

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



March 2020

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 1995-2019 *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, 2019, and for which court documentation was received, coded, and edited at the Commission by March 16, 2020.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

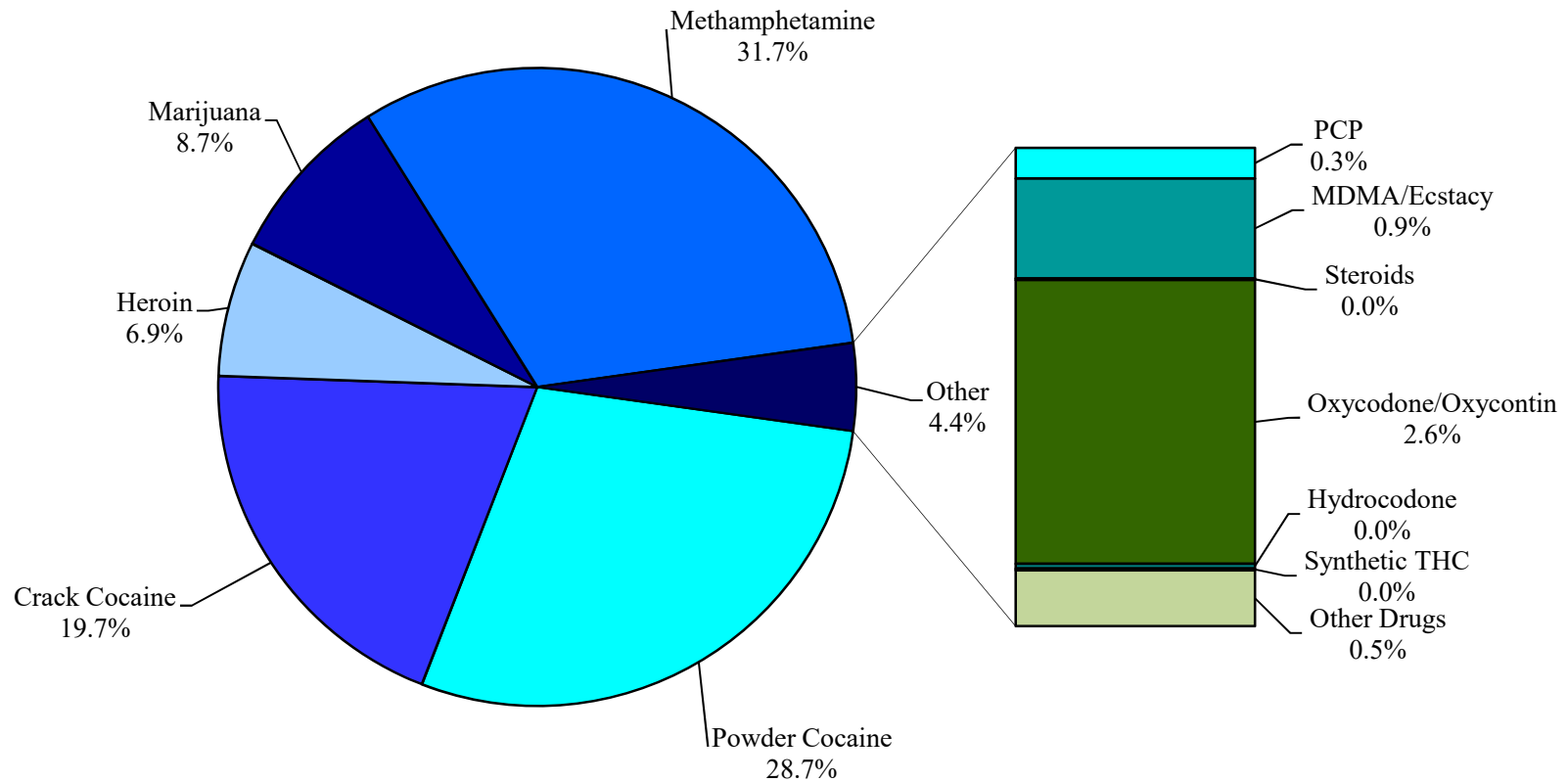
District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	50,676		31,763	62.7	18,913	37.3							
Southern Texas	3,402		1,592	46.8	1,810	53.2	Eastern Louisiana	345		194	56.2	151	43.8
Western Texas	2,580		1,804	69.9	776	30.1	New Mexico	340		164	48.2	176	51.8
Northern Texas	2,019		1,164	57.7	855	42.3	Montana	336		239	71.1	97	28.9
Middle Florida	1,973		922	46.7	1,051	53.3	New Jersey	327		189	57.8	138	42.2
Puerto Rico	1,933		1,284	66.4	649	33.6	Eastern Pennsylvania	325		324	99.7	1	0.3
Eastern North Carolina	1,260		752	59.7	508	40.3	Idaho	306		269	87.9	37	12.1
Eastern Texas	1,249		1,062	85.0	187	15.0	Middle Pennsylvania	302		170	56.3	132	43.7
Eastern Virginia	1,188		912	76.8	276	23.2	Western Oklahoma	299		166	55.5	133	44.5
Northern Iowa	1,134		522	46.0	612	54.0	Arizona	298		256	85.9	42	14.1
South Carolina	1,076		782	72.7	294	27.3	Western Louisiana	297		201	67.7	96	32.3
Western North Carolina	1,027		545	53.1	482	46.9	Western Washington	296		142	48.0	154	52.0
Eastern Tennessee	1,026		834	81.3	192	18.7	Northern West Virginia	294		232	78.9	62	21.1
Southern Florida	990		843	85.2	147	14.8	Eastern New York	286		139	48.6	147	51.4
Western Virginia	914		547	59.8	367	40.2	Wyoming	284		221	77.8	63	22.2
Southern California	895		326	36.4	569	63.6	Massachusetts	259		117	45.2	142	54.8
Southern Iowa	893		451	50.5	442	49.5	North Dakota	254		189	74.4	65	25.6
Northern Florida	825		415	50.3	410	49.7	Northern New York	254		163	64.2	91	35.8
Western Missouri	820		460	56.1	360	43.9	Connecticut	244		147	60.2	97	39.8
Northern Georgia	816		472	57.8	344	42.2	Eastern Wisconsin	241		178	73.9	63	26.1
Maryland	798		500	62.7	298	37.3	Northern Indiana	241		199	82.6	42	17.4
Nebraska	795		570	71.7	225	28.3	Hawaii	239		223	93.3	16	6.7
Central Illinois	794		427	53.8	367	46.2	Northern Oklahoma	237		130	54.9	107	45.1
Central California	742		406	54.7	336	45.3	Eastern Arkansas	234		226	96.6	8	3.4
Middle North Carolina	697		355	50.9	342	49.1	Nevada	225		184	81.8	41	18.2
Southern Georgia	678		329	48.5	349	51.5	Western Pennsylvania	218		123	56.4	95	43.6
Eastern Kentucky	666		293	44.0	373	56.0	Eastern Washington	212		106	50.0	106	50.0
Eastern Missouri	633		419	66.2	214	33.8	Middle Alabama	197		117	59.4	80	40.6
Kansas	632		439	69.5	193	30.5	Northern Mississippi	195		157	80.5	38	19.5
Northern Illinois	621		509	82.0	112	18.0	Middle Louisiana	186		83	44.6	103	55.4
Eastern California	606		422	69.6	184	30.4	Middle Tennessee	185		102	55.1	83	44.9
Western Michigan	590		283	48.0	307	52.0	Western Wisconsin	183		119	65.0	64	35.0
Southern Illinois	576		414	71.9	162	28.1	Southern West Virginia	175		161	92.0	14	8.0
Western Tennessee	549		249	45.4	300	54.6	Alaska	161		120	74.5	41	25.5
Southern Indiana	511		320	62.6	191	37.4	Colorado	159		159	100.0	0	0.0
Southern New York	467		454	97.2	13	2.8	Maine	156		104	66.7	52	33.3
Southern Alabama	460		296	64.3	164	35.7	South Dakota	153		118	77.1	35	22.9
Eastern Michigan	396		283	71.5	113	28.5	Western Kentucky	146		138	94.5	8	5.5
Middle Georgia	391		215	55.0	176	45.0	District of Columbia	131		85	64.9	46	35.1
Southern Ohio	370		299	80.8	71	19.2	Eastern Oklahoma	125		81	64.8	44	35.2
Minnesota	369		239	64.8	130	35.2	Oregon	123		122	99.2	1	0.8
Utah	368		199	54.1	169	45.9	Rhode Island	110		55	50.0	55	50.0
Northern Alabama	365		255	69.9	110	30.1	New Hampshire	67		34	50.7	33	49.3
Western Arkansas	364		217	59.6	147	40.4	Vermont	44		39	88.6	5	11.4
Northern Ohio	359		283	78.8	76	21.2	Delaware	40		21	52.5	19	47.5
Southern Mississippi	357		232	65.0	125	35.0	Virgin Islands	39		26	66.7	13	33.3
Western New York	354		218	61.6	136	38.4	Guam	22		22	100.0	0	0.0
Northern California	354		191	54.0	163	46.0	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 31,763 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 535 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	50,461	31,614	62.7	18,847	37.3
2019	3	0	0.0	3	100.0
2018	21	0	0.0	21	100.0
2017	90	0	0.0	90	100.0
2016	439	2	0.5	437	99.5
2015	1,582	142	9.0	1,440	91.0
2014	7,141	4,325	60.6	2,816	39.4
2013	8,252	5,751	69.7	2,501	30.3
2012	6,779	4,780	70.5	1,999	29.5
2011	5,130	3,532	68.8	1,598	31.2
2010	3,986	2,473	62.0	1,513	38.0
2009	3,524	2,167	61.5	1,357	38.5
2008	2,816	1,785	63.4	1,031	36.6
2007	2,332	1,498	64.2	834	35.8
2006	1,748	1,138	65.1	610	34.9
2005	1,318	792	60.1	526	39.9
2004	1,000	628	62.8	372	37.2
2003	855	507	59.3	348	40.7
2002	560	321	57.3	239	42.7
2001	469	285	60.8	184	39.2
2000	415	243	58.6	172	41.4
1999	391	239	61.1	152	38.9
1998	293	185	63.1	108	36.9
1997	248	156	62.9	92	37.1
1996	229	145	63.3	84	36.7
1995	214	125	58.4	89	41.6
1994	197	114	57.9	83	42.1
1993	139	89	64.0	50	36.0
1992	128	89	69.5	39	30.5
1991	92	67	72.8	25	27.2
1990	57	27	47.4	30	52.6
1989	13	9	69.2	4	30.8

¹ Of the 50,676 cases reported to the Commission, 215 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	30,589	25,596	83.7	0	0.0	4,993	16.3
D.C. CIRCUIT	81	81	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,588	1,497	94.3	0	0.0	91	5.7
SECOND CIRCUIT	1,144	955	83.5	0	0.0	189	16.5
THIRD CIRCUIT	626	612	97.8	0	0.0	14	2.2
FOURTH CIRCUIT	4,637	3,835	82.7	0	0.0	802	17.3
FIFTH CIRCUIT	6,406	4,659	72.7	0	0.0	1,747	27.3
SIXTH CIRCUIT	2,733	2,334	85.4	0	0.0	399	14.6
SEVENTH CIRCUIT	2,144	2,104	98.1	0	0.0	40	1.9
EIGHTH CIRCUIT	3,381	2,481	73.4	0	0.0	900	26.6
NINTH CIRCUIT	2,697	2,618	97.1	0	0.0	79	2.9
TENTH CIRCUIT	1,378	1,266	91.9	0	0.0	112	8.1
ELEVENTH CIRCUIT	3,774	3,154	83.6	0	0.0	620	16.4

¹ Of the 31,763 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,220 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, 30,589 origins were cited for the 30,543 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	7,281	818	9.1	285	4.6	222	10.4	633	23.4	4,588	46.4	735	53.4
Black	10,306	2,922	32.7	5,338	87.1	872	40.8	519	19.2	266	2.7	389	28.2
Hispanic	12,789	5,125	57.3	450	7.3	1,028	48.1	1,461	54.1	4,603	46.6	122	8.9
Other	797	80	0.9	59	1.0	16	0.7	88	3.3	423	4.3	131	9.5
Total	31,173	8,945		6,132		2,138		2,701		9,880		1,377	
Citizenship													
U.S. Citizen	23,729	6,116	68.4	5,936	96.7	1,559	72.9	1,925	71.1	6,944	70.2	1,249	90.6
Non-Citizen	7,463	2,828	31.6	200	3.3	581	27.1	782	28.9	2,942	29.8	130	9.4
Total	31,192	8,944		6,136		2,140		2,707		9,886		1,379	
Gender													
Male	28,999	8,576	95.8	5,905	96.2	1,989	92.9	2,589	95.5	8,720	88.1	1,220	88.4
Female	2,226	380	4.2	235	3.8	153	7.1	121	4.5	1,177	11.9	160	11.6
Total	31,225	8,956		6,140		2,142		2,710		9,897		1,380	
Average Age													
	35	36		32		35		36		36		37	

¹ Of the 31,763 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 535 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 (55), missing citizenship information (36), missing gender information (3), and missing age information (10).

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	23.8	19.5	22.2	17.8	31.9	24.1	20.4	17.7	20.5	15.4	22.6	19.0	18.0	17.2
Firearms Mandatory Minimum Applied	11.1	11.0	11.3	10.6	16.1	16.2	7.3	7.5	9.4	9.7	9.3	8.1	10.0	10.9
Safety Valve	12.8	11.8	16.0	17.5	2.5	0.8	14.7	10.7	13.8	10.3	15.8	17.3	11.6	9.1
Guideline Role Adjustments														
Aggravating Role (USSG §3B1.1)	20.2	16.0	23.1	19.0	19.6	13.5	25.5	17.8	32.1	19.3	13.5	13.5	20.0	22.4
Mitigating Role (USSG §3B1.2)	3.6	5.3	3.3	5.0	1.2	1.6	4.2	5.7	4.1	7.0	5.4	8.3	2.7	3.9
Obstruction Adjustment (USSG §3C1.1)	6.2	5.2	6.5	4.9	7.6	6.4	4.2	4.5	9.5	6.4	4.9	3.9	4.7	7.9
Sentence Relative to the Guideline Range														
Within Range	63.8	48.4	67.1	53.5	65.5	54.9	66.1	41.1	68.6	60.0	58.3	37.6	60.3	35.1
Above Range	1.2	2.1	1.2	1.6	1.4	2.2	2.2	3.9	1.7	3.9	0.7	1.3	1.4	3.3
Below Range	35.0	49.5	31.7	44.9	33.1	42.9	31.7	54.9	29.6	36.1	41.0	61.1	38.3	61.6
Criminal History Category														
I	35.7	30.1	48.2	44.2	13.7	7.9	36.5	28.4	42.4	32.0	35.8	36.9	36.5	31.1
II	13.8	10.1	14.5	10.3	11.4	6.1	14.8	9.8	16.1	14.5	13.9	12.2	14.3	10.8
III	20.1	13.8	18.5	13.0	23.4	13.2	19.9	12.8	20.0	16.6	19.4	14.0	22.2	15.7
IV	12.4	8.0	9.3	5.9	18.9	9.4	11.6	6.7	10.1	8.9	11.9	8.8	12.0	8.5
V	7.5	5.6	4.1	3.4	13.0	7.5	7.9	6.4	5.8	5.6	7.9	5.6	6.2	6.9
VI	10.5	32.4	5.4	23.2	19.6	56.0	9.4	35.9	5.7	22.3	11.2	22.6	8.7	26.9

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	30,852	146	121	25	17.2
D.C. CIRCUIT	67	151	128	22	14.0
District of Columbia	67	151	128	22	14.0
FIRST CIRCUIT	1,553	127	106	21	16.3
Maine	103	123	102	21	17.5
Massachusetts	115	160	130	30	18.3
New Hampshire	34	132	112	21	16.5
Puerto Rico	1,256	124	104	20	16.1
Rhode Island	45	123	106	17	13.6
SECOND CIRCUIT	1,086	143	119	24	16.0
Connecticut	146	122	101	21	16.9
New York					
Eastern	128	187	154	33	17.2
Northern	122	109	89	20	18.7
Southern	444	154	129	24	14.7
Western	207	132	112	21	15.9
Vermont	39	115	97	18	15.9
THIRD CIRCUIT	842	147	122	25	16.4
Delaware	20	187	154	33	18.5
New Jersey	185	139	115	25	17.6
Pennsylvania					
Eastern	321	158	131	27	16.5
Middle	169	142	119	23	15.7
Western	123	133	113	20	14.8
Virgin Islands	24	146	121	25	17.0
FOURTH CIRCUIT	4,606	159	132	27	17.1
Maryland	493	147	121	26	16.9
North Carolina					
Eastern	745	165	137	28	17.1
Middle	354	150	124	26	16.4
Western	483	173	144	29	16.8
South Carolina	741	162	133	30	17.9
Virginia					
Eastern	866	174	145	29	16.4
Western	532	157	130	26	17.6
West Virginia					
Northern	232	114	95	20	17.3
Southern	160	130	107	24	18.4

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				
FIFTH CIRCUIT	6,431	140	116	24	16.9
Louisiana					
Eastern	194	144	121	23	15.8
Middle	81	150	124	26	17.2
Western	200	155	126	29	18.4
Mississippi					
Northern	157	127	101	26	20.8
Southern	230	141	116	26	17.6
Texas					
Eastern	1,043	145	119	26	18.2
Northern	1,148	167	138	29	17.2
Southern	1,585	135	113	22	15.5
Western	1,793	124	103	21	16.8
SIXTH CIRCUIT	2,671	131	108	23	17.7
Kentucky					
Eastern	292	120	101	19	16.0
Western	137	136	114	22	16.1
Michigan					
Eastern	280	147	121	26	17.6
Western	268	145	123	23	15.5
Ohio					
Northern	281	113	91	23	19.7
Southern	297	127	107	20	16.1
Tennessee					
Eastern	825	128	102	26	19.7
Middle	102	150	125	25	16.6
Western	189	141	118	23	16.5
SEVENTH CIRCUIT	2,116	162	129	33	19.7
Illinois					
Central	407	170	123	47	26.7
Northern	496	179	149	31	16.3
Southern	413	144	114	30	20.7
Indiana					
Northern	196	157	129	28	16.9
Southern	318	168	135	33	18.7
Wisconsin					
Eastern	175	134	112	22	16.4
Western	111	170	137	33	18.8
EIGHTH CIRCUIT	3,332	146	120	26	17.8
Arkansas					
Eastern	226	123	103	20	16.9
Western	214	112	93	19	17.3
Iowa					
Northern	491	163	129	33	21.4
Southern	421	171	140	31	18.3
Minnesota	238	157	131	26	16.9
Missouri					
Eastern	417	141	117	24	16.2
Western	450	140	117	23	16.3
Nebraska	569	141	117	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	2,958	129	108	21	15.9
Alaska	119	135	115	20	15.2
Arizona	249	105	89	16	15.0
California					
Central	400	134	112	21	15.4
Eastern	422	132	111	21	16.2
Northern	190	124	106	19	14.8
Southern	325	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	235	156	130	27	16.9
Nevada	181	124	104	20	16.3
Northern Mariana Islands	4	127	94	33	23.9
Oregon	121	123	102	21	16.8
Washington					
Eastern	104	133	114	19	14.7
Western	97	117	100	17	13.0
TENTH CIRCUIT	1,459	152	125	27	16.9
Colorado	159	127	105	21	17.5
Kansas	438	158	131	27	16.9
New Mexico	164	137	110	27	16.5
Oklahoma					
Eastern	80	156	131	25	16.0
Northern	115	169	140	30	16.9
Western	124	178	137	41	16.4
Utah	199	136	114	22	16.2
Wyoming	180	161	133	28	18.1
ELEVENTH CIRCUIT	3,731	159	131	28	17.3
Alabama					
Middle	116	152	129	23	15.4
Northern	233	156	123	34	19.0
Southern	294	173	141	33	18.1
Florida					
Middle	915	144	119	25	17.2
Northern	389	206	170	36	17.2
Southern	827	154	129	25	15.9
Georgia					
Middle	214	114	90	25	22.0
Northern	467	181	151	30	16.4
Southern	276	151	124	28	17.8

¹ Of the 50,676 cases reported to the Commission, 215 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 18,847 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 31,614 cases, 762 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	1,029	5.0
Sentence is determined by a non-drug guideline	795	3.9
Case does not involve drugs	234	1.1
Offender not eligible under §1B1.10	11,925	57.8
Career Offender or Armed Career Criminal provisions control sentence	3,772	18.3
Statutory mandatory minimum controls sentence	3,227	15.6
Guideline range does not change	2,454	11.9
Already received Amendment 782 reduction	1,852	9.0
Original sentence has been served	320	1.6
Defendant will be released before November 1, 2015	193	0.9
Statutory maximum sentence is less than applicable guideline range	104	0.5
Base offense level is 43	3	0.0
Denied on the merits	4,649	22.6
Offender has already benefitted from departure or variance	2,237	10.8
Denial because of binding plea ²	801	3.9
18 U.S.C. § 3553(a) factors	697	3.4
Protection of the public	552	2.7
Post-sentencing or post-conviction conduct	362	1.8
No reason provided/Other reason	3,026	14.7
No reason provided	2,406	11.7
Other	620	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, 20,629 reasons were cited in the 18,913 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 63 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.