

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



August 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.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 1995-2017 *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 July 31, 2018, and for which court documentation was received, coded, and edited at the Commission by August 23, 2018.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

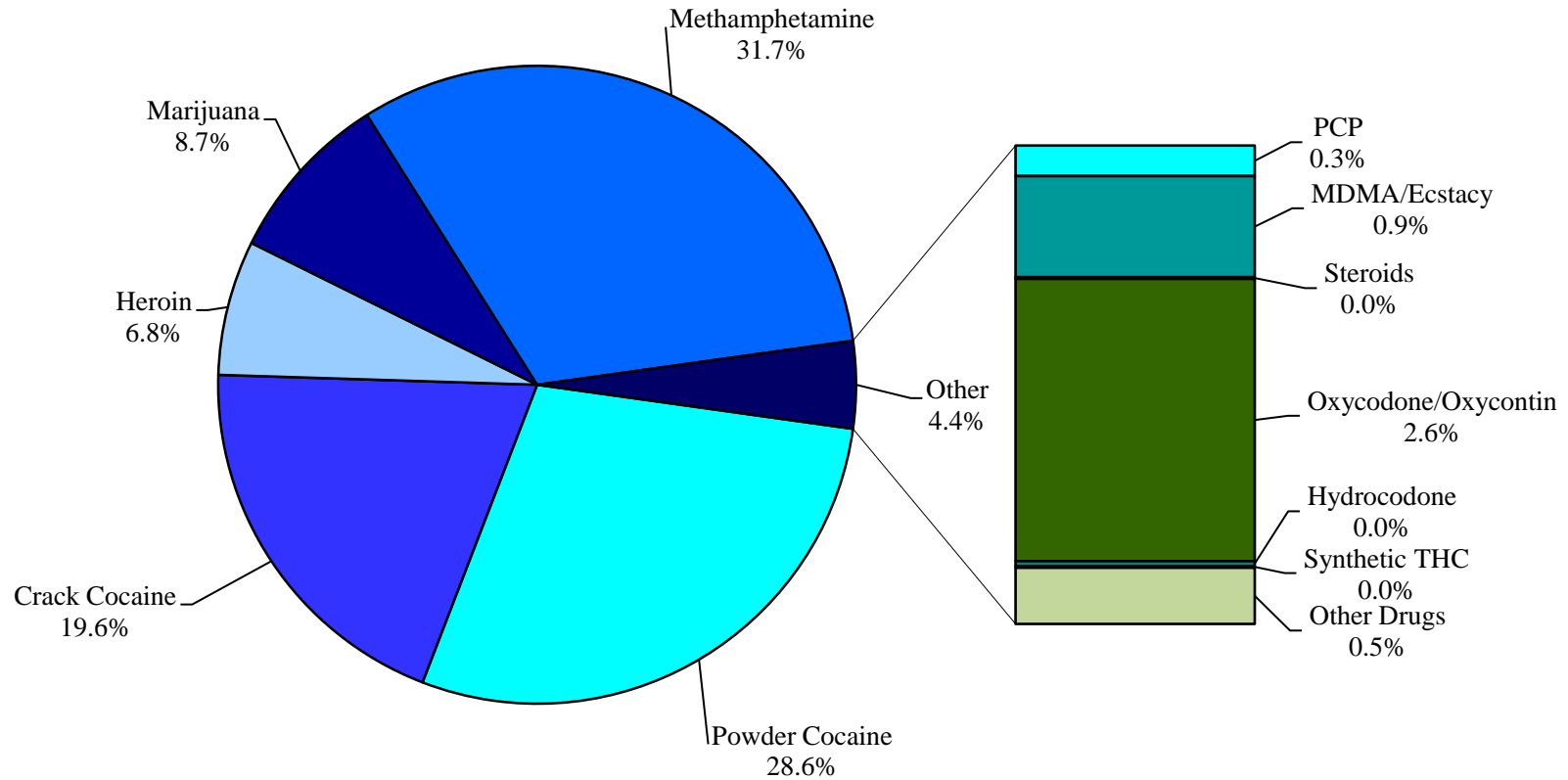
| District | Total | | | Granted | | | Denied | | | | |
|------------------------|---------------|---------------|-------------|---------------|-------------|--------------------------|--------|-----|-------|-----|------|
| | N | N | % | N | % | N | % | N | % | | |
| TOTAL | 49,911 | 31,381 | 62.9 | 18,530 | 37.1 | | | | | | |
| Southern Texas | 3,331 | 1,576 | 47.3 | 1,755 | 52.7 | Eastern Louisiana | 342 | 191 | 55.8 | 151 | 44.2 |
| Western Texas | 2,557 | 1,788 | 69.9 | 769 | 30.1 | New Mexico | 338 | 162 | 47.9 | 176 | 52.1 |
| Northern Texas | 1,987 | 1,157 | 58.2 | 830 | 41.8 | Montana | 334 | 237 | 71.0 | 97 | 29.0 |
| Puerto Rico | 1,912 | 1,263 | 66.1 | 649 | 33.9 | Eastern Pennsylvania | 325 | 324 | 99.7 | 1 | 0.3 |
| Middle Florida | 1,910 | 915 | 47.9 | 995 | 52.1 | New Jersey | 323 | 185 | 57.3 | 138 | 42.7 |
| Eastern North Carolina | 1,234 | 749 | 60.7 | 485 | 39.3 | Idaho | 306 | 269 | 87.9 | 37 | 12.1 |
| Eastern Texas | 1,222 | 1,044 | 85.4 | 178 | 14.6 | Middle Pennsylvania | 298 | 166 | 55.7 | 132 | 44.3 |
| Eastern Virginia | 1,176 | 903 | 76.8 | 273 | 23.2 | Western Oklahoma | 297 | 164 | 55.2 | 133 | 44.8 |
| Northern Iowa | 1,134 | 522 | 46.0 | 612 | 54.0 | Western Washington | 296 | 142 | 48.0 | 154 | 52.0 |
| South Carolina | 1,062 | 769 | 72.4 | 293 | 27.6 | Arizona | 294 | 254 | 86.4 | 40 | 13.6 |
| Western North Carolina | 1,018 | 544 | 53.4 | 474 | 46.6 | Northern West Virginia | 293 | 231 | 78.8 | 62 | 21.2 |
| Eastern Tennessee | 997 | 813 | 81.5 | 184 | 18.5 | Western Louisiana | 284 | 201 | 70.8 | 83 | 29.2 |
| Southern Florida | 981 | 839 | 85.5 | 142 | 14.5 | Wyoming | 277 | 214 | 77.3 | 63 | 22.7 |
| Western Virginia | 897 | 535 | 59.6 | 362 | 40.4 | Eastern New York | 273 | 134 | 49.1 | 139 | 50.9 |
| Southern California | 893 | 324 | 36.3 | 569 | 63.7 | Massachusetts | 256 | 116 | 45.3 | 140 | 54.7 |
| Southern Iowa | 886 | 450 | 50.8 | 436 | 49.2 | North Dakota | 254 | 189 | 74.4 | 65 | 25.6 |
| Northern Florida | 820 | 415 | 50.6 | 405 | 49.4 | Northern New York | 254 | 163 | 64.2 | 91 | 35.8 |
| Western Missouri | 804 | 451 | 56.1 | 353 | 43.9 | Connecticut | 242 | 145 | 59.9 | 97 | 40.1 |
| Northern Georgia | 804 | 463 | 57.6 | 341 | 42.4 | Eastern Wisconsin | 241 | 178 | 73.9 | 63 | 26.1 |
| Nebraska | 793 | 568 | 71.6 | 225 | 28.4 | Hawaii | 239 | 223 | 93.3 | 16 | 6.7 |
| Central Illinois | 784 | 426 | 54.3 | 358 | 45.7 | Northern Indiana | 237 | 196 | 82.7 | 41 | 17.3 |
| Maryland | 774 | 490 | 63.3 | 284 | 36.7 | Eastern Arkansas | 233 | 225 | 96.6 | 8 | 3.4 |
| Central California | 717 | 394 | 55.0 | 323 | 45.0 | Northern Oklahoma | 233 | 130 | 55.8 | 103 | 44.2 |
| Middle North Carolina | 686 | 353 | 51.5 | 333 | 48.5 | Nevada | 225 | 184 | 81.8 | 41 | 18.2 |
| Southern Georgia | 677 | 329 | 48.6 | 348 | 51.4 | Western Pennsylvania | 214 | 119 | 55.6 | 95 | 44.4 |
| Eastern Kentucky | 662 | 291 | 44.0 | 371 | 56.0 | Eastern Washington | 211 | 105 | 49.8 | 106 | 50.2 |
| Eastern Missouri | 633 | 419 | 66.2 | 214 | 33.8 | Northern Mississippi | 194 | 156 | 80.4 | 38 | 19.6 |
| Kansas | 615 | 426 | 69.3 | 189 | 30.7 | Middle Alabama | 187 | 113 | 60.4 | 74 | 39.6 |
| Northern Illinois | 612 | 499 | 81.5 | 113 | 18.5 | Middle Louisiana | 185 | 82 | 44.3 | 103 | 55.7 |
| Eastern California | 602 | 419 | 69.6 | 183 | 30.4 | Middle Tennessee | 183 | 100 | 54.6 | 83 | 45.4 |
| Western Michigan | 585 | 281 | 48.0 | 304 | 52.0 | Western Wisconsin | 182 | 118 | 64.8 | 64 | 35.2 |
| Southern Illinois | 572 | 413 | 72.2 | 159 | 27.8 | Southern West Virginia | 166 | 152 | 91.6 | 14 | 8.4 |
| Western Tennessee | 537 | 246 | 45.8 | 291 | 54.2 | Alaska | 160 | 119 | 74.4 | 41 | 25.6 |
| Southern Indiana | 464 | 285 | 61.4 | 179 | 38.6 | Colorado | 159 | 159 | 100.0 | 0 | 0.0 |
| Southern Alabama | 458 | 295 | 64.4 | 163 | 35.6 | Maine | 156 | 104 | 66.7 | 52 | 33.3 |
| Southern New York | 451 | 445 | 98.7 | 6 | 1.3 | South Dakota | 153 | 118 | 77.1 | 35 | 22.9 |
| Eastern Michigan | 389 | 276 | 71.0 | 113 | 29.0 | Western Kentucky | 144 | 136 | 94.4 | 8 | 5.6 |
| Middle Georgia | 387 | 215 | 55.6 | 172 | 44.4 | Eastern Oklahoma | 125 | 81 | 64.8 | 44 | 35.2 |
| Minnesota | 365 | 238 | 65.2 | 127 | 34.8 | Oregon | 122 | 121 | 99.2 | 1 | 0.8 |
| Western Arkansas | 364 | 217 | 59.6 | 147 | 40.4 | District of Columbia | 120 | 79 | 65.8 | 41 | 34.2 |
| Southern Ohio | 364 | 298 | 81.9 | 66 | 18.1 | Rhode Island | 110 | 55 | 50.0 | 55 | 50.0 |
| Utah | 357 | 188 | 52.7 | 169 | 47.3 | New Hampshire | 65 | 33 | 50.8 | 32 | 49.2 |
| Northern Ohio | 357 | 281 | 78.7 | 76 | 21.3 | Vermont | 44 | 39 | 88.6 | 5 | 11.4 |
| Southern Mississippi | 357 | 232 | 65.0 | 125 | 35.0 | Virgin Islands | 39 | 26 | 66.7 | 13 | 33.3 |
| Northern Alabama | 351 | 251 | 71.5 | 100 | 28.5 | Delaware | 38 | 19 | 50.0 | 19 | 50.0 |
| Northern California | 351 | 189 | 53.8 | 162 | 46.2 | Guam | 22 | 22 | 100.0 | 0 | 0.0 |
| Western New York | 345 | 214 | 62.0 | 131 | 38.0 | Northern Mariana Islands | 4 | 4 | 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 31,381 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 524 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 | 49,704 | 31,238 | 62.8 | 18,466 | 37.2 |
| 2018 | 5 | 0 | 0.0 | 5 | 100.0 |
| 2017 | 69 | 0 | 0.0 | 69 | 100.0 |
| 2016 | 413 | 2 | 0.5 | 411 | 99.5 |
| 2015 | 1,538 | 138 | 9.0 | 1,400 | 91.0 |
| 2014 | 7,031 | 4,256 | 60.5 | 2,775 | 39.5 |
| 2013 | 8,133 | 5,688 | 69.9 | 2,445 | 30.1 |
| 2012 | 6,706 | 4,733 | 70.6 | 1,973 | 29.4 |
| 2011 | 5,064 | 3,484 | 68.8 | 1,580 | 31.2 |
| 2010 | 3,935 | 2,445 | 62.1 | 1,490 | 37.9 |
| 2009 | 3,475 | 2,140 | 61.6 | 1,335 | 38.4 |
| 2008 | 2,778 | 1,771 | 63.8 | 1,007 | 36.2 |
| 2007 | 2,314 | 1,488 | 64.3 | 826 | 35.7 |
| 2006 | 1,730 | 1,124 | 65.0 | 606 | 35.0 |
| 2005 | 1,301 | 783 | 60.2 | 518 | 39.8 |
| 2004 | 984 | 619 | 62.9 | 365 | 37.1 |
| 2003 | 846 | 504 | 59.6 | 342 | 40.4 |
| 2002 | 545 | 317 | 58.2 | 228 | 41.8 |
| 2001 | 465 | 284 | 61.1 | 181 | 38.9 |
| 2000 | 405 | 238 | 58.8 | 167 | 41.2 |
| 1999 | 386 | 237 | 61.4 | 149 | 38.6 |
| 1998 | 287 | 180 | 62.7 | 107 | 37.3 |
| 1997 | 244 | 154 | 63.1 | 90 | 36.9 |
| 1996 | 224 | 141 | 62.9 | 83 | 37.1 |
| 1995 | 208 | 122 | 58.7 | 86 | 41.3 |
| 1994 | 195 | 114 | 58.5 | 81 | 41.5 |
| 1993 | 138 | 88 | 63.8 | 50 | 36.2 |
| 1992 | 127 | 88 | 69.3 | 39 | 30.7 |
| 1991 | 88 | 64 | 72.7 | 24 | 27.3 |
| 1990 | 57 | 27 | 47.4 | 30 | 52.6 |
| 1989 | 13 | 9 | 69.2 | 4 | 30.8 |

¹ Of the 49,911 cases reported to the Commission, 207 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 | 30,220 | 25,247 | 83.5 | 0 | 0.0 | 4,973 | 16.5 |
| D.C. CIRCUIT | 75 | 75 | 100.0 | 0 | 0.0 | 0 | 0.0 |
| FIRST CIRCUIT | 1,565 | 1,474 | 94.2 | 0 | 0.0 | 91 | 5.8 |
| SECOND CIRCUIT | 1,124 | 935 | 83.2 | 0 | 0.0 | 189 | 16.8 |
| THIRD CIRCUIT | 612 | 598 | 97.7 | 0 | 0.0 | 14 | 2.3 |
| FOURTH CIRCUIT | 4,579 | 3,781 | 82.6 | 0 | 0.0 | 798 | 17.4 |
| FIFTH CIRCUIT | 6,344 | 4,602 | 72.5 | 0 | 0.0 | 1,742 | 27.5 |
| SIXTH CIRCUIT | 2,691 | 2,292 | 85.2 | 0 | 0.0 | 399 | 14.8 |
| SEVENTH CIRCUIT | 2,093 | 2,053 | 98.1 | 0 | 0.0 | 40 | 1.9 |
| EIGHTH CIRCUIT | 3,368 | 2,469 | 73.3 | 0 | 0.0 | 899 | 26.7 |
| NINTH CIRCUIT | 2,675 | 2,596 | 97.0 | 0 | 0.0 | 79 | 3.0 |
| TENTH CIRCUIT | 1,349 | 1,241 | 92.0 | 0 | 0.0 | 108 | 8.0 |
| ELEVENTH CIRCUIT | 3,745 | 3,131 | 83.6 | 0 | 0.0 | 614 | 16.4 |

¹ Of the 31,381 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,207 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, 30,220 origins were cited for the 30,174 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 | 7,200 | 810 | 9.2 | 283 | 4.7 | 220 | 10.5 | 624 | 23.3 | 4,540 | 46.4 | 723 | 53.2 |
| Black | 10,149 | 2,874 | 32.6 | 5,268 | 87.0 | 851 | 40.4 | 513 | 19.1 | 258 | 2.6 | 385 | 28.3 |
| Hispanic | 12,662 | 5,063 | 57.4 | 444 | 7.3 | 1,018 | 48.4 | 1,455 | 54.3 | 4,562 | 46.7 | 120 | 8.8 |
| Other | 792 | 80 | 0.9 | 59 | 1.0 | 16 | 0.8 | 88 | 3.3 | 418 | 4.3 | 131 | 9.6 |
| Total | 30,803 | 8,827 | | 6,054 | | 2,105 | | 2,680 | | 9,778 | | 1,359 | |
| Citizenship | | | | | | | | | | | | | |
| U.S. Citizen | 23,420 | 6,028 | 68.3 | 5,862 | 96.7 | 1,529 | 72.6 | 1,908 | 71.0 | 6,862 | 70.1 | 1,231 | 90.4 |
| Non-Citizen | 7,402 | 2,797 | 31.7 | 197 | 3.3 | 578 | 27.4 | 778 | 29.0 | 2,922 | 29.9 | 130 | 9.6 |
| Total | 30,822 | 8,825 | | 6,059 | | 2,107 | | 2,686 | | 9,784 | | 1,361 | |
| Gender | | | | | | | | | | | | | |
| Male | 28,643 | 8,459 | 95.7 | 5,831 | 96.2 | 1,956 | 92.7 | 2,568 | 95.5 | 8,626 | 88.1 | 1,203 | 88.3 |
| Female | 2,211 | 378 | 4.3 | 231 | 3.8 | 153 | 7.3 | 121 | 4.5 | 1,169 | 11.9 | 159 | 11.7 |
| Total | 30,854 | 8,837 | | 6,062 | | 2,109 | | 2,689 | | 9,795 | | 1,362 | |
| Average Age | | | | | | | | | | | | | |
| | 35 | 36 | | 32 | | 35 | | 36 | | 36 | | 37 | |

¹ Of the 31,381 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 524 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 | 23.6 | 19.5 | 21.9 | 17.9 | 31.8 | 24.1 | 20.2 | 17.9 | 20.3 | 15.3 | 22.5 | 18.8 | 17.7 | 17.1 |
| Firearms Mandatory Minimum Applied | 11.1 | 11.0 | 11.3 | 10.6 | 16.1 | 16.1 | 7.1 | 7.6 | 9.4 | 9.7 | 9.3 | 8.1 | 9.9 | 10.8 |
| Safety Valve | 12.9 | 11.7 | 16.2 | 17.2 | 2.5 | 0.8 | 14.9 | 10.7 | 13.8 | 10.3 | 15.9 | 17.2 | 11.8 | 9.1 |
| Guideline Role Adjustments | | | | | | | | | | | | | | |
| Aggravating Role (USSG §3B1.1) | 20.1 | 15.9 | 22.9 | 18.8 | 19.4 | 13.4 | 25.5 | 17.8 | 31.8 | 19.1 | 13.5 | 13.4 | 19.8 | 22.4 |
| Mitigating Role (USSG §3B1.2) | 3.7 | 5.3 | 3.3 | 5.0 | 1.2 | 1.6 | 4.3 | 5.8 | 4.1 | 7.1 | 5.4 | 8.5 | 2.6 | 3.8 |
| Obstruction Adjustment (USSG §3C1.1) | 6.2 | 5.2 | 6.4 | 4.9 | 7.6 | 6.4 | 4.2 | 4.6 | 9.4 | 6.4 | 4.9 | 3.9 | 4.8 | 7.8 |
| Sentence Relative to the Guideline Range | | | | | | | | | | | | | | |
| Within Range | 64.0 | 48.2 | 67.3 | 53.4 | 65.7 | 54.7 | 66.4 | 41.2 | 68.6 | 59.6 | 58.6 | 37.5 | 60.1 | 34.7 |
| Above Range | 1.0 | 2.1 | 1.0 | 1.6 | 1.2 | 2.1 | 1.9 | 3.8 | 1.6 | 4.0 | 0.5 | 1.3 | 1.4 | 3.3 |
| Below Range | 35.0 | 49.7 | 31.7 | 45.0 | 33.1 | 43.2 | 31.7 | 54.9 | 29.7 | 36.4 | 40.9 | 61.2 | 38.5 | 62.0 |
| Criminal History Category | | | | | | | | | | | | | | |
| I | 35.8 | 30.0 | 48.4 | 44.1 | 13.7 | 7.9 | 36.7 | 28.3 | 42.4 | 31.9 | 35.9 | 36.8 | 36.5 | 31.3 |
| II | 13.8 | 10.2 | 14.5 | 10.4 | 11.4 | 6.1 | 14.8 | 9.9 | 16.1 | 14.5 | 13.9 | 12.3 | 14.4 | 10.8 |
| III | 20.1 | 13.7 | 18.3 | 13.0 | 23.4 | 13.2 | 19.6 | 12.9 | 20.0 | 16.6 | 19.4 | 13.9 | 22.2 | 15.7 |
| IV | 12.3 | 8.0 | 9.3 | 5.9 | 18.9 | 9.2 | 11.6 | 6.5 | 10.0 | 9.0 | 11.8 | 8.8 | 12.0 | 8.5 |
| V | 7.5 | 5.6 | 4.1 | 3.5 | 13.1 | 7.5 | 7.9 | 6.5 | 5.8 | 5.6 | 7.8 | 5.6 | 6.2 | 7.0 |
| VI | 10.4 | 32.5 | 5.4 | 23.2 | 19.5 | 56.1 | 9.4 | 35.8 | 5.7 | 22.4 | 11.1 | 22.7 | 8.7 | 26.7 |

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 | 30,493 | 145 | 120 | 25 | 17.2 |
| D.C. CIRCUIT | 61 | 148 | 126 | 22 | 13.8 |
| District of Columbia | 61 | 148 | 126 | 22 | 13.8 |
| FIRST CIRCUIT | 1,530 | 126 | 105 | 21 | 16.3 |
| Maine | 103 | 123 | 102 | 21 | 17.5 |
| Massachusetts | 114 | 160 | 130 | 30 | 18.4 |
| New Hampshire | 33 | 132 | 112 | 20 | 16.4 |
| Puerto Rico | 1,235 | 123 | 103 | 20 | 16.1 |
| Rhode Island | 45 | 123 | 106 | 17 | 13.6 |
| SECOND CIRCUIT | 1,068 | 141 | 118 | 23 | 16.0 |
| Connecticut | 144 | 119 | 99 | 20 | 16.8 |
| New York | | | | | |
| Eastern | 124 | 183 | 151 | 32 | 17.1 |
| Northern | 122 | 109 | 89 | 20 | 18.7 |
| Southern | 435 | 152 | 128 | 24 | 14.7 |
| Western | 204 | 131 | 110 | 20 | 15.8 |
| Vermont | 39 | 115 | 97 | 18 | 15.9 |
| THIRD CIRCUIT | 830 | 147 | 122 | 25 | 16.5 |
| Delaware | 18 | 182 | 148 | 34 | 19.4 |
| New Jersey | 182 | 137 | 113 | 25 | 17.7 |
| Pennsylvania | | | | | |
| Eastern | 321 | 158 | 131 | 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 |
| FOURTH CIRCUIT | 4,551 | 159 | 131 | 27 | 17.1 |
| Maryland | 484 | 146 | 120 | 26 | 17.0 |
| North Carolina | | | | | |
| Eastern | 742 | 164 | 136 | 28 | 17.1 |
| Middle | 352 | 148 | 123 | 25 | 16.4 |
| Western | 482 | 173 | 144 | 29 | 16.8 |
| South Carolina | 729 | 162 | 132 | 30 | 17.9 |
| Virginia | | | | | |
| Eastern | 860 | 174 | 145 | 29 | 16.5 |
| Western | 520 | 157 | 131 | 26 | 17.7 |
| West Virginia | | | | | |
| Northern | 231 | 113 | 94 | 20 | 17.3 |
| Southern | 151 | 124 | 102 | 22 | 18.4 |

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 | 6,371 | 140 | 116 | 24 | 17.0 |
| Louisiana | | | | | |
| Eastern | 191 | 143 | 120 | 23 | 15.8 |
| Middle | 80 | 148 | 122 | 26 | 17.1 |
| Western | 200 | 155 | 126 | 29 | 18.4 |
| Mississippi | | | | | |
| Northern | 156 | 125 | 100 | 26 | 20.8 |
| Southern | 230 | 141 | 116 | 26 | 17.6 |
| Texas | | | | | |
| Eastern | 1,026 | 145 | 119 | 26 | 18.2 |
| Northern | 1,141 | 167 | 138 | 29 | 17.3 |
| Southern | 1,569 | 135 | 113 | 22 | 15.5 |
| Western | 1,778 | 124 | 103 | 21 | 16.9 |
| SIXTH CIRCUIT | 2,633 | 130 | 106 | 23 | 17.8 |
| Kentucky | | | | | |
| Eastern | 290 | 120 | 101 | 19 | 16.0 |
| Western | 135 | 135 | 113 | 22 | 16.0 |
| Michigan | | | | | |
| Eastern | 274 | 142 | 117 | 25 | 17.5 |
| Western | 266 | 145 | 122 | 23 | 15.5 |
| Ohio | | | | | |
| Northern | 279 | 113 | 90 | 23 | 19.8 |
| Southern | 297 | 127 | 107 | 20 | 16.1 |
| Tennessee | | | | | |
| Eastern | 806 | 125 | 99 | 26 | 19.9 |
| Middle | 100 | 149 | 124 | 25 | 16.5 |
| Western | 186 | 142 | 119 | 23 | 16.5 |
| SEVENTH CIRCUIT | 2,067 | 162 | 129 | 33 | 19.7 |
| Illinois | | | | | |
| Central | 406 | 170 | 123 | 47 | 26.7 |
| Northern | 488 | 178 | 148 | 30 | 16.2 |
| Southern | 412 | 143 | 113 | 30 | 20.7 |
| Indiana | | | | | |
| Northern | 193 | 157 | 129 | 28 | 16.9 |
| Southern | 283 | 165 | 134 | 31 | 18.2 |
| Wisconsin | | | | | |
| Eastern | 175 | 134 | 112 | 22 | 16.4 |
| Western | 110 | 168 | 135 | 33 | 18.7 |
| EIGHTH CIRCUIT | 3,319 | 145 | 120 | 26 | 17.9 |
| Arkansas | | | | | |
| Eastern | 225 | 122 | 102 | 20 | 17.0 |
| Western | 214 | 112 | 93 | 19 | 17.3 |
| Iowa | | | | | |
| Northern | 491 | 163 | 129 | 33 | 21.4 |
| Southern | 420 | 171 | 140 | 31 | 18.2 |
| Minnesota | 237 | 157 | 131 | 26 | 17.0 |
| Missouri | | | | | |
| Eastern | 417 | 141 | 117 | 24 | 16.2 |
| Western | 441 | 138 | 115 | 23 | 16.4 |
| 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**

| 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 | 2,934 | 128 | 108 | 21 | 15.9 |
| Alaska | 118 | 134 | 114 | 20 | 15.1 |
| Arizona | 247 | 104 | 88 | 16 | 14.9 |
| California | | | | | |
| Central | 389 | 132 | 111 | 21 | 15.2 |
| Eastern | 419 | 131 | 110 | 21 | 16.3 |
| Northern | 189 | 124 | 105 | 19 | 14.8 |
| Southern | 323 | 100 | 85 | 16 | 15.4 |
| Guam | 22 | 167 | 132 | 36 | 20.3 |
| Hawaii | 222 | 146 | 121 | 25 | 17.0 |
| Idaho | 267 | 143 | 119 | 24 | 17.1 |
| Montana | 233 | 157 | 130 | 27 | 16.9 |
| Nevada | 181 | 124 | 104 | 20 | 16.3 |
| Northern Mariana Islands | 4 | 127 | 94 | 33 | 23.9 |
| Oregon | 120 | 122 | 101 | 20 | 16.8 |
| Washington | | | | | |
| Eastern | 103 | 133 | 114 | 19 | 14.8 |
| Western | 97 | 117 | 100 | 17 | 13.0 |
| TENTH CIRCUIT | 1,425 | 151 | 124 | 26 | 16.8 |
| Colorado | 159 | 127 | 105 | 21 | 17.5 |
| Kansas | 425 | 158 | 131 | 27 | 16.9 |
| New Mexico | 162 | 129 | 108 | 21 | 16.1 |
| Oklahoma | | | | | |
| Eastern | 80 | 156 | 131 | 25 | 16.0 |
| Northern | 115 | 169 | 140 | 30 | 16.9 |
| Western | 123 | 178 | 137 | 41 | 16.4 |
| Utah | 188 | 134 | 112 | 22 | 16.0 |
| Wyoming | 173 | 160 | 132 | 28 | 18.1 |
| ELEVENTH CIRCUIT | 3,704 | 159 | 131 | 28 | 17.3 |
| Alabama | | | | | |
| Middle | 113 | 153 | 130 | 24 | 15.5 |
| Northern | 229 | 151 | 121 | 30 | 18.9 |
| Southern | 293 | 173 | 140 | 33 | 18.1 |
| Florida | | | | | |
| Middle | 908 | 143 | 118 | 25 | 17.3 |
| Northern | 389 | 206 | 170 | 36 | 17.2 |
| Southern | 823 | 153 | 129 | 25 | 15.9 |
| Georgia | | | | | |
| Middle | 214 | 114 | 90 | 25 | 22.0 |
| Northern | 459 | 180 | 150 | 30 | 16.4 |
| Southern | 276 | 151 | 124 | 28 | 17.8 |

¹ Of the 49,911 cases reported to the Commission, 207 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 18,466 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 31,238 cases, 745 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 | 1,002 | 4.9 |
| Sentence is determined by a non-drug guideline | 775 | 3.8 |
| Case does not involve drugs | 227 | 1.1 |
| Offender not eligible under §1B1.10 | 11,640 | 57.7 |
| Career Offender or Armed Career Criminal provisions control sentence | 3,710 | 18.4 |
| Statutory mandatory minimum controls sentence | 3,173 | 15.7 |
| Guideline range does not change | 2,393 | 11.9 |
| Already received Amendment 782 reduction | 1,753 | 8.7 |
| Original sentence has been served | 312 | 1.5 |
| Defendant will be released before November 1, 2015 | 193 | 1.0 |
| Statutory maximum sentence is less than applicable guideline range | 103 | 0.5 |
| Base offense level is 43 | 3 | 0.0 |
| Denied on the merits | 4,559 | 22.6 |
| Offender has already benefitted from departure or variance | 2,201 | 10.9 |
| Denial because of binding plea ² | 792 | 3.9 |
| 18 U.S.C. § 3553(a) factors | 680 | 3.4 |
| Protection of the public | 537 | 2.7 |
| Post-sentencing or post-conviction conduct | 349 | 1.7 |
| No reason provided/Other reason | 2,987 | 14.8 |
| No reason provided | 2,394 | 11.9 |
| Other | 593 | 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, 20,188 reasons were cited in the 18,530 cases in which the court denied the motion for a sentence reduction pursuant to the retroactive application of Amendment 782.

² In *Hughes v. United States*, 584 U.S. ___, (2018), the United States Supreme Court held that offenders whose petition for a reduced sentence under 18 U.S.C. § 3582(c) was denied because a binding plea agreement had applied at the time they were sentenced were not precluded by this fact from seeking a sentence reduction. Approximately four of these offenders have been granted a sentence reduction upon a subsequent motion to the sentencing court after the date of the Hughes decision (June 4, 2018).

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