.3	4.1	4.6	9.4	6.6	4.9	4.1	4.7	7.5
<b>Sentence Relative to the Guideline Range</b>														
Within Range	64.0	48.4	67.3	52.4	65.7	54.2	66.5	41.5	68.7	60.3	58.5	39.1	60.0	33.6
Above Range	1.0	2.1	1.1	1.5	1.2	2.2	1.9	3.9	1.6	3.9	0.5	1.3	1.3	3.4
Below Range	35.0	49.5	31.6	46.2	33.1	43.6	31.7	54.6	29.7	35.9	41.0	59.6	38.7	63.0
<b>Criminal History Category</b>														
I	35.8	28.5	48.4	42.3	13.7	7.3	36.7	27.6	42.5	31.4	36.1	35.6	36.7	31.7
II	13.9	10.1	14.5	10.0	11.4	6.0	14.8	9.5	16.1	14.6	13.9	12.4	14.3	11.1
III	20.1	13.7	18.4	12.9	23.4	13.2	19.6	13.3	19.9	16.7	19.4	13.9	22.4	15.4
IV	12.3	8.1	9.3	6.1	18.8	9.1	11.5	6.7	10.1	9.0	11.8	9.0	12.0	8.2
V	7.5	5.6	4.0	3.5	13.2	7.4	7.9	5.7	5.8	5.7	7.8	5.5	6.2	7.0
VI	10.4	33.9	5.4	25.1	19.5	57.0	9.4	37.2	5.7	22.7	11.1	23.6	8.4	26.6

<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>30,210</b>	<b>145</b>	<b>119</b>	<b>25</b>	<b>17.2</b>
<b>D.C. CIRCUIT</b>	<b>59</b>	<b>146</b>	<b>124</b>	<b>22</b>	<b>13.9</b>
District of Columbia	59	146	124	22	13.9
<b>FIRST CIRCUIT</b>	<b>1,515</b>	<b>126</b>	<b>105</b>	<b>21</b>	<b>16.3</b>
Maine	103	123	102	21	17.5
Massachusetts	114	160	130	30	18.4
New Hampshire	32	132	112	20	16.4
Puerto Rico	1,221	123	103	20	16.1
Rhode Island	45	123	106	17	13.6
<b>SECOND CIRCUIT</b>	<b>1,058</b>	<b>140</b>	<b>117</b>	<b>23</b>	<b>15.9</b>
Connecticut	144	119	99	20	16.8
New York					
Eastern	120	182	150	32	17.0
Northern	122	109	89	20	18.7
Southern	433	151	128	24	14.7
Western	200	130	110	20	15.7
Vermont	39	115	97	18	15.9
<b>THIRD CIRCUIT</b>	<b>803</b>	<b>146</b>	<b>121</b>	<b>25</b>	<b>16.4</b>
Delaware	17	178	145	34	19.4
New Jersey	181	137	113	24	17.6
Pennsylvania					
Eastern	296	157	130	27	16.5
Middle	166	142	119	23	15.7
Western	119	133	113	20	14.9
Virgin Islands	24	146	121	25	17.0
<b>FOURTH CIRCUIT</b>	<b>4,522</b>	<b>158</b>	<b>131</b>	<b>27</b>	<b>17.1</b>
Maryland	483	145	120	26	17.0
North Carolina					
Eastern	726	165	137	28	17.2
Middle	348	147	123	25	16.1
Western	482	173	144	29	16.8
South Carolina	727	161	131	30	17.9
Virginia					
Eastern	856	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 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>FIFTH CIRCUIT</b>	<b>6,333</b>	<b>140</b>	<b>116</b>	<b>24</b>	<b>17.0</b>
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	1,022	145	119	26	18.2
Northern	1,128	167	138	29	17.3
Southern	1,556	134	113	22	15.5
Western	1,773	124	103	21	16.8
<b>SIXTH CIRCUIT</b>	<b>2,616</b>	<b>129</b>	<b>106</b>	<b>23</b>	<b>17.7</b>
Kentucky					
Eastern	290	120	101	19	16.0
Western	135	135	113	22	16.0
Michigan					
Eastern	273	141	116	25	17.5
Western	266	145	122	23	15.5
Ohio					
Northern	279	113	90	23	19.8
Southern	296	127	107	20	16.1
Tennessee					
Eastern	792	122	97	25	19.8
Middle	100	149	124	25	16.5
Western	185	142	119	23	16.5
<b>SEVENTH CIRCUIT</b>	<b>2,059</b>	<b>161</b>	<b>129</b>	<b>33</b>	<b>19.6</b>
Illinois					
Central	404	170	123	47	26.7
Northern	488	178	148	30	16.2
Southern	409	143	113	30	20.6
Indiana					
Northern	192	157	129	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
<b>EIGHTH CIRCUIT</b>	<b>3,267</b>	<b>144</b>	<b>119</b>	<b>26</b>	<b>17.9</b>
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	236	157	131	26	17.0
Missouri					
Eastern	417	141	117	24	16.2
Western	391	126	105	21	16.7
Nebraska	568	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**

<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	N				
<b>NINTH CIRCUIT</b>	<b>2,914</b>	<b>128</b>	<b>108</b>	<b>21</b>	<b>15.9</b>
Alaska	118	134	114	20	15.1
Arizona	244	103	88	16	14.9
California					
Central	386	131	111	21	15.2
Eastern	417	130	109	21	16.3
Northern	187	123	105	18	14.8
Southern	321	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	181	124	104	20	16.3
Northern Mariana Islands	3	107	86	21	19.9
Oregon	118	121	101	20	16.8
Washington					
Eastern	101	134	114	20	14.8
Western	97	117	100	17	13.0
<b>TENTH CIRCUIT</b>	<b>1,407</b>	<b>150</b>	<b>124</b>	<b>26</b>	<b>16.9</b>
Colorado	158	125	104	21	17.5
Kansas	410	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
<b>ELEVENTH CIRCUIT</b>	<b>3,657</b>	<b>158</b>	<b>130</b>	<b>28</b>	<b>17.3</b>
Alabama					
Middle	112	154	130	24	15.5
Northern	219	145	116	29	18.9
Southern	291	173	140	32	18.1
Florida					
Middle	880	142	117	25	17.3
Northern	388	206	170	36	17.2
Southern	821	153	129	25	16.0
Georgia					
Middle	212	113	88	24	22.1
Northern	458	180	150	30	16.4
Southern	276	151	124	28	17.8

<sup>1</sup> Of the 48,013 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 16,865 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 30,948 cases, 738 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.

**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>918</b>	<b>5.0</b>
Sentence is determined by a non-drug guideline	708	3.9
Case does not involve drugs	210	1.1
<b>Offender not eligible under §1B1.10</b>	<b>10,766</b>	<b>58.7</b>
Career Offender or Armed Career Criminal provisions control sentence	3,577	19.5
Statutory mandatory minimum controls sentence	2,970	16.2
Guideline range does not change	2,187	11.9
Already received Amendment 782 reduction	1,470	8.0
Original sentence has been served	271	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
<b>Denied on the merits</b>	<b>4,005</b>	<b>21.8</b>
Offender has already benefitted from departure or variance	1,967	10.7
Denial because of binding plea	753	4.1
18 U.S.C. § 3553(a) factors	572	3.1
Protection of the public	440	2.4
Post-sentencing or post-conviction conduct	273	1.5
<b>No reason provided/Other reason</b>	<b>2,690</b>	<b>14.6</b>
No reason provided	2,151	11.7
Other	539	2.9

<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, 18,379 reasons were cited in the 16,924 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.