

# GUIDE TO U.S. SENTENCING COMMISSION'S AMENDMENT 821 PART A (RETROACTIVE)



## WHO DOES THIS AFFECT?



Estimated: 11,495 inmates.

Amendment Effective Date: 2/1/2024

OFFENSE COMMITTED WHILE UNDER PAROLE, PROBATION, IN PRISON, ETC?

NO

YES

DID DEFENDANT RECEIVE STATUS POINTS PURSUANT TO §4A1.1(D) ?

NO



Defendant's total Criminal History Points = any of the following: 2, 3, 4, 5, 7 or 8

Defendant's total Criminal History Points = 10 or 13

NO

DEFENDANT MAY QUALIFY FOR A 2 CRIMINAL HISTORY POINT REDUCTION

DEFENDANT MAY QUALIFY FOR 1 CRIMINAL HISTORY POINT REDUCTION

Did defendant receive a downward departure OR variance at sentencing?

NO

YES

NO

Is original sentence imposed, LOWER than new range?

YES

Defendant qualifies for criminal history points reduction

Defendant likely does not qualify.\*

Defendant may file a motion for re-sentencing pursuant to 18 USC § 3582(c). Statistics and data may be helpful for convincing court to award adjustment.

Judge Rules "on the papers"

Note: Reduction not automatic. Judge must consider 3553(a) factors

## PLEASE NOTE

NOTE: If a defendant has zero criminal history points, the defendant may qualify for Part B (see our Part B infographic for more information)

Commission projects average sentence reduction of 11.7%. Average sentence may drop from 120 to 106 months.

\*If the defendant received a 5K1.1 departure, he or she may still qualify under certain circumstances.

As the above chart illustrates, Federal sentencing is complicated. The path to re-sentencing under the guideline amendments starts with data and analysis. We recommend contacting [SentencingStats.com](https://www.SentencingStats.com) today for your assessment.