

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



April 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.usc.gov, for electronic copies of the 1995-2016 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

³ U.S. SENTENCING COMMISSION, GUIDELINES MANUAL §2D1.1 (Unlawful Manufacturing, Importing, Exporting or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) (2013) (hereinafter USSG); USSG §2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy).

⁴ References to the "2014 drug guidelines amendment," "the amendment," or any similar references mean Amendment 782.

imprisonment pursuant to retroactive application of Amendment 782 be November 1, 2015 or later. Amendment 788 became effective on November 1, 2014.

The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Amendment 782. The data in this report reflects all motions decided through March 31, 2018, and for which court documentation was received, coded, and edited at the Commission by April 30, 2018.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

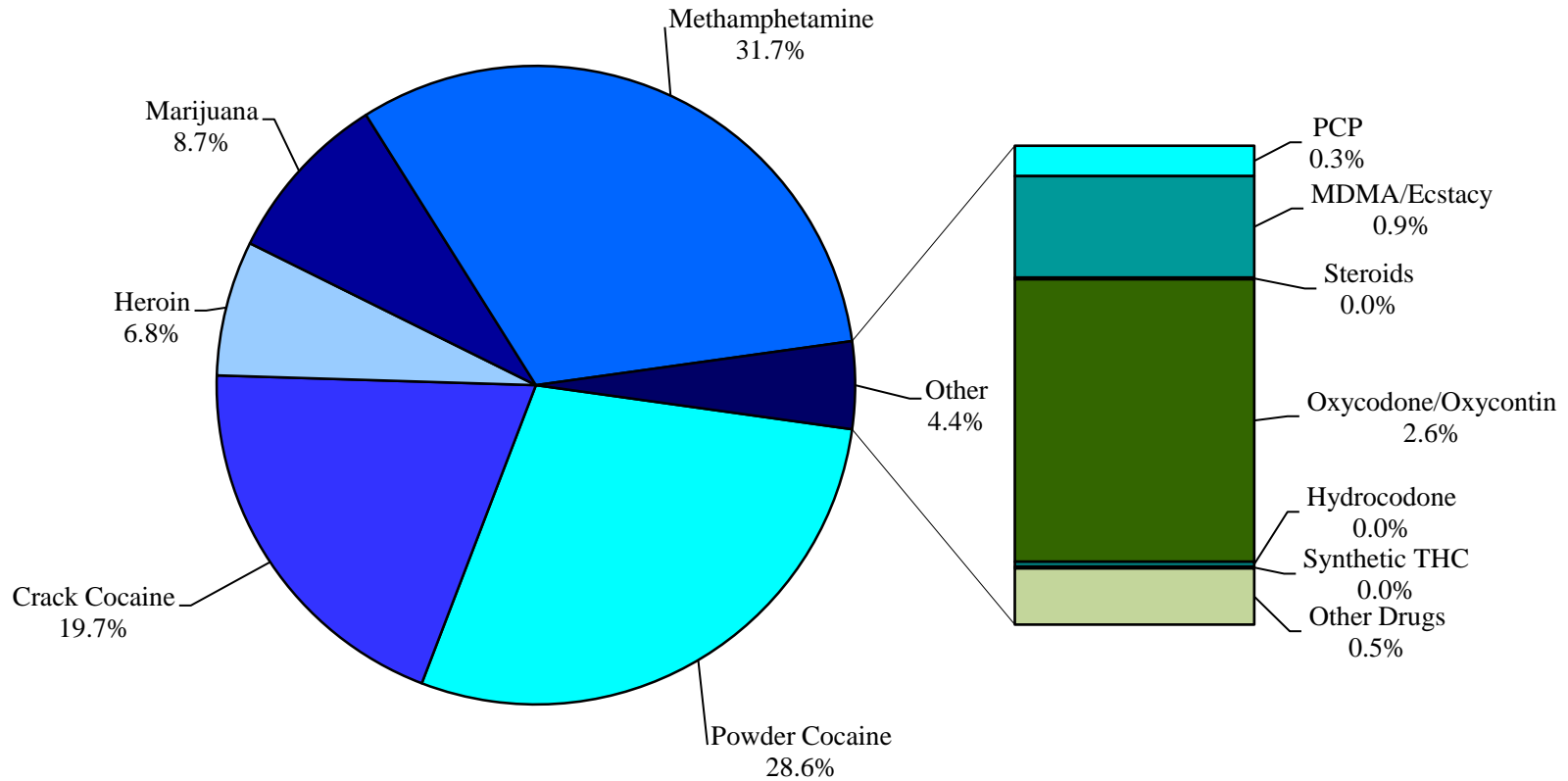
District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
TOTAL	48,834		31,231	64.0	17,603	36.0							
Southern Texas	3,288		1,573	47.8	1,715	52.2	New Mexico	335		161	48.1	174	51.9
Western Texas	2,544		1,785	70.2	759	29.8	Montana	333		236	70.9	97	29.1
Northern Texas	1,962		1,151	58.7	811	41.3	Southern California	325		324	99.7	1	0.3
Puerto Rico	1,897		1,256	66.2	641	33.8	New Jersey	318		184	57.9	134	42.1
Middle Florida	1,856		904	48.7	952	51.3	Idaho	306		269	87.9	37	12.1
Eastern Texas	1,218		1,040	85.4	178	14.6	Eastern Pennsylvania	301		300	99.7	1	0.3
Eastern Virginia	1,171		901	76.9	270	23.1	Middle Pennsylvania	298		166	55.7	132	44.3
Northern Iowa	1,134		522	46.0	612	54.0	Western Washington	296		142	48.0	154	52.0
Eastern North Carolina	1,124		736	65.5	388	34.5	Western Oklahoma	295		164	55.6	131	44.4
South Carolina	1,060		767	72.4	293	27.6	Northern West Virginia	293		231	78.8	62	21.2
Western North Carolina	1,014		544	53.6	470	46.4	Arizona	290		251	86.6	39	13.4
Eastern Tennessee	979		804	82.1	175	17.9	Western Louisiana	283		201	71.0	82	29.0
Southern Florida	976		838	85.9	138	14.1	Wyoming	277		214	77.3	63	22.7
Western Virginia	894		534	59.7	360	40.3	Eastern New York	269		132	49.1	137	50.9
Southern Iowa	886		450	50.8	436	49.2	Massachusetts	256		116	45.3	140	54.7
Northern Florida	815		414	50.8	401	49.2	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	776		425	54.8	351	45.2	Eastern Wisconsin	241		178	73.9	63	26.1
Maryland	771		490	63.6	281	36.4	Hawaii	239		223	93.3	16	6.7
Western Missouri	759		432	56.9	327	43.1	Northern Indiana	237		196	82.7	41	17.3
Central California	699		393	56.2	306	43.8	Eastern Arkansas	233		225	96.6	8	3.4
Southern Georgia	677		329	48.6	348	51.4	Northern Oklahoma	230		130	56.5	100	43.5
Middle North Carolina	675		350	51.9	325	48.1	Nevada	225		184	81.8	41	18.2
Eastern Kentucky	661		291	44.0	370	56.0	Western Pennsylvania	214		119	55.6	95	44.4
Eastern Missouri	633		419	66.2	214	33.8	Eastern Washington	211		105	49.8	106	50.2
Northern Illinois	612		499	81.5	113	18.5	Northern Mississippi	194		156	80.4	38	19.6
Eastern California	601		418	69.6	183	30.4	Middle Louisiana	185		82	44.3	103	55.7
Kansas	594		412	69.4	182	30.6	Middle Tennessee	183		100	54.6	83	45.4
Western Michigan	584		281	48.1	303	51.9	Middle Alabama	183		113	61.7	70	38.3
Southern Illinois	567		412	72.7	155	27.3	Western Wisconsin	180		118	65.6	62	34.4
Western Tennessee	534		246	46.1	288	53.9	Southern West Virginia	166		152	91.6	14	8.4
Southern Indiana	461		283	61.4	178	38.6	Alaska	160		119	74.4	41	25.6
Southern Alabama	457		294	64.3	163	35.7	Colorado	159		159	100.0	0	0.0
Southern New York	450		444	98.7	6	1.3	Maine	156		104	66.7	52	33.3
Eastern Michigan	389		276	71.0	113	29.0	South Dakota	153		118	77.1	35	22.9
Middle Georgia	382		214	56.0	168	44.0	Western Kentucky	144		136	94.4	8	5.6
Minnesota	365		238	65.2	127	34.8	Eastern Oklahoma	125		81	64.8	44	35.2
Western Arkansas	363		216	59.5	147	40.5	Oregon	121		120	99.2	1	0.8
Southern Ohio	362		297	82.0	65	18.0	District of Columbia	119		78	65.5	41	34.5
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	64		32	50.0	32	50.0
Southern Mississippi	356		232	65.2	124	34.8	Vermont	44		39	88.6	5	11.4
Northern California	351		189	53.8	162	46.2	Virgin Islands	39		26	66.7	13	33.3
Northern Alabama	343		249	72.6	94	27.4	Delaware	38		19	50.0	19	50.0
Western New York	341		212	62.2	129	37.8	Guam	22		22	100.0	0	0.0
Eastern Louisiana	340		191	56.2	149	43.8	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 31,231 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 522 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	48,629	31,089	63.9	17,540	36.1
2017	59	0	0.0	59	100.0
2016	375	2	0.5	373	99.5
2015	1,424	137	9.6	1,287	90.4
2014	6,782	4,225	62.3	2,557	37.7
2013	7,927	5,655	71.3	2,272	28.7
2012	6,566	4,711	71.7	1,855	28.3
2011	4,974	3,464	69.6	1,510	30.4
2010	3,883	2,437	62.8	1,446	37.2
2009	3,438	2,136	62.1	1,302	37.9
2008	2,750	1,767	64.3	983	35.7
2007	2,293	1,482	64.6	811	35.4
2006	1,717	1,119	65.2	598	34.8
2005	1,291	782	60.6	509	39.4
2004	979	615	62.8	364	37.2
2003	838	504	60.1	334	39.9
2002	539	316	58.6	223	41.4
2001	463	284	61.3	179	38.7
2000	396	233	58.8	163	41.2
1999	378	237	62.7	141	37.3
1998	285	179	62.8	106	37.2
1997	238	153	64.3	85	35.7
1996	223	141	63.2	82	36.8
1995	203	122	60.1	81	39.9
1994	191	113	59.2	78	40.8
1993	135	88	65.2	47	34.8
1992	125	88	70.4	37	29.6
1991	88	64	72.7	24	27.3
1990	56	26	46.4	30	53.6
1989	13	9	69.2	4	30.8

¹ Of the 48,834 cases reported to the Commission, 205 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	30,079	25,109	83.5	0	0.0	4,970	16.5
D.C. CIRCUIT	74	74	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,557	1,466	94.2	0	0.0	91	5.8
SECOND CIRCUIT	1,119	930	83.1	0	0.0	189	16.9
THIRD CIRCUIT	592	578	97.6	0	0.0	14	2.4
FOURTH CIRCUIT	4,558	3,760	82.5	0	0.0	798	17.5
FIFTH CIRCUIT	6,328	4,586	72.5	0	0.0	1,742	27.5
SIXTH CIRCUIT	2,681	2,282	85.1	0	0.0	399	14.9
SEVENTH CIRCUIT	2,089	2,049	98.1	0	0.0	40	1.9
EIGHTH CIRCUIT	3,348	2,451	73.2	0	0.0	897	26.8
NINTH CIRCUIT	2,670	2,591	97.0	0	0.0	79	3.0
TENTH CIRCUIT	1,334	1,226	91.9	0	0.0	108	8.1
ELEVENTH CIRCUIT	3,729	3,116	83.6	0	0.0	613	16.4

¹ Of the 31,231 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,198 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, 30,079 origins were cited for the 30,033 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	7,156	805	9.2	282	4.7	219	10.4	622	23.3	4,509	46.4	719	53.2
Black	10,094	2,849	32.5	5,248	87.0	847	40.4	510	19.1	258	2.7	382	28.3
Hispanic	12,615	5,042	57.5	444	7.4	1,015	48.4	1,454	54.4	4,540	46.7	120	8.9
Other	790	80	0.9	58	1.0	16	0.8	88	3.3	418	4.3	130	9.6
Total	30,655	8,776		6,032		2,097		2,674		9,725		1,351	
Citizenship													
U.S. Citizen	23,309	5,992	68.3	5,840	96.7	1,524	72.6	1,902	71.0	6,827	70.2	1,224	90.5
Non-Citizen	7,365	2,782	31.7	197	3.3	575	27.4	778	29.0	2,904	29.8	129	9.5
Total	30,674	8,774		6,037		2,099		2,680		9,731		1,353	
Gender													
Male	28,501	8,409	95.7	5,809	96.2	1,949	92.8	2,562	95.5	8,577	88.0	1,195	88.3
Female	2,205	377	4.3	231	3.8	152	7.2	121	4.5	1,165	12.0	159	11.7
Total	30,706	8,786		6,040		2,101		2,683		9,742		1,354	
Average Age													
	35	36		32		35		36		36		37	

¹ Of the 31,231 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 522 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	19.9	21.9	18.0	31.8	23.8	20.2	18.3	20.3	15.6	22.5	20.0	17.6	17.2
Firearms Mandatory Minimum Applied	11.1	11.3	11.3	10.7	16.0	15.9	7.1	7.9	9.4	9.9	9.3	8.7	9.8	10.7
Safety Valve	13.0	10.9	16.3	17.0	2.5	0.8	14.9	10.2	13.8	9.8	16.0	15.6	11.8	9.1
Guideline Role Adjustments														
Aggravating Role (USSG §3B1.1)	20.0	16.0	22.9	18.7	19.4	13.1	25.4	18.0	31.8	19.3	13.5	14.0	19.9	22.4
Mitigating Role (USSG §3B1.2)	3.7	4.5	3.3	4.6	1.2	1.6	4.3	4.6	4.1	6.8	5.5	6.4	2.7	3.8
Obstruction Adjustment (USSG §3C1.1)	6.2	5.3	6.4	4.9	7.6	6.3	4.1	4.7	9.4	6.4	4.9	4.1	4.7	7.7
Sentence Relative to the Guideline Range														
Within Range	64.0	49.1	67.3	53.8	65.7	54.5	66.5	42.1	68.7	60.7	58.6	39.3	60.0	34.4
Above Range	1.0	2.1	1.0	1.5	1.2	2.1	1.9	3.7	1.6	4.0	0.5	1.3	1.4	3.4
Below Range	35.0	48.8	31.6	44.7	33.1	43.3	31.6	54.2	29.7	35.4	40.9	59.4	38.6	62.2
Criminal History Category														
I	35.8	29.4	48.4	44.0	13.7	8.0	36.7	27.8	42.4	31.9	36.0	35.6	36.8	31.5
II	13.9	10.1	14.5	10.4	11.4	6.2	14.8	9.5	16.1	14.4	13.9	12.3	14.3	10.9
III	20.1	13.7	18.3	12.7	23.4	13.2	19.6	13.1	19.9	16.5	19.4	13.9	22.3	15.4
IV	12.3	8.0	9.3	5.9	18.8	9.1	11.6	6.5	10.1	8.9	11.8	9.0	12.0	8.4
V	7.5	5.5	4.0	3.3	13.1	7.3	7.9	6.3	5.8	5.6	7.8	5.5	6.3	7.0
VI	10.4	33.2	5.4	23.7	19.5	56.2	9.4	36.7	5.7	22.7	11.1	23.7	8.4	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	30,346	145	120	25	17.2
D.C. CIRCUIT	60	146	125	21	13.7
District of Columbia	60	146	125	21	13.7
FIRST CIRCUIT	1,523	126	105	21	16.3
Maine	103	123	102	21	17.5
Massachusetts	114	160	130	30	18.4
New Hampshire	32	132	112	20	16.4
Puerto Rico	1,229	123	103	20	16.1
Rhode Island	45	123	106	17	13.6
SECOND CIRCUIT	1,063	141	118	23	16.0
Connecticut	144	119	99	20	16.8
New York					
Eastern	122	184	151	32	17.1
Northern	122	109	89	20	18.7
Southern	434	152	128	24	14.7
Western	202	130	110	20	15.8
Vermont	39	115	97	18	15.9
THIRD CIRCUIT	805	146	121	25	16.4
Delaware	18	182	148	34	19.4
New Jersey	181	137	113	24	17.6
Pennsylvania					
Eastern	297	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
FOURTH CIRCUIT	4,530	158	131	27	17.1
Maryland	484	146	120	26	17.0
North Carolina					
Eastern	729	165	137	28	17.2
Middle	349	147	122	25	16.4
Western	482	173	144	29	16.8
South Carolina	727	161	131	30	17.9
Virginia					
Eastern	858	174	145	29	16.5
Western	519	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 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	6,355	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	1,022	145	119	26	18.2
Northern	1,135	167	138	29	17.3
Southern	1,566	134	113	22	15.5
Western	1,775	124	103	21	16.8
SIXTH CIRCUIT	2,623	129	106	23	17.7
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	296	127	107	20	16.1
Tennessee					
Eastern	797	122	97	25	19.8
Middle	100	149	124	25	16.5
Western	186	142	119	23	16.5
SEVENTH CIRCUIT	2,064	162	129	33	19.6
Illinois					
Central	405	170	123	47	26.7
Northern	488	178	148	30	16.2
Southern	411	144	114	30	20.6
Indiana					
Northern	193	157	129	28	16.9
Southern	282	165	134	31	18.2
Wisconsin					
Eastern	175	134	112	22	16.4
Western	110	168	135	33	18.7
EIGHTH CIRCUIT	3,300	145	119	26	17.9
Arkansas					
Eastern	225	122	102	20	17.0
Western	213	112	92	19	17.4
Iowa					
Northern	491	163	129	33	21.4
Southern	420	171	140	31	18.2
Minnesota	237	157	131	26	17.0
Missouri					
Eastern	417	141	117	24	16.2
Western	423	135	113	22	16.5
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 Months²	Average New Sentence in Months²	Average Decrease in Months From Current Sentence²	Average Percent Decrease From Current Sentence
District	N				
NINTH CIRCUIT	2,927	128	108	21	15.9
Alaska	118	134	114	20	15.1
Arizona	244	104	88	16	14.9
California					
Central	388	131	111	21	15.2
Eastern	418	130	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	232	157	130	27	16.9
Nevada	181	124	104	20	16.3
Northern Mariana Islands	4	127	94	33	23.9
Oregon	119	122	101	20	16.8
Washington					
Eastern	103	133	114	19	14.8
Western	97	117	100	17	13.0
TENTH CIRCUIT	1,410	150	124	26	16.9
Colorado	159	127	105	21	17.5
Kansas	411	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	123	178	137	41	16.4
Utah	188	134	112	22	16.0
Wyoming	173	160	132	28	18.1
ELEVENTH CIRCUIT	3,686	158	131	28	17.3
Alabama					
Middle	113	153	130	24	15.5
Northern	227	150	121	29	18.7
Southern	292	173	140	33	18.1
Florida					
Middle	897	143	118	25	17.3
Northern	388	206	170	36	17.2
Southern	822	153	129	25	15.9
Georgia					
Middle	213	114	90	25	22.1
Northern	458	180	150	30	16.4
Southern	276	151	124	28	17.8

¹ Of the 48,834 cases reported to the Commission, 205 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 17,540 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 31,089 cases, 743 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	965	5.0
Sentence is determined by a non-drug guideline	747	3.9
Case does not involve drugs	218	1.1
Offender not eligible under §1B1.10	11,171	58.5
Career Offender or Armed Career Criminal provisions control sentence	3,637	19.0
Statutory mandatory minimum controls sentence	3,070	16.1
Guideline range does not change	2,273	11.9
Already received Amendment 782 reduction	1,621	8.5
Original sentence has been served	279	1.5
Defendant will be released before November 1, 2015	193	1.0
Statutory maximum sentence is less than applicable guideline range	95	0.5
Base offense level is 43	3	0.0
Denied on the merits	4,140	21.7
Offender has already benefitted from departure or variance	1,998	10.5
Denial because of binding plea	781	4.1
18 U.S.C. § 3553(a) factors	591	3.1
Protection of the public	447	2.3
Post-sentencing or post-conviction conduct	323	1.7
No reason provided/Other reason	2,836	14.8
No reason provided	2,262	11.8
Other	574	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, 19,112 reasons were cited in the 17,603 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.