

**U.S. Sentencing Commission
Final Crack Retroactivity Data Report
Fair Sentencing Act**



December 2014

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* or in the Commission's *Final Report on the Impact of the United States v. Booker on Federal Sentencing*.³ 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).

This report provides data concerning the retroactive application of the guideline amendment implementation of the Fair Sentencing Act (FSA), Pub. L. No. 111–220, signed into law on August 3, 2010. The FSA increased the quantities of crack cocaine that trigger the five and ten-year statutory mandatory minimum penalties — from five grams to 28 grams for five-year mandatory minimums and from 50 to 280 grams for ten-year mandatory minimums — and eliminated the five-year mandatory minimum for simple possession of crack cocaine. Significantly, the FSA gave the Commission emergency amendment authority to temporarily change the guidelines to implement the statutory changes and to add certain enhancements and reductions to the guidelines.

On October 15, 2010 the Commission voted to promulgate Amendment 748, the emergency amendment which took effect on November 1, 2010. Among other changes, Amendment 748 made conforming changes to the guidelines to adjust the crack cocaine quantity levels in the Drug Quantity Table in §2D1.1 to the new statutory minimums, added new aggravating and mitigating factors in drug trafficking cases, and reflected the elimination of the statutory five-year mandatory minimum penalty for simple possession of crack cocaine.

On April 28, 2011, the Commission submitted to Congress, Amendment 750, the permanent guideline amendment implementing the FSA. The three-part amendment (A, B & C)

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 1995-2013 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

³ See www.ussc.gov/bf.htm for an electronic copy of the Commission's *Final Report on the Impact of United States v. Booker on Federal Sentencing*.

re-promulgated as permanent the temporary emergency amendment and took effect on November 1, 2011.

On June 30, 2011, the Commission voted to promulgate Amendment 759 which added Parts A and C of Amendment 750 as amendments listed in §1B1.10 (*Reduction in Term of Imprisonment as a Result of an Amended Guideline Range*)(*Policy Statement*) that apply retroactively. Part A contained the changes to the crack cocaine quantity levels in the Drug Quantity Table in §2D1.1. Part C deleted the cross reference in §2D2.1 to reflect the elimination of the statutory minimum for simple possession of crack cocaine. The Commission voted to make Amendment 759 effective November 1, 2011, the same date that Amendment 750 took effect.

The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Amendment 750. The data in this report reflects all motions decided through October 31, 2014 and for which court documentation was received, coded, and edited at the Commission by December 16, 2014. This December 2014 report is the final report in this series.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE CRACK COCAINE AMENDMENT BY DISTRICT

District	N	Granted		Denied		District	N	Granted		Denied	
		N	%	N	%			N	%	N	%
TOTAL	13,990	7,748	55.4	6,242	44.6						
Eastern Virginia	897	602	67.1	295	32.9	Western Oklahoma	123	48	39.0	75	61.0
Western North Carolina	683	224	32.8	459	67.2	Middle Louisiana	121	41	33.9	80	66.1
Eastern North Carolina	622	237	38.1	385	61.9	Eastern Michigan	110	101	91.8	9	8.2
Western Virginia	488	253	51.8	235	48.2	Eastern New York	109	35	32.1	74	67.9
South Carolina	427	275	64.4	152	35.6	Southern Mississippi	104	104	100.0	0	0.0
Southern Georgia	417	130	31.2	287	68.8	Western New York	103	91	88.3	12	11.7
Western Texas	407	275	67.6	132	32.4	New Jersey	100	58	58.0	42	42.0
Puerto Rico	371	195	52.6	176	47.4	Eastern Arkansas	100	61	61.0	39	39.0
Middle North Carolina	370	132	35.7	238	64.3	Northern New York	99	81	81.8	18	18.2
Northern Florida	331	104	31.4	227	68.6	Western Pennsylvania	99	54	54.5	45	45.5
Southern Alabama	318	157	49.4	161	50.6	Northern Mississippi	96	67	69.8	29	30.2
Northern Iowa	288	81	28.1	207	71.9	Northern Georgia	96	35	36.5	61	63.5
Western Louisiana	278	105	37.8	173	62.2	Eastern Louisiana	95	95	100.0	0	0.0
Eastern Missouri	273	154	56.4	119	43.6	Eastern Pennsylvania	86	84	97.7	2	2.3
Eastern Texas	250	198	79.2	52	20.8	Western Wisconsin	85	85	100.0	0	0.0
Northern West Virginia	242	241	99.6	1	0.4	Massachusetts	81	45	55.6	36	44.4
Maryland	239	202	84.5	37	15.5	District of Columbia	80	73	91.3	7	8.8
Middle Florida	238	231	97.1	7	2.9	Eastern Kentucky	68	29	42.6	39	57.4
Western Kentucky	233	62	26.6	171	73.4	Alaska	63	32	50.8	31	49.2
Middle Georgia	230	111	48.3	119	51.7	Maine	54	19	35.2	35	64.8
Western Michigan	215	79	36.7	136	63.3	Southern New York	53	33	62.3	20	37.7
Southern Iowa	208	60	28.8	148	71.2	Rhode Island	48	25	52.1	23	47.9
Central Illinois	208	85	40.9	123	59.1	Colorado	48	40	83.3	8	16.7
Northern Texas	198	118	59.6	80	40.4	Central California	45	34	75.6	11	24.4
Middle Pennsylvania	195	146	74.9	49	25.1	Western Arkansas	45	18	40.0	27	60.0
Eastern Tennessee	192	112	58.3	80	41.7	New Hampshire	45	15	33.3	30	66.7
Western Missouri	190	91	47.9	99	52.1	Northern Oklahoma	43	28	65.1	15	34.9
Northern Ohio	185	94	50.8	91	49.2	Northern California	40	37	92.5	3	7.5
Northern Indiana	182	104	57.1	78	42.9	Middle Tennessee	27	27	100.0	0	0.0
Southern Illinois	182	114	62.6	68	37.4	Western Washington	27	26	96.3	1	3.7
Nebraska	170	118	69.4	52	30.6	Eastern California	27	27	100.0	0	0.0
Western Tennessee	164	81	49.4	83	50.6	New Mexico	14	12	85.7	2	14.3
Southern Ohio	159	116	73.0	43	27.0	Eastern Oklahoma	13	13	100.0	0	0.0
Minnesota	157	74	47.1	83	52.9	Delaware	9	9	100.0	0	0.0
Middle Alabama	147	66	44.9	81	55.1	South Dakota	8	8	100.0	0	0.0
Southern Texas	146	85	58.2	61	41.8	Nevada	8	8	100.0	0	0.0
Northern Alabama	143	22	15.4	121	84.6	Utah	7	7	100.0	0	0.0
Northern Illinois	141	139	98.6	2	1.4	Wyoming	6	6	100.0	0	0.0
Kansas	139	109	78.4	30	21.6	Oregon	6	6	100.0	0	0.0
Connecticut	134	48	35.8	86	64.2	Vermont	5	5	100.0	0	0.0
Southern Florida	134	75	56.0	59	44.0	Eastern Washington	5	3	60.0	2	40.0
Southern West Virginia	131	106	80.9	25	19.1	Southern California	4	4	100.0	0	0.0
Eastern Wisconsin	130	60	46.2	70	53.8	Hawaii	2	0	0.0	2	100.0
Southern Indiana	130	47	36.2	83	63.8	Arizona	1	1	100.0	0	0.0

Note: Some districts may not have reported all denials of motions seeking retroactive application of Amendment 750.

SOURCE: U.S. Sentencing Commission, 2008-2014 Datafiles, USSCFY08-USSCFY14.

Table 2

**GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF
RETROACTIVE CRACK COCAINE AMENDMENT
BY JUDICIAL CIRCUIT**

Circuit	N	Granted	Denied
TOTAL	13,990	7,748	6,242
FOURTH CIRCUIT	4,099	2,272	1,827
ELEVENTH CIRCUIT	2,054	931	1,123
FIFTH CIRCUIT	1,695	1,088	607
EIGHTH CIRCUIT	1,439	665	774
SIXTH CIRCUIT	1,353	701	652
SEVENTH CIRCUIT	1,058	634	424
FIRST CIRCUIT	599	299	300
SECOND CIRCUIT	503	293	210
THIRD CIRCUIT	489	351	138
TENTH CIRCUIT	393	263	130
NINTH CIRCUIT	228	178	50
D.C. CIRCUIT	80	73	7

SOURCE: U.S. Sentencing Commission, 2008-2014 Datafiles, USSCFY08-USSCFY14.

Table 3**APPLICATION OF RETROACTIVE CRACK COCAINE AMENDMENT BY
YEAR OF ORIGINAL SENTENCE¹**

Fiscal Year	Total	Granted		Denied	
	N	N	%	N	%
Total	13,922	7,710	55.4	6,212	44.6
2014	1	0	0.0	1	100.0
2013	15	0	0.0	15	100.0
2012	69	9	13.0	60	87.0
2011	664	213	32.1	451	67.9
2010	1,626	913	56.2	713	43.8
2009	1,974	1,190	60.3	784	39.7
2008	1,905	1,198	62.9	707	37.1
2007	1,489	882	59.2	607	40.8
2006	1,190	694	58.3	496	41.7
2005	963	537	55.8	426	44.2
2004	690	373	54.1	317	45.9
2003	656	334	50.9	322	49.1
2002	439	207	47.2	232	52.8
2001	376	209	55.6	167	44.4
2000	315	143	45.4	172	54.6
1999	291	162	55.7	129	44.3
1998	240	133	55.4	107	44.6
1997	233	117	50.2	116	49.8
1996	206	100	48.5	106	51.5
1995	182	88	48.4	94	51.6
1994	155	78	50.3	77	49.7
1993	109	62	56.9	47	43.1
1992	78	38	48.7	40	51.3
1991	33	16	48.5	17	51.5
1990	19	11	57.9	8	42.1
1989	4	3	75.0	1	25.0

¹ Of the 13,990 cases, 68 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, 2008-2014 Datafiles, USSCFY08-USSCFY14.

Table 4**ORIGIN OF GRANTED MOTION FOR SENTENCE REDUCTION DUE TO
RETROACTIVE APPLICATION OF CRACK COCAINE AMENDMENT¹**

CIRCUIT	N	Defendant		Director BOP²		Court	
		N	%	N	%	N	%
TOTAL	7,084	5,865	82.8	0	0.0	1,219	17.2
D.C. CIRCUIT	69	69	100.0	0	0.0	0	0.0
FIRST CIRCUIT	292	271	92.8	0	0.0	21	7.2
SECOND CIRCUIT	274	240	87.6	0	0.0	34	12.4
THIRD CIRCUIT	266	260	97.7	0	0.0	6	2.3
FOURTH CIRCUIT	2,132	1,654	77.6	0	0.0	478	22.4
FIFTH CIRCUIT	981	735	74.9	0	0.0	246	25.1
SIXTH CIRCUIT	640	546	85.3	0	0.0	94	14.7
SEVENTH CIRCUIT	610	601	98.5	0	0.0	9	1.5
EIGHTH CIRCUIT	631	561	88.9	0	0.0	70	11.1
NINTH CIRCUIT	136	105	77.2	0	0.0	31	22.8
TENTH CIRCUIT	254	239	94.1	0	0.0	15	5.9
ELEVENTH CIRCUIT	799	584	73.1	0	0.0	215	26.9

¹ Of the 7,748 cases in which the court granted a motion for a sentence reduction due to retroactive application of the crack cocaine amendment, 670 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, 7,084 origins were cited for the 7,078 cases.

² In three cases, documents provided to the Commission indicated that the Bureau of Prisons Director made the motion. Those cases appear to be clerical errors

Table 5

DEMOGRAPHIC CHARACTERISTICS OF OFFENDERS CONSIDERED FOR SENTENCE REDUCTION DUE TO APPLICATION OF RETROACTIVE CRACK COCAINE AMENDMENT

Race/Ethnicity	Total	Granted		Denied¹	
		N	%	N	%
White	476	435	5.6	41	3.2
Black	7,741	6,607	85.7	1,134	89.9
Hispanic	683	612	7.9	71	5.6
Other	74	58	0.8	16	1.3
Total	8,974	7,712		1,262	
Citizenship					
U.S. Citizen	8,628	7,419	96.5	1,209	95.9
Non-Citizen	320	268	3.5	52	4.1
Total	8,948	7,687		1,261	
Gender					
Male	8,601	7,383	95.4	1,218	96.4
Female	400	354	4.6	46	3.6
Total	9,001	7,737		1,264	
Average Age					
	30	30		31	

¹ The 1,264 offenders represented in this column are those whom the Commission previously identified as eligible to seek a sentence reduction but whose petition for a reduction was denied by the court. Of the remaining 4,978 cases in which the court denied the request for a sentence reduction, 1,739 were excluded from this analysis because the offender was not previously identified as eligible to seek a sentence reduction for one or more reasons (see 'Analysis of the Impact of the Guideline Implementation of the Fair Sentencing Act If Made Retroactive' (May 20, 2011) available at www.usc.gov). Of the remaining 3,239 cases, 2,435 were excluded from this analysis because the offender had been identified as released or projected to be released prior to November 1, 2011 and so was excluded from the Commission's prior analysis of eligible offenders, 298 were excluded from this analysis because the offender was not sentenced for a drug offense, 476 were excluded from this analysis because crack cocaine was not involved in the offense, and 30 were excluded from this analysis because the reason for the court's decision cannot yet be determined.

SOURCE: U.S. Sentencing Commission, 2008-2014 Datafiles, USSCFY08-USSCFY14.

Table 6

SELECTED SENTENCING FACTORS FOR OFFENDERS WHO WERE CONSIDERED FOR SENTENCE REDUCTION DUE TO APPLICATION OF RETROACTIVE CRACK COCAINE AMENDMENT

	All Cases	Granted	Denied ¹
	%	%	%
Weapon			
Weapon Specific Offense Characteristic	29.1	28.5	33.2
Firearms Mandatory Minimum Applied	14.4	13.9	18.0
Safety Valve	4.8	5.4	1.3
Guideline Role Adjustments			
Aggravating Role (USSG §3B1.1)	13.7	12.4	21.4
Mitigating Role (USSG §3B1.2)	1.5	1.5	1.1
Obstruction Adjustment (USSG §3C1.1)	7.8	7.2	11.6
Sentence Relative to the Guideline Range			
Within Range	72.0	72.1	71.2
Above Range	1.0	1.0	1.3
Below Range	27.0	26.9	27.5
Criminal History Category			
I	16.2	16.8	13.0
II	11.5	11.4	12.3
III	20.7	20.4	22.0
IV	17.3	17.8	14.3
V	13.2	13.6	10.7
VI	21.1	20.0	27.8

¹ The 1,264 offenders represented in this column are those whom the Commission previously identified as eligible to seek a sentence reduction but whose petition for a reduction was denied by the court. Of the remaining 4,978 cases in which the court denied the request for a sentence reduction, 1,739 were excluded from this analysis because the offender was not previously identified as eligible to seek a sentence reduction for one or more reasons (*see* 'Analysis of the Impact of the Guideline Implementation of the Fair Sentencing Act If Made Retroactive' (May 20, 2011) *available at* www.ussc.gov). Of the remaining 3,239 cases, 2,435 were excluded from this analysis because the offender had been identified as released or projected to be released prior to November 1, 2011 and so was excluded from the Commission's prior analysis of eligible offenders, 298 were excluded from this analysis because the offender was not sentenced for a drug offense, 476 were excluded from this analysis because crack cocaine was not involved in the offense, and 30 were excluded from this analysis because the reason for the court's decision cannot yet be determined.

SOURCE: U.S. Sentencing Commission, 2008-2014 Datafiles, USSCFY08-USSCFY14.

Table 7

**POSITION OF WITHIN RANGE SENTENCES FOR OFFENDERS GRANTED A
SENTENCE REDUCTION DUE TO APPLICATION OF RETROACTIVE
CRACK COCAINE AMENDMENT¹**

	<u>ORIGINAL SENTENCE</u>		<u>CURRENT SENTENCE</u>	
	N	%	N	%
TOTAL	2,424	100.0	2,424	100.0
Guideline Minimum	1,533	63.2	1,440	59.4
Lower Half of Range	421	17.4	366	15.1
Midpoint of Range	132	5.4	168	6.9
Upper Half of Range	183	7.5	236	9.7
Guideline Maximum	155	6.4	214	8.8

¹ Of the 7,748 cases in which a motion for retroactive application of the crack cocaine amendment was granted, 4,032 received a sentence within the guideline range at both their original and current sentencing. Of these, 1,608 cases were excluded from this analysis due to one or more of the following reasons: the case is missing sentence length or guideline relevant statutory information from the new sentence (964), the case is missing sentence length or guideline relevant statutory information from the original sentence (566), the new sentence had a guideline minimum and maximum that were identical (394) or the original sentence had a guideline minimum and maximum that were identical (62).

SOURCE: U.S. Sentencing Commission, 2008-2014 Datafiles, USSCFY08-USSCFY14.

Table 8

**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE APPLICATION OF
CRACK COCAINE AMENDMENT¹**

CIRCUIT		Average Current Sentence in Months	Average New Sentence in Months	Average Decrease in Months From Current Sentence	Average Percent Decrease From Current Sentence
District	N				
TOTAL	6,880	153	123	30	19.9
D.C. CIRCUIT	54	130	104	26	20.0
District of Columbia	54	130	104	26	20.0
FIRST CIRCUIT	267	119	100	19	16.1
Maine	19	119	99	20	15.6
Massachusetts	31	147	118	29	18.8
New Hampshire	13	107	91	17	19.2
Puerto Rico	189	114	96	18	15.6
Rhode Island	15	131	112	19	13.9
SECOND CIRCUIT	213	141	113	28	20.0
Connecticut	30	156	132	24	14.2
New York					
Eastern	32	145	106	39	24.5
Northern	55	149	120	30	21.0
Southern	32	148	118	31	20.9
Western	60	122	99	23	19.4
Vermont	4	118	99	19	16.5
THIRD CIRCUIT	296	141	115	26	18.4
Delaware	9	169	144	25	13.4
New Jersey	54	114	90	23	20.7
Pennsylvania					
Eastern	69	176	145	31	17.7
Middle	120	136	109	26	20.1
Western	44	127	109	18	13.1
Virgin Islands	0	--	--	--	--
FOURTH CIRCUIT	2,011	163	131	32	20.0
Maryland	129	176	136	41	22.4
North Carolina					
Eastern	233	177	142	34	19.4
Middle	131	194	157	37	18.6
Western	164	184	151	32	16.7
South Carolina	263	166	132	34	20.4
Virginia					
Eastern	507	164	134	31	18.3
Western	240	158	130	28	18.2
West Virginia					
Northern	240	121	92	29	25.5
Southern	104	148	112	36	24.0

Table 8 (continued)
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE APPLICATION OF
 CRACK COCAINE AMENDMENT**

CIRCUIT District	N	Average Current Sentence in Months	Average New Sentence in Months	Average Decrease in Months From Current Sentence	Average Percent Decrease From Current Sentence
FIFTH CIRCUIT	993	147	117	30	21.2
Louisiana					
Eastern	90	130	104	26	21.0
Middle	27	165	136	28	16.8
Western	98	189	157	33	18.5
Mississippi					
Northern	48	145	111	34	24.7
Southern	79	148	117	31	21.8
Texas					
Eastern	197	132	103	28	21.8
Northern	117	183	149	34	19.3
Southern	65	177	142	36	19.4
Western	272	123	96	27	22.8
SIXTH CIRCUIT	663	134	108	26	20.2
Kentucky					
Eastern	19	128	101	27	24.0
Western	62	103	82	20	20.3
Michigan					
Eastern	87	147	115	32	21.9
Western	79	152	126	26	17.0
Ohio					
Northern	91	122	97	26	21.0
Southern	116	142	117	26	19.1
Tennessee					
Eastern	112	134	108	27	21.1
Middle	26	161	126	35	20.3
Western	71	121	98	23	20.2
SEVENTH CIRCUIT	583	168	135	32	19.4
Illinois					
Central	76	160	132	28	18.5
Northern	135	170	139	31	17.3
Southern	111	186	148	38	21.4
Indiana					
Northern	102	147	117	30	21.0
Southern	36	235	190	45	19.5
Wisconsin					
Eastern	57	132	107	25	18.0
Western	66	165	130	35	20.6
EIGHTH CIRCUIT	585	144	116	28	19.6
Arkansas					
Eastern	59	116	91	25	23.9
Western	17	111	90	21	20.3
Iowa					
Northern	73	190	151	39	19.7
Southern	60	184	151	33	17.4
Minnesota	55	151	127	24	15.6
Missouri					
Eastern	138	120	95	24	20.7
Western	59	155	121	33	19.0
Nebraska	117	136	110	26	19.5
North Dakota	0	--	--	--	--
South Dakota	7	100	73	28	19.2

Table 8 (continued)

**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE APPLICATION OF
CRACK COCAINE AMENDMENT**

CIRCUIT District	N	Average Current Sentence in Months	Average New Sentence in Months	Average Decrease in Months From Current Sentence	Average Percent Decrease From Current Sentence
NINTH CIRCUIT	174	116	92	24	20.8
Alaska	32	129	102	27	21.0
Arizona	1	--	--	--	--
California					
Central	33	116	93	23	22.0
Eastern	27	120	96	24	21.2
Northern	35	97	79	18	19.3
Southern	4	135	97	38	25.7
Guam	0	--	--	--	--
Hawaii	0	--	--	--	--
Idaho	0	--	--	--	--
Montana	0	--	--	--	--
Nevada	7	171	131	40	21.8
Northern Mariana Islands	0	--	--	--	--
Oregon	6	122	86	36	30.2
Washington					
Eastern	3	67	50	17	27.0
Western	26	105	88	17	16.0
TENTH CIRCUIT	215	165	133	31	18.7
Colorado	35	167	134	33	18.1
Kansas	85	139	113	26	17.7
New Mexico	10	139	120	19	16.7
Oklahoma					
Eastern	13	127	99	28	22.6
Northern	22	171	147	24	14.2
Western	38	248	197	51	20.2
Utah	6	155	117	38	30.4
Wyoming	6	98	72	26	27.4
ELEVENTH CIRCUIT	826	174	139	34	20.4
Alabama					
Middle	65	152	124	27	19.1
Northern	19	194	150	44	21.3
Southern	134	219	174	45	19.9
Florida					
Middle	228	159	130	30	20.5
Northern	90	249	200	49	19.5
Southern	65	143	116	27	18.1
Georgia					
Middle	111	123	95	29	24.0
Northern	33	203	166	37	18.0
Southern	81	152	122	30	20.6

¹ Of the 13,990 cases, 68 were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 6,212 were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 7,710 cases, 830 were excluded from this analysis because the offender was sentenced to time served and the resulting term of imprisonment could not be determined from the records received by the Commission.

Table 9**REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF MOTION¹**

REASONS	N	%
Offense does not involve crack cocaine	369	5.3
Case does not involve crack cocaine	286	4.1
Sentence is determined by a non-drug guideline	83	1.2
Offender not eligible under §1B1.10	4,635	66.5
Statutory mandatory minimum controls sentence	1,771	25.4
Career Offender or Armed Career Criminal provisions control sentence	1,368	19.6
Guideline range does not change	873	12.5
Base offense level does not change (due to multiple drugs)	192	2.8
Case involved more than 8.4 kg of crack cocaine	178	2.6
Original sentence has been served	119	1.7
Case involved more than 4.5 kg of crack cocaine	110	1.6
Statutory maximum sentence is less than applicable guideline range	21	0.3
Base offense level is 43	3	0.0
Denied on the merits	1,010	14.4
Offender has already benefitted from departure or variance	283	4.1
Offender subject to guideline reduction at original sentencing	173	2.5
18 U.S.C. § 3553(a) factors	170	2.4
Protection of the public	114	1.6
Already received crack reduction	92	1.3
Post-sentencing or post-conviction conduct	83	1.2
Denial because of binding plea	71	1.0
Previous variance or departure for crack/powder disparity	24	0.3
No reason provided/Other reason	965	13.8
No reason provided	726	10.4
Other	239	3.4

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, 6,979 reasons were cited for the 6,242 cases. Of the 726 cases in which the court did not give a reason for the denial, 595 were previously identified as ineligible by the Commission for sentence reduction (*see* 'Analysis of the Impact of the Crack Cocaine Amendment If Made Retroactive' (May 20, 2011) *available at* www.ussc.gov). Of those 595 cases, a statutory mandatory minimum controlled the sentence in 37 cases, in 15 cases the quantity of crack cocaine in the case exceeded 8.4 Kg, in 37 cases the sentence was determined by a non-drug guideline, in 23 cases no change in the guideline range was found, in 83 cases crack cocaine was not involved, in 71 cases Career Offender or Armed Career Criminal provisions controlled the sentence, in 315 cases the offender was predicted to have been released, in seven cases the Bureau of Prisons informed the Commission that the offender was no longer serving time for the instant offense, in one case the base offense level was 12 or lower and in six cases there was no record on file with the Bureau of Prisons.

SOURCE: U.S. Sentencing Commission, 2008-2014 Datafiles, USSCFY08-USSCFY14.