

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



October 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.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 1995-2015 *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, 2016, and for which court documentation was received, coded, and edited at the Commission by October 20, 2016.

Table 1

GEOGRAPHICAL DISTRIBUTION OF APPLICATION OF RETROACTIVE DRUG GUIDELINES AMENDMENT BY DISTRICT

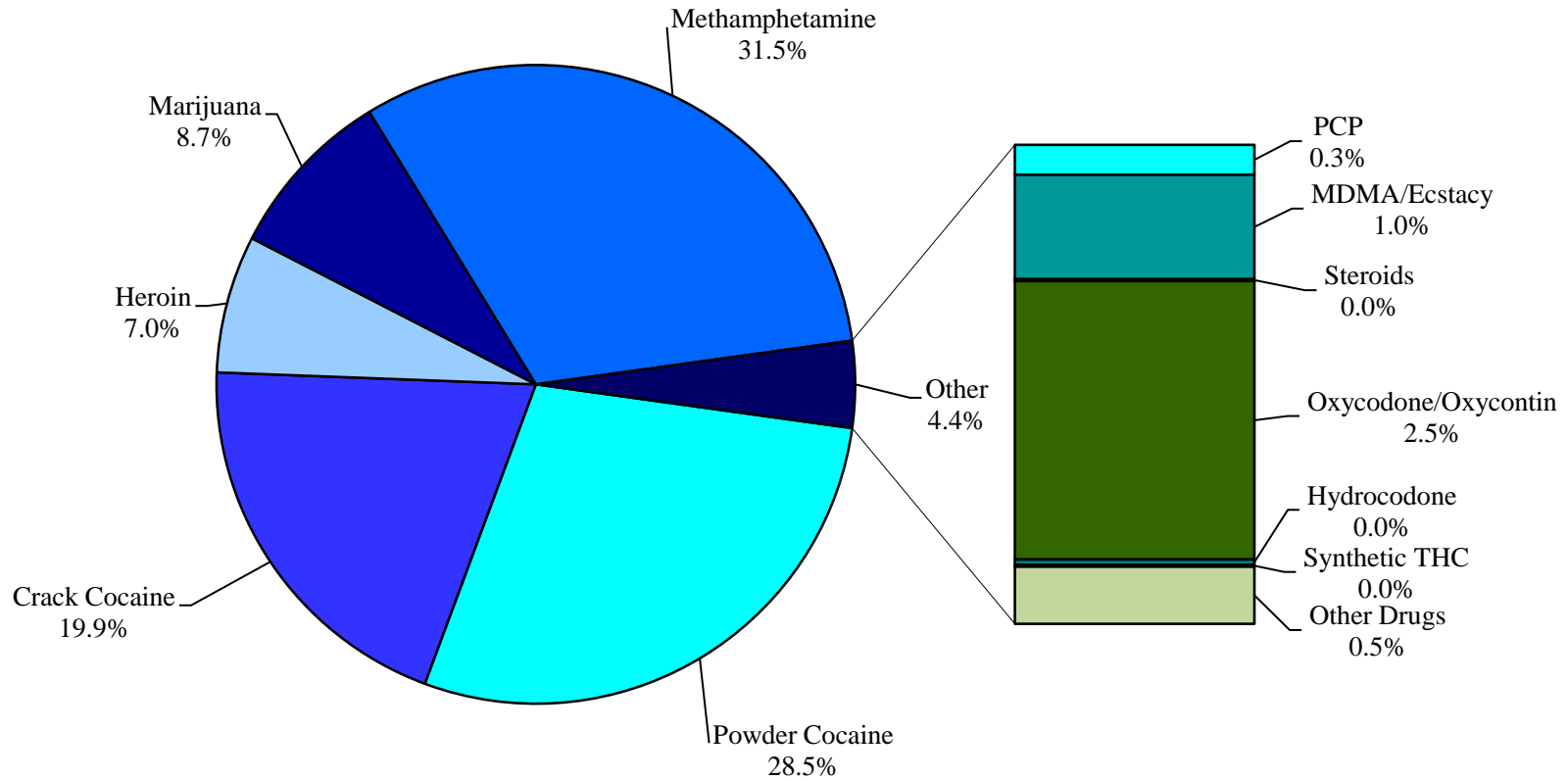
District	Total			Granted			Denied				
	N	N	%	N	%	N	%	N	%		
TOTAL	43,491	29,391	67.6	14,100	32.4						
Southern Texas	2,783	1,396	50.2	1,387	49.8	Northern California	310	178	57.4	132	42.6
Western Texas	2,359	1,742	73.8	617	26.2	Idaho	306	269	87.9	37	12.1
Northern Texas	1,819	1,096	60.3	723	39.7	Eastern Pennsylvania	299	298	99.7	1	0.3
Puerto Rico	1,390	1,125	80.9	265	19.1	Northern West Virginia	293	231	78.8	62	21.2
Middle Florida	1,293	732	56.6	561	43.4	Western Washington	291	137	47.1	154	52.9
Eastern Texas	1,150	1,002	87.1	148	12.9	New Mexico	285	141	49.5	144	50.5
Northern Iowa	1,133	521	46.0	612	54.0	New Jersey	277	174	62.8	103	37.2
Eastern Virginia	1,110	864	77.8	246	22.2	Middle Pennsylvania	260	160	61.5	100	38.5
South Carolina	1,041	753	72.3	288	27.7	Arizona	252	227	90.1	25	9.9
Eastern North Carolina	995	696	69.9	299	30.1	Northern New York	249	161	64.7	88	35.3
Western North Carolina	975	529	54.3	446	45.7	Massachusetts	248	112	45.2	136	54.8
Southern Florida	944	813	86.1	131	13.9	Eastern New York	248	118	47.6	130	52.4
Southern Iowa	875	448	51.2	427	48.8	Eastern Wisconsin	239	177	74.1	62	25.9
Western Virginia	865	529	61.2	336	38.8	Hawaii	236	220	93.2	16	6.8
Nebraska	777	564	72.6	213	27.4	Eastern Arkansas	233	225	96.6	8	3.4
Northern Florida	746	396	53.1	350	46.9	Northern Indiana	230	191	83.0	39	17.0
Central Illinois	727	403	55.4	324	44.6	Western Louisiana	228	168	73.7	60	26.3
Northern Georgia	675	431	63.9	244	36.1	Nevada	223	182	81.6	41	18.4
Eastern Tennessee	669	543	81.2	126	18.8	Connecticut	221	143	64.7	78	35.3
Southern Georgia	668	327	49.0	341	51.0	Northern Oklahoma	219	130	59.4	89	40.6
Eastern Kentucky	644	288	44.7	356	55.3	Wyoming	215	213	99.1	2	0.9
Central California	642	381	59.3	261	40.7	Northern Alabama	208	179	86.1	29	13.9
Eastern Missouri	631	417	66.1	214	33.9	Western Pennsylvania	199	112	56.3	87	43.7
Middle North Carolina	594	331	55.7	263	44.3	Northern Mississippi	193	156	80.8	37	19.2
Kansas	567	402	70.9	165	29.1	North Dakota	189	187	98.9	2	1.1
Western Michigan	564	272	48.2	292	51.8	Middle Louisiana	184	82	44.6	102	55.4
Maryland	560	441	78.8	119	21.3	Southern West Virginia	165	151	91.5	14	8.5
Eastern California	536	389	72.6	147	27.4	Colorado	158	158	100.0	0	0.0
Southern Illinois	502	382	76.1	120	23.9	Western Oklahoma	157	157	100.0	0	0.0
Western Tennessee	488	232	47.5	256	52.5	Maine	155	103	66.5	52	33.5
Northern Illinois	481	479	99.6	2	0.4	Alaska	153	116	75.8	37	24.2
Southern Alabama	445	290	65.2	155	34.8	Middle Tennessee	153	97	63.4	56	36.6
Southern New York	426	420	98.6	6	1.4	South Dakota	152	117	77.0	35	23.0
Southern Indiana	419	269	64.2	150	35.8	Western Kentucky	143	135	94.4	8	5.6
Western Missouri	407	297	73.0	110	27.0	Middle Alabama	130	87	66.9	43	33.1
Middle Georgia	375	213	56.8	162	43.2	Western Wisconsin	118	117	99.2	1	0.8
Eastern Michigan	364	262	72.0	102	28.0	Oregon	115	114	99.1	1	0.9
Western Arkansas	358	216	60.3	142	39.7	Rhode Island	110	55	50.0	55	50.0
Northern Ohio	353	280	79.3	73	20.7	Eastern Washington	94	94	100.0	0	0.0
Southern Ohio	347	294	84.7	53	15.3	Eastern Oklahoma	80	80	100.0	0	0.0
Utah	346	188	54.3	158	45.7	District of Columbia	73	73	100.0	0	0.0
Minnesota	343	220	64.1	123	35.9	New Hampshire	61	32	52.5	29	47.5
Southern Mississippi	342	227	66.4	115	33.6	Vermont	43	38	88.4	5	11.6
Montana	321	227	70.7	94	29.3	Virgin Islands	39	26	66.7	13	33.3
Eastern Louisiana	318	184	57.9	134	42.1	Delaware	33	15	45.5	18	54.5
Southern California	318	317	99.7	1	0.3	Guam	21	21	100.0	0	0.0
Western New York	315	203	64.4	112	35.6	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 AMENDMENT¹**



¹ Of the 29,391 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 496 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	43,309	29,256	67.6	14,053	32.4
2016	148	1	0.7	147	99.3
2015	1,040	121	11.6	919	88.4
2014	5,927	3,858	65.1	2,069	34.9
2013	7,092	5,306	74.8	1,786	25.2
2012	5,910	4,443	75.2	1,467	24.8
2011	4,534	3,287	72.5	1,247	27.5
2010	3,493	2,284	65.4	1,209	34.6
2009	3,152	2,045	64.9	1,107	35.1
2008	2,513	1,672	66.5	841	33.5
2007	2,107	1,415	67.2	692	32.8
2006	1,579	1,073	68.0	506	32.0
2005	1,178	746	63.3	432	36.7
2004	898	589	65.6	309	34.4
2003	762	479	62.9	283	37.1
2002	469	293	62.5	176	37.5
2001	412	272	66.0	140	34.0
2000	353	222	62.9	131	37.1
1999	336	223	66.4	113	33.6
1998	251	168	66.9	83	33.1
1997	221	149	67.4	72	32.6
1996	199	130	65.3	69	34.7
1995	190	118	62.1	72	37.9
1994	170	106	62.4	64	37.6
1993	120	83	69.2	37	30.8
1992	116	82	70.7	34	29.3
1991	77	58	75.3	19	24.7
1990	49	24	49.0	25	51.0
1989	13	9	69.2	4	30.8

¹ Of the 43,491 cases reported to the Commission, 182 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	28,268	23,414	82.8	0	0.0	4,854	17.2
D.C. CIRCUIT	69	69	100.0	0	0.0	0	0.0
FIRST CIRCUIT	1,422	1,331	93.6	0	0.0	91	6.4
SECOND CIRCUIT	1,067	881	82.6	0	0.0	186	17.4
THIRD CIRCUIT	563	551	97.9	0	0.0	12	2.1
FOURTH CIRCUIT	4,384	3,595	82.0	0	0.0	789	18.0
FIFTH CIRCUIT	5,971	4,281	71.7	0	0.0	1,690	28.3
SIXTH CIRCUIT	2,375	1,980	83.4	0	0.0	395	16.6
SEVENTH CIRCUIT	1,997	1,959	98.1	0	0.0	38	1.9
EIGHTH CIRCUIT	3,185	2,289	71.9	0	0.0	896	28.1
NINTH CIRCUIT	2,556	2,482	97.1	0	0.0	74	2.9
TENTH CIRCUIT	1,297	1,190	91.8	0	0.0	107	8.2
ELEVENTH CIRCUIT	3,382	2,806	83.0	0	0.0	576	17.0

¹ Of the 29,391 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 1,164 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, 28,268 origins were cited for the 28,227 cases.

² 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 ¹	Powder Cocaine		Crack Cocaine		Heroin		Marijuana		Metham- phetamine		Other	
		N	%	N	%	N	%	N	%	N	%	N	%
White	6,678	751	9.1	273	4.7	214	10.7	594	23.7	4,181	46.0	665	52.7
Black	9,580	2,681	32.6	5,011	87.1	807	40.2	483	19.3	241	2.6	357	28.3
Hispanic	11,831	4,705	57.3	421	7.3	972	48.4	1,350	53.8	4,269	46.9	114	9.0
Other	755	78	0.9	50	0.9	15	0.7	82	3.3	404	4.4	126	10.0
Total	28,844	8,215		5,755		2,008		2,509		9,095		1,262	
Citizenship													
U.S. Citizen	21,921	5,596	68.1	5,569	96.7	1,464	72.8	1,781	70.8	6,367	70.0	1,144	90.5
Non-Citizen	6,941	2,616	31.9	191	3.3	546	27.2	735	29.2	2,733	30.0	120	9.5
Total	28,862	8,212		5,760		2,010		2,516		9,100		1,264	
Gender													
Male	26,817	7,863	95.6	5,540	96.1	1,862	92.5	2,407	95.6	8,026	88.1	1,119	88.5
Female	2,075	360	4.4	223	3.9	150	7.5	111	4.4	1,085	11.9	146	11.5
Total	28,892	8,223		5,763		2,012		2,518		9,111		1,265	
Average Age													
	35	36		32		35		36		35		37	

¹ Of the 29,391 cases in which the court granted a motion for a sentence reduction due to retroactive application of Amendment 782, 496 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 (51), missing citizenship information (33), missing gender information (3), and missing age information (8).

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	23.4	19.7	21.7	18.3	31.4	23.4	19.9	18.8	19.9	15.4	22.4	19.4	17.1	16.1
Firearms Mandatory Minimum Applied	10.8	11.2	11.0	10.1	15.8	16.0	7.0	7.5	9.1	10.3	9.0	8.6	9.5	11.4
Safety Valve	13.3	10.4	16.6	15.6	2.6	0.7	15.1	10.4	14.4	9.1	16.5	15.8	12.6	9.3
Guideline Role Adjustments														
Aggravating Role (USSG §3B1.1)	19.7	15.5	22.5	18.6	19.2	12.6	24.6	17.3	31.1	19.5	13.3	13.2	19.1	22.6
Mitigating Role (USSG §3B1.2)	3.8	4.3	3.4	4.2	1.2	1.6	4.4	4.4	4.2	6.1	5.7	6.5	2.8	4.3
Obstruction Adjustment (USSG §3C1.1)	6.1	5.2	6.2	4.6	7.4	6.1	4.0	4.6	9.3	6.7	4.9	4.0	4.6	7.1
Sentence Relative to the Guideline Range														
Within Range	64.0	48.5	67.3	52.5	65.7	54.6	66.2	42.0	68.6	59.0	58.6	39.2	60.5	33.1
Above Range	1.0	1.9	1.0	1.3	1.2	2.0	1.6	3.8	1.6	3.8	0.4	1.2	1.3	3.6
Below Range	35.0	49.5	31.7	46.2	33.1	43.4	32.2	54.2	29.8	37.2	40.9	59.6	38.3	63.3
Criminal History Category														
I	35.9	27.8	48.6	41.0	13.7	7.3	36.4	27.3	42.4	30.5	36.5	35.7	37.4	31.7
II	13.8	10.0	14.5	10.2	11.4	6.1	15.0	9.4	16.0	14.3	13.9	12.4	14.3	11.2
III	20.0	13.6	18.4	12.8	23.4	13.0	19.5	12.8	19.9	16.3	19.3	13.8	21.7	15.4
IV	12.3	8.3	9.3	6.2	18.8	9.3	11.8	7.3	10.2	9.0	11.7	9.0	12.0	8.7
V	7.6	5.7	4.0	3.6	13.2	7.3	7.9	6.2	5.9	5.7	7.8	5.5	6.1	6.5
VI	10.3	34.6	5.3	26.1	19.4	57.1	9.4	37.0	5.7	24.3	10.7	23.6	8.5	26.6

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	28,544	143	118	25	17.2
D.C. CIRCUIT	55	135	116	19	13.5
District of Columbia	55	135	116	19	13.5
FIRST CIRCUIT	1,389	125	105	21	16.3
Maine	102	123	102	21	17.4
Massachusetts	111	159	129	30	18.6
New Hampshire	32	132	112	20	16.4
Puerto Rico	1,099	122	102	20	16.1
Rhode Island	45	123	106	17	13.6
SECOND CIRCUIT	1,012	137	115	22	15.9
Connecticut	142	119	99	20	16.7
New York					
Eastern	108	174	144	30	16.8
Northern	120	109	89	20	18.7
Southern	410	147	124	23	14.7
Western	194	130	110	20	15.4
Vermont	38	115	97	18	16.0
THIRD CIRCUIT	777	141	118	24	16.4
Delaware	14	173	139	34	20.5
New Jersey	172	126	104	22	17.6
Pennsylvania					
Eastern	295	156	130	27	16.5
Middle	160	136	115	21	15.6
Western	112	126	107	19	14.9
Virgin Islands	24	146	121	25	17.0
FOURTH CIRCUIT	4,360	157	130	27	17.1
Maryland	437	135	111	24	17.0
North Carolina					
Eastern	689	164	136	28	17.2
Middle	330	144	121	24	16.1
Western	469	172	143	29	17.0
South Carolina	718	161	131	30	17.9
Virginia					
Eastern	821	172	143	29	16.3
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

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	6,004	138	114	24	17.0
Louisiana					
Eastern	184	142	119	22	15.5
Middle	80	148	122	26	17.1
Western	167	141	115	26	18.1
Mississippi					
Northern	156	125	100	26	20.8
Southern	226	138	114	25	17.5
Texas					
Eastern	985	144	118	26	18.2
Northern	1,081	165	137	29	17.3
Southern	1,391	130	109	21	15.5
Western	1,734	122	102	20	16.9
SIXTH CIRCUIT	2,315	125	103	22	17.7
Kentucky					
Eastern	287	120	102	19	16.0
Western	134	135	113	22	16.0
Michigan					
Eastern	261	139	115	24	17.3
Western	257	143	121	22	15.5
Ohio					
Northern	278	113	90	23	19.8
Southern	293	127	107	20	16.2
Tennessee					
Eastern	536	110	86	24	20.8
Middle	97	147	122	25	16.3
Western	172	136	114	22	16.2
SEVENTH CIRCUIT	1,977	159	127	32	19.7
Illinois					
Central	389	167	120	46	26.6
Northern	468	174	144	30	16.3
Southern	381	140	110	30	20.9
Indiana					
Northern	188	156	128	28	17.0
Southern	268	163	132	31	18.3
Wisconsin					
Eastern	174	133	111	22	16.4
Western	109	168	135	33	18.8
EIGHTH CIRCUIT	3,136	143	118	26	18.0
Arkansas					
Eastern	225	122	102	20	17.0
Western	213	112	92	19	17.4
Iowa					
Northern	490	162	129	33	21.5
Southern	418	170	139	31	18.3
Minnesota	219	153	128	25	17.1
Missouri					
Eastern	415	141	118	24	16.1
Western	289	119	99	20	16.9
Nebraska	564	139	116	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 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	2,806	127	106	20	15.9
Alaska	115	133	113	20	15.2
Arizona	221	98	84	15	14.9
California					
Central	376	131	110	20	15.2
Eastern	389	127	107	21	16.6
Northern	178	121	103	18	14.8
Southern	316	100	84	16	15.5
Guam	21	166	130	36	20.7
Hawaii	219	145	120	24	17.0
Idaho	267	143	119	24	17.1
Montana	223	156	129	27	17.0
Nevada	179	123	103	20	16.3
Northern Mariana Islands	3	107	86	21	19.9
Oregon	113	118	98	20	16.8
Washington					
Eastern	92	133	114	19	14.6
Western	94	116	100	17	13.0
TENTH CIRCUIT	1,371	148	123	25	16.8
Colorado	158	125	104	21	17.5
Kansas	401	157	130	27	17.0
New Mexico	141	119	100	19	16.0
Oklahoma					
Eastern	79	157	132	25	16.2
Northern	115	169	140	30	16.9
Western	117	165	137	27	16.0
Utah	188	134	112	22	16.0
Wyoming	172	160	132	28	18.1
ELEVENTH CIRCUIT	3,342	155	128	27	17.4
Alabama					
Middle	87	138	117	21	15.5
Northern	160	142	114	27	18.7
Southern	288	171	139	32	18.2
Florida					
Middle	727	132	109	23	17.5
Northern	370	205	170	36	17.1
Southern	797	152	128	25	16.1
Georgia					
Middle	212	113	88	24	22.1
Northern	427	177	147	30	16.6
Southern	274	150	123	28	17.8

¹ Of the 43,491 cases reported to the Commission, 182 cases were excluded from this analysis because the case cannot be matched with an original case in the Commission's records and 14,053 cases were excluded from this analysis because the court denied the motion for a sentence reduction. Of the remaining 29,256 cases, 712 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	789	5.2
Sentence is determined by a non-drug guideline	611	4.0
Case does not involve drugs	178	1.2
Offender not eligible under §1B1.10	8,915	58.6
Career Offender or Armed Career Criminal provisions control sentence	3,078	20.2
Statutory mandatory minimum controls sentence	2,553	16.8
Guideline range does not change	1,773	11.6
Already received Amendment 782 reduction	1,053	6.9
Original sentence has been served	193	1.3
Defendant will be released before November 1, 2015	177	1.2
Statutory maximum sentence is less than applicable guideline range	86	0.6
Base offense level is 43	2	0.0
Denied on the merits	3,263	21.5
Offender has already benefitted from departure or variance	1,685	11.1
Denial because of binding plea	567	3.7
18 U.S.C. § 3553(a) factors	441	2.9
Protection of the public	344	2.3
Post-sentencing or post-conviction conduct	226	1.5
No reason provided/Other reason	2,270	14.9
No reason provided	1,803	11.8
Other	467	3.1

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, 15,237 reasons were cited in the 14,100 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.