

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



**July 2016**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted from and based on sentencing documents submitted by courts to the Commission.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup>

The Commission also reports preliminary data for an on-going fiscal year in order to provide real-time analysis of sentencing practices in the federal courts. Since 2005, the Commission has published a series of quarterly reports that are similar in format and methodology to tables and figures produced in the *Sourcebook of Federal Sentencing Statistics*. The quarterly reports contain cumulative data for the on-going fiscal year (i.e., data from the start of the fiscal year through the most current quarter).

On April 30, 2014, the Commission submitted to Congress an amendment to the federal sentencing guidelines that revised the guidelines applicable to drug trafficking offenses by changing how the base offense levels in the drug or chemical quantity tables in sections 2D1.1 and 2D1.11 of the *Guidelines Manual*<sup>3</sup> incorporate the statutory mandatory minimum penalties for drug trafficking offenses (Amendment 782).<sup>4</sup> Specifically, the amendment reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties, resulting in corresponding guideline ranges that include the mandatory minimum penalties, and made conforming changes to section 2D1.1. Amendment 782 became effective on November 1, 2014.

On July 18, 2014, the Commission voted to give retroactive effect to Amendment 782 beginning on the effective date of the amendment. The Commission also voted to require that courts not release any offender whose term of imprisonment was reduced pursuant to retroactive application of Amendment 782 prior to November 1, 2015. To effectuate these decisions, the Commission promulgated Amendment 788 which added Amendment 782 to the list of amendments in §1B1.10 (*Reduction in Term of Imprisonment as a Result of an Amended Guideline Range*)(*Policy Statement*) that apply retroactively. Amendment 788 also added a new special instruction to §1B1.10 requiring that the effective date of all orders reducing a term of

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<sup>1</sup> In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the judgment and commitment order, the statement of reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

<sup>2</sup> See the Commission's website, [www.ussc.gov](http://www.ussc.gov), for electronic copies of the 1995-2015 *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.

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

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

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

The data in this report represents information concerning motions for a reduced sentence pursuant to the retroactive application of Amendment 782. The data in this report reflects all motions decided through June 30, 2016 and for which court documentation was received, coded, and edited at the Commission by July 5, 2016.

**Table 1**

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

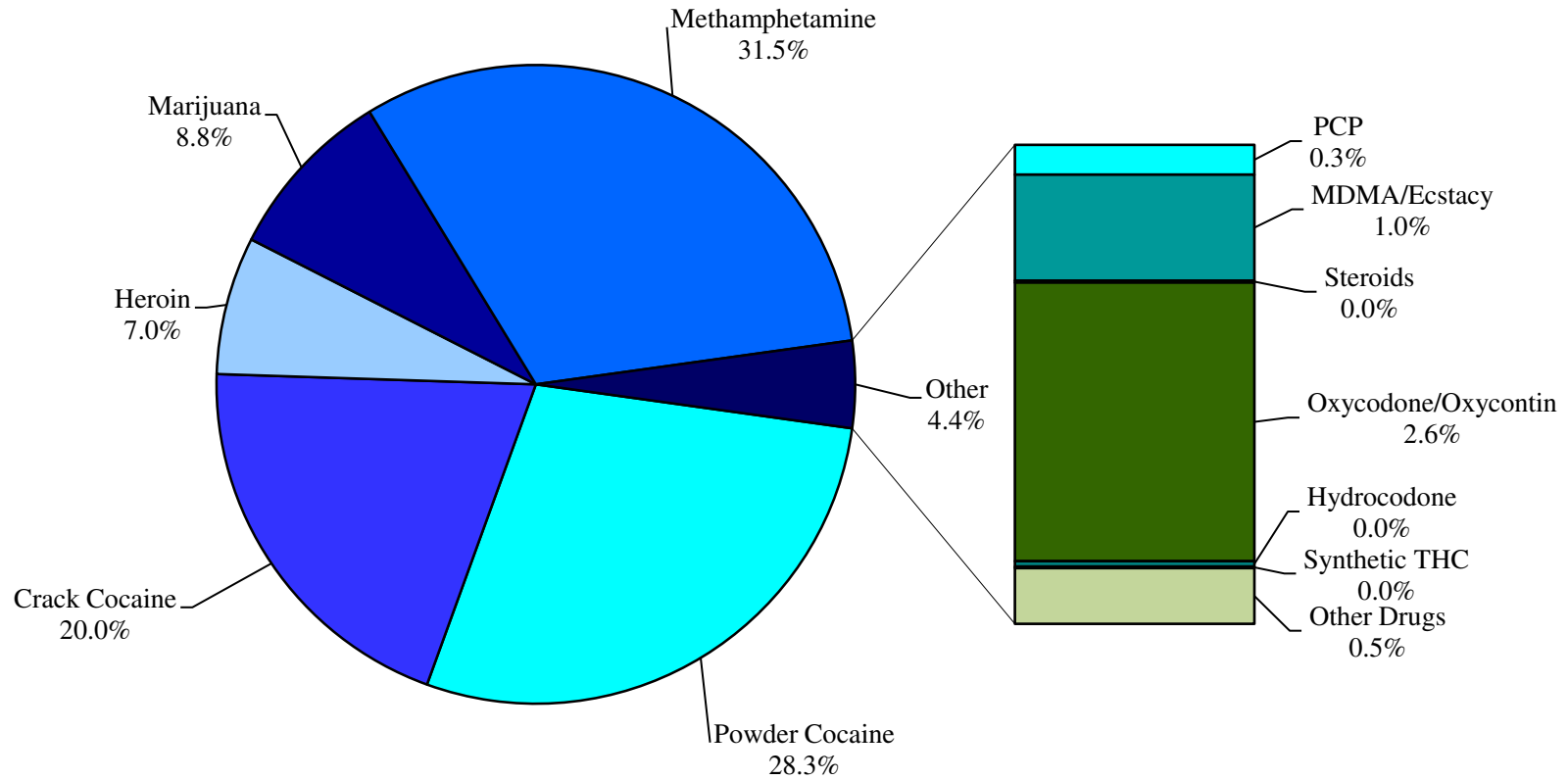
District	Total		Granted		Denied		District	Total		Granted		Denied	
	N		N	%	N	%		N		N	%	N	%
<b>TOTAL</b>	<b>41,841</b>		<b>28,608</b>	<b>68.4</b>	<b>13,233</b>	<b>31.6</b>							
Southern Texas	2,676		1,377	51.5	1,299	48.5	Idaho	297		263	88.6	34	11.4
Western Texas	2,264		1,717	75.8	547	24.2	Eastern Pennsylvania	296		295	99.7	1	0.3
Northern Texas	1,682		1,027	61.1	655	38.9	Northern West Virginia	293		231	78.8	62	21.2
Puerto Rico	1,347		1,082	80.3	265	19.7	Northern California	292		169	57.9	123	42.1
Middle Florida	1,207		689	57.1	518	42.9	Western Washington	273		134	49.1	139	50.9
Northern Iowa	1,131		520	46.0	611	54.0	New Jersey	269		169	62.8	100	37.2
Eastern Texas	1,130		988	87.4	142	12.6	New Mexico	261		134	51.3	127	48.7
Eastern Virginia	1,086		846	77.9	240	22.1	Middle Pennsylvania	256		159	62.1	97	37.9
South Carolina	1,033		747	72.3	286	27.7	Northern New York	247		160	64.8	87	35.2
Western North Carolina	964		518	53.7	446	46.3	Eastern New York	242		115	47.5	127	52.5
Eastern North Carolina	953		672	70.5	281	29.5	Massachusetts	239		111	46.4	128	53.6
Southern Florida	925		800	86.5	125	13.5	Eastern Wisconsin	237		176	74.3	61	25.7
Southern Iowa	864		448	51.9	416	48.1	Eastern Arkansas	233		225	96.6	8	3.4
Western Virginia	855		529	61.9	326	38.1	Hawaii	232		217	93.5	15	6.5
Nebraska	770		563	73.1	207	26.9	Northern Indiana	228		190	83.3	38	16.7
Northern Florida	723		387	53.5	336	46.5	Nevada	221		180	81.4	41	18.6
Central Illinois	699		393	56.2	306	43.8	Connecticut	220		142	64.5	78	35.5
Southern Georgia	663		327	49.3	336	50.7	Wyoming	215		213	99.1	2	0.9
Eastern Kentucky	633		282	44.5	351	55.5	Northern Oklahoma	213		128	60.1	85	39.9
Eastern Missouri	630		416	66.0	214	34.0	Arizona	206		206	100.0	0	0.0
Central California	612		376	61.4	236	38.6	Western Louisiana	198		154	77.8	44	22.2
Eastern Tennessee	599		484	80.8	115	19.2	Northern Mississippi	192		155	80.7	37	19.3
Kansas	561		399	71.1	162	28.9	Western Pennsylvania	192		108	56.3	84	43.8
Northern Georgia	555		384	69.2	171	30.8	North Dakota	189		187	98.9	2	1.1
Western Michigan	551		268	48.6	283	51.4	Northern Alabama	189		169	89.4	20	10.6
Maryland	528		419	79.4	109	20.6	Middle Louisiana	184		82	44.6	102	55.4
Eastern California	502		373	74.3	129	25.7	Southern West Virginia	165		151	91.5	14	8.5
Middle North Carolina	490		296	60.4	194	39.6	Colorado	157		157	100.0	0	0.0
Western Tennessee	477		227	47.6	250	52.4	Maine	155		103	66.5	52	33.5
Northern Illinois	469		467	99.6	2	0.4	South Dakota	152		117	77.0	35	23.0
Southern Illinois	468		369	78.8	99	21.2	Middle Tennessee	151		95	62.9	56	37.1
Southern Alabama	437		286	65.4	151	34.6	Alaska	149		112	75.2	37	24.8
Southern New York	413		409	99.0	4	1.0	Western Oklahoma	144		144	100.0	0	0.0
Southern Indiana	397		266	67.0	131	33.0	Western Kentucky	140		134	95.7	6	4.3
Middle Georgia	373		213	57.1	160	42.9	Middle Alabama	119		76	63.9	43	36.1
Western Missouri	360		284	78.9	76	21.1	Western Wisconsin	118		117	99.2	1	0.8
Western Arkansas	351		211	60.1	140	39.9	Oregon	115		114	99.1	1	0.9
Northern Ohio	351		279	79.5	72	20.5	Rhode Island	108		55	50.9	53	49.1
Utah	344		188	54.7	156	45.3	Eastern Washington	87		87	100.0	0	0.0
Eastern Michigan	342		255	74.6	87	25.4	District of Columbia	72		72	100.0	0	0.0
Southern Ohio	338		289	85.5	49	14.5	Eastern Oklahoma	68		68	100.0	0	0.0
Minnesota	328		206	62.8	122	37.2	New Hampshire	61		32	52.5	29	47.5
Southern Mississippi	320		219	68.4	101	31.6	Vermont	43		38	88.4	5	11.6
Montana	315		224	71.1	91	28.9	Virgin Islands	38		25	65.8	13	34.2
Eastern Louisiana	308		182	59.1	126	40.9	Delaware	32		14	43.8	18	56.3
Southern California	305		304	99.7	1	0.3	Guam	21		21	100.0	0	0.0
Western New York	300		196	65.3	104	34.7	Northern Mariana Islands	3		3	100.0	0	0.0

Note: Some districts may not have reported all denials of motions seeking retroactive application of Amendment 782.

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

**Table 2**

**DISTRIBUTION OF DRUG TYPE OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION  
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT<sup>1</sup>**



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<sup>1</sup> Of the 28,608 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 482 cases.

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

**Table 3****APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT  
BY YEAR OF ORIGINAL SENTENCE<sup>1</sup>**

<b>Fiscal Year</b>	<b>Total</b>	<b>Granted</b>		<b>Denied</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Total</b>	<b>41,665</b>	<b>28,479</b>	<b>68.4</b>	<b>13,186</b>	<b>31.6</b>
2016	92	0	0.0	92	100.0
2015	919	111	12.1	808	87.9
2014	5,676	3,732	65.8	1,944	34.2
2013	6,850	5,164	75.4	1,686	24.6
2012	5,712	4,344	76.1	1,368	23.9
2011	4,399	3,213	73.0	1,186	27.0
2010	3,381	2,231	66.0	1,150	34.0
2009	3,025	1,985	65.6	1,040	34.4
2008	2,433	1,625	66.8	808	33.2
2007	2,035	1,382	67.9	653	32.1
2006	1,527	1,046	68.5	481	31.5
2005	1,140	727	63.8	413	36.2
2004	871	570	65.4	301	34.6
2003	738	463	62.7	275	37.3
2002	454	286	63.0	168	37.0
2001	397	265	66.8	132	33.2
2000	345	218	63.2	127	36.8
1999	327	217	66.4	110	33.6
1998	241	163	67.6	78	32.4
1997	214	147	68.7	67	31.3
1996	193	129	66.8	64	33.2
1995	176	110	62.5	66	37.5
1994	167	104	62.3	63	37.7
1993	114	80	70.2	34	29.8
1992	111	80	72.1	31	27.9
1991	73	56	76.7	17	23.3
1990	43	23	53.5	20	46.5
1989	12	8	66.7	4	33.3

<sup>1</sup> Of the 41,841 cases reported to the Commission, 176 were excluded from this analysis because the case cannot be matched with an original case in the Commission's records.

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

**Table 4****ORIGIN OF GRANTED MOTION FOR SENTENCE REDUCTION DUE TO  
RETROACTIVE APPLICATION OF DRUG GUIDELINES AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>	<b>Total</b>	<b>Defendant</b>		<b>Director BOP<sup>2</sup></b>		<b>Court</b>	
	<b>N</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>27,493</b>	<b>22,734</b>	<b>82.7</b>	<b>0</b>	<b>0.0</b>	<b>4,759</b>	<b>17.3</b>
D.C. CIRCUIT	68	68	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,378	1,287	93.4	0	0.0	91	6.6
SECOND CIRCUIT	1,045	859	82.2	0	0.0	186	17.8
THIRD CIRCUIT	552	540	97.8	0	0.0	12	2.2
FOURTH CIRCUIT	4,265	3,495	81.9	0	0.0	770	18.1
FIFTH CIRCUIT	5,820	4,147	71.3	0	0.0	1,673	28.7
SIXTH CIRCUIT	2,286	1,892	82.8	0	0.0	394	17.2
SEVENTH CIRCUIT	1,959	1,921	98.1	0	0.0	38	1.9
EIGHTH CIRCUIT	3,150	2,256	71.6	0	0.0	894	28.4
NINTH CIRCUIT	2,463	2,397	97.3	0	0.0	66	2.7
TENTH CIRCUIT	1,259	1,154	91.7	0	0.0	105	8.3
ELEVENTH CIRCUIT	3,248	2,718	83.7	0	0.0	530	16.3

<sup>1</sup> Of the 28,608 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,147 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, 27,493 origins were cited for the 27,461 cases.

<sup>2</sup> In 12 cases, documents provided to the Commission indicated that the Director of the Bureau of Prisons made the motion. Those cases appear to be clerical errors.

Table 5

**DEMOGRAPHIC CHARACTERISTICS OF OFFENDERS WHO RECEIVED SENTENCE REDUCTION  
DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT**

Race/Ethnicity	Total Granted <sup>1</sup>	Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Metham- phetamine		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
White	6,526	735	9.2	267	4.8	210	10.7	586	23.8	4,075	46.1	653	52.9
Black	9,332	2,601	32.7	4,891	87.2	782	39.9	474	19.2	232	2.6	352	28.5
Hispanic	11,481	4,548	57.1	406	7.2	952	48.6	1,322	53.7	4,147	46.9	106	8.6
Other	739	77	1.0	48	0.9	15	0.8	81	3.3	395	4.5	123	10.0
<b>Total</b>	<b>28,078</b>	<b>7,961</b>		<b>5,612</b>		<b>1,959</b>		<b>2,463</b>		<b>8,849</b>		<b>1,234</b>	
<b>Citizenship</b>													
U.S. Citizen	21,370	5,443	68.4	5,431	96.7	1,425	72.7	1,752	71.0	6,198	70.0	1,121	90.7
Non-Citizen	6,725	2,516	31.6	185	3.3	536	27.3	717	29.0	2,656	30.0	115	9.3
<b>Total</b>	<b>28,095</b>	<b>7,959</b>		<b>5,616</b>		<b>1,961</b>		<b>2,469</b>		<b>8,854</b>		<b>1,236</b>	
<b>Gender</b>													
Male	26,105	7,616	95.6	5,402	96.1	1,816	92.5	2,362	95.6	7,812	88.1	1,097	88.7
Female	2,018	353	4.4	217	3.9	147	7.5	109	4.4	1,052	11.9	140	11.3
<b>Total</b>	<b>28,123</b>	<b>7,969</b>		<b>5,619</b>		<b>1,963</b>		<b>2,471</b>		<b>8,864</b>		<b>1,237</b>	
<b>Average Age</b>													
	<b>35</b>	<b>36</b>		<b>32</b>		<b>35</b>		<b>36</b>		<b>35</b>		<b>37</b>	

<sup>1</sup> Of the 28,608 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 482 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 (48), missing citizenship information (31), missing gender information (3), and missing age information (7).

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



**Table 6**

**SELECTED SENTENCING FACTORS FOR OFFENDERS WHO WERE CONSIDERED FOR SENTENCE  
REDUCTION DUE TO APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT<sup>1</sup>**

	<b>Total</b>		<b>Powder Cocaine</b>		<b>Crack Cocaine</b>		<b>Heroin</b>		<b>Marijuana</b>		<b>Methamphetamine</b>		<b>Other</b>	
	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>	<b>Grant</b>	<b>Deny</b>
	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>	<b>%</b>
<b>Weapon</b>														
Weapon Specific Offense Characteristic	23.1	19.6	21.5	18.3	31.1	23.5	19.5	19.1	19.5	15.6	22.2	18.8	16.9	15.8
Firearms Mandatory Minimum Applied	10.7	11.2	10.8	10.0	15.5	15.8	7.0	7.6	9.1	10.4	9.0	8.6	9.5	11.5
<b>Safety Valve</b>	13.5	10.1	16.9	15.7	2.6	0.7	15.4	10.1	14.5	8.9	16.6	15.3	12.6	9.4
<b>Guideline Role Adjustments</b>														
Aggravating Role (USSG §3B1.1)	19.4	15.2	22.2	17.7	18.9	12.7	24.3	17.1	30.8	19.1	13.2	13.0	18.7	22.2
Mitigating Role (USSG §3B1.2)	3.8	4.3	3.5	4.2	1.3	1.6	4.5	4.3	4.2	6.1	5.7	6.3	2.8	4.4
Obstruction Adjustment (USSG §3C1.1)	6.0	5.2	6.2	4.7	7.4	6.1	4.1	4.8	9.1	6.5	4.9	4.2	4.3	7.1
<b>Sentence Relative to the Guideline Range</b>														
Within Range	64.0	48.6	67.3	52.3	65.7	54.5	66.0	42.3	68.6	58.6	58.7	39.9	60.9	32.0
Above Range	1.0	1.9	1.0	1.3	1.2	2.0	1.5	3.8	1.6	3.9	0.4	1.2	1.3	3.7
Below Range	35.0	49.5	31.7	46.5	33.0	43.5	32.4	53.9	29.8	37.5	40.9	58.9	37.8	64.3
<b>Criminal History Category</b>														
I	35.9	27.5	48.6	40.8	13.8	7.5	36.4	27.0	42.2	30.2	36.5	35.1	37.3	31.8
II	13.9	10.0	14.5	10.3	11.4	6.1	15.0	9.5	16.0	14.0	13.9	12.3	14.4	11.1
III	20.1	13.6	18.4	12.8	23.3	12.9	19.5	13.2	20.0	16.2	19.4	13.9	21.9	15.4
IV	12.3	8.2	9.2	6.2	19.0	9.1	11.8	7.0	10.2	8.8	11.7	8.9	12.2	8.9
V	7.5	5.7	4.0	3.7	13.3	7.3	7.8	5.9	5.8	5.9	7.7	5.7	5.9	6.1
VI	10.3	35.1	5.3	26.3	19.2	57.2	9.5	37.3	5.7	24.9	10.8	24.1	8.3	26.7

<sup>1</sup> Some cases were excluded from sections of this table due to missing information on the offense or sentencing factors reported.

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

Table 7

**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE  
APPLICATION OF DRUG GUIDELINES AMENDMENT<sup>1</sup>**

<b>CIRCUIT</b>		<b>Average Current Sentence in Months<sup>2</sup></b>	<b>Average New Sentence in Months<sup>2</sup></b>	<b>Average Decrease in Months From Current Sentence<sup>2</sup></b>	<b>Average Percent Decrease From Current Sentence</b>
District	<b>N</b>				
<b>TOTAL</b>	<b>27,787</b>	<b>141</b>	<b>117</b>	<b>25</b>	<b>17.2</b>
<b>D.C. CIRCUIT</b>	<b>54</b>	<b>135</b>	<b>116</b>	<b>19</b>	<b>13.6</b>
District of Columbia	54	135	116	19	13.6
<b>FIRST CIRCUIT</b>	<b>1,348</b>	<b>124</b>	<b>103</b>	<b>20</b>	<b>16.4</b>
Maine	102	123	102	21	17.4
Massachusetts	110	158	128	30	18.6
New Hampshire	32	132	112	20	16.4
Puerto Rico	1,059	120	101	20	16.1
Rhode Island	45	123	106	17	13.6
<b>SECOND CIRCUIT</b>	<b>990</b>	<b>137</b>	<b>114</b>	<b>22</b>	<b>16.0</b>
Connecticut	141	118	99	20	16.8
New York					
Eastern	106	173	143	30	16.9
Northern	119	108	88	20	18.7
Southern	399	148	125	24	14.8
Western	187	129	109	20	15.6
Vermont	38	115	97	18	16.0
<b>THIRD CIRCUIT</b>	<b>762</b>	<b>140</b>	<b>117</b>	<b>23</b>	<b>16.4</b>
Delaware	13	167	135	33	20.6
New Jersey	167	125	103	22	17.4
Pennsylvania					
Eastern	292	156	129	27	16.5
Middle	159	136	114	21	15.6
Western	108	124	105	19	14.9
Virgin Islands	23	148	123	25	16.9
<b>FOURTH CIRCUIT</b>	<b>4,248</b>	<b>155</b>	<b>128</b>	<b>27</b>	<b>17.1</b>
Maryland	415	129	106	23	16.9
North Carolina					
Eastern	666	160	133	27	17.2
Middle	295	139	116	24	16.3
Western	459	172	143	29	16.9
South Carolina	714	160	131	30	17.9
Virginia					
Eastern	803	172	143	29	16.4
Western	515	157	131	26	17.6
West Virginia					
Northern	231	113	94	20	17.3
Southern	150	122	100	22	18.3

**Table 7 (continued)**  
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE**  
**APPLICATION OF DRUG GUIDELINES AMENDMENT**

<b>CIRCUIT</b>		<b>Average Current Sentence in Months<sup>2</sup></b>	<b>Average New Sentence in Months<sup>2</sup></b>	<b>Average Decrease in Months From Current Sentence<sup>2</sup></b>	<b>Average Percent Decrease From Current Sentence</b>
District	<b>N</b>				
<b>FIFTH CIRCUIT</b>	<b>5,853</b>	<b>136</b>	<b>113</b>	<b>23</b>	<b>17.0</b>
Louisiana					
Eastern	182	142	120	22	15.6
Middle	80	148	122	26	17.1
Western	153	133	109	24	17.8
Mississippi					
Northern	155	126	100	26	20.9
Southern	218	135	112	24	17.3
Texas					
Eastern	972	143	117	26	18.2
Northern	1,012	160	132	28	17.4
Southern	1,372	130	109	21	15.5
Western	1,709	122	101	20	16.9
<b>SIXTH CIRCUIT</b>	<b>2,227</b>	<b>125</b>	<b>103</b>	<b>22</b>	<b>17.6</b>
Kentucky					
Eastern	281	120	101	19	16.1
Western	133	136	114	22	16.0
Michigan					
Eastern	254	139	114	24	17.4
Western	253	142	120	22	15.5
Ohio					
Northern	277	113	90	23	19.8
Southern	289	127	107	20	16.2
Tennessee					
Eastern	478	106	84	22	20.4
Middle	95	147	123	25	16.4
Western	167	135	113	22	16.2
<b>SEVENTH CIRCUIT</b>	<b>1,940</b>	<b>158</b>	<b>125</b>	<b>32</b>	<b>19.7</b>
Illinois					
Central	381	166	120	47	26.8
Northern	456	170	141	29	16.2
Southern	368	138	109	30	21.0
Indiana					
Northern	188	156	128	28	17.0
Southern	265	162	131	31	18.4
Wisconsin					
Eastern	173	133	111	22	16.4
Western	109	168	135	33	18.8
<b>EIGHTH CIRCUIT</b>	<b>3,104</b>	<b>143</b>	<b>117</b>	<b>26</b>	<b>18.0</b>
Arkansas					
Eastern	225	122	102	20	17.0
Western	208	111	92	19	17.4
Iowa					
Northern	489	162	129	33	21.5
Southern	418	170	139	31	18.3
Minnesota	205	148	123	25	17.2
Missouri					
Eastern	414	141	117	24	16.1
Western	279	119	99	20	16.9
Nebraska	563	139	115	23	16.8
North Dakota	186	137	110	27	21.1
South Dakota	117	150	124	26	17.7

**Table 7 (continued)**  
**DEGREE OF DECREASE IN SENTENCE DUE TO RETROACTIVE  
APPLICATION OF DRUG GUIDELINES AMENDMENT**

CIRCUIT		Average Current Sentence in Months <sup>2</sup>	Average New Sentence in Months <sup>2</sup>	Average Decrease in Months From Current Sentence <sup>2</sup>	Average Percent Decrease From Current Sentence
District	N				
<b>NINTH CIRCUIT</b>	<b>2,718</b>	<b>126</b>	<b>106</b>	<b>20</b>	<b>15.9</b>
Alaska	111	132	112	20	15.3
Arizona	201	94	80	14	15.0
California					
Central	371	131	111	20	15.1
Eastern	373	125	105	21	16.7
Northern	169	119	101	18	14.8
Southern	303	99	84	16	15.5
Guam	21	166	130	36	20.7
Hawaii	216	144	119	25	17.1
Idaho	263	143	119	24	16.9
Montana	220	156	129	27	16.9
Nevada	178	123	103	20	16.3
Northern Mariana Islands	3	107	86	21	19.9
Oregon	113	118	98	20	16.8
Washington					
Eastern	85	135	115	19	14.4
Western	91	116	99	17	13.1
<b>TENTH CIRCUIT</b>	<b>1,335</b>	<b>147</b>	<b>122</b>	<b>25</b>	<b>16.8</b>
Colorado	157	125	104	21	17.5
Kansas	398	157	130	27	17.0
New Mexico	134	112	95	18	16.1
Oklahoma					
Eastern	67	145	122	23	16.3
Northern	114	170	140	30	16.9
Western	105	160	134	26	15.9
Utah	188	134	112	22	16.0
Wyoming	172	160	132	28	18.1
<b>ELEVENTH CIRCUIT</b>	<b>3,208</b>	<b>153</b>	<b>126</b>	<b>27</b>	<b>17.5</b>
Alabama					
Middle	76	131	111	20	15.5
Northern	151	143	115	28	18.8
Southern	284	170	138	32	18.1
Florida					
Middle	684	130	107	23	17.7
Northern	361	205	170	36	17.1
Southern	786	152	127	25	16.2
Georgia					
Middle	212	113	88	24	22.1
Northern	380	168	139	29	16.9
Southern	274	150	123	28	17.8

<sup>1</sup> Of the 41,841 cases reported to the Commission, 176 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 13,186 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 28,479 cases, 692 cases in which the court granted the motion were excluded from this analysis because the offender was sentenced to time served but the resulting term of imprisonment could not be determined from the records received by the Commission.

<sup>2</sup> The average sentence lengths and the average decrease in months from the current sentence are rounded to the nearest whole number. Consequently, the average decrease in months from the current sentence may not equal the difference between the rounded average current sentence and the rounded average new sentence.

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

**Table 8****REASONS GIVEN BY SENTENCING COURTS FOR DENIAL OF MOTION<sup>1</sup>**

<b>REASONS</b>	<b>N</b>	<b>%</b>
<b>Offense does not involve drugs</b>	<b>743</b>	<b>5.2</b>
Sentence is determined by a non-drug guideline	580	4.1
Case does not involve drugs	163	1.1
<b>Offender not eligible under §1B1.10</b>	<b>8,306</b>	<b>58.3</b>
Career Offender or Armed Career Criminal provisions control sentence	2,922	20.5
Statutory mandatory minimum controls sentence	2,418	17.0
Guideline range does not change	1,608	11.3
Already received Amendment 782 reduction	927	6.5
Defendant will be released before November 1, 2015	175	1.2
Original sentence has been served	170	1.2
Statutory maximum sentence is less than applicable guideline range	84	0.6
Base offense level is 43	2	0.0
<b>Denied on the merits</b>	<b>3,063</b>	<b>21.5</b>
Offender has already benefitted from departure or variance	1,577	11.1
Denial because of binding plea	528	3.7
18 U.S.C. § 3553(a) factors	419	2.9
Protection of the public	331	2.3
Post-sentencing or post-conviction conduct	208	1.5
<b>No reason provided/Other reason</b>	<b>2,148</b>	<b>15.0</b>
No reason provided	1,714	12.0
Other	434	3.0

<sup>1</sup> Courts may cite multiple reasons for denying a motion; consequently, the total number of reasons cited generally exceeds the total number of cases. In this table, 14,260 reasons were cited in the 13,233 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.