

HOPWOOD & SINGHAL PLLC

1701 Pennsylvania Ave. N.W., Suite 200
Washington, DC 20006
<http://www.hopwoodsinghal.com/>

December 13, 2023

MEMORANDUM

RE: Zero-Point Offender Guideline (USSG § 4C1.1, effective November 1, 2023)

This memorandum explains basic eligibility for a sentence reduction under the new Zero-Point Offender Guideline. This memorandum is not legal advice and should not be relied on as legal advice.

1. Effective November 1, 2023, U.S. Sentencing Guidelines § 4C1.1 (through Amendment 821) reduces the offense level by two points for individuals who meet **all** of the following criteria: zero criminal history points, no terrorism adjustment, no use of violence or threat of violence, no causing death or serious bodily injury, no sex offense, no personally causing substantial financial hardship, no firearms or other dangerous weapons, no human rights/individual rights crimes or hate crimes, no aggravating role adjustment, and no continuing criminal enterprise adjustment. This amendment applies retroactively.
2. Even if you are eligible for a two-point reduction to your offense level, a sentence reduction is still limited by the policy statement in U.S. Sentencing Guidelines § 1B1.10, which **prohibits** a reduction “to a term that is **less than** the minimum of the amended guideline range.” USSG § 1B1.10(b)(2). That means that if you received a downward departure or variance from your original guidelines range, such that you already have a sentence that is **lower** than the minimum of your new guideline range, then you **cannot** receive an additional reduction. See the chart on the next page to review this concept.
3. Finally, keep in mind that the sentencing court is not required to reduce your sentence or to do so to the full extent permitted by the Zero-Point Offender Guideline.

Please consult an attorney for further advice.

Shon Hopwood & Kyle Singhal
Hopwood & Singhal PLLC

Original Guidelines range (months):	New Guidelines range (if you are eligible for a reduction):	You <i>may</i> be eligible for a sentence reduction if your total current sentence is at least:
4-10	0-6	(any)
6-12	0-6	(any)
8-14	4-10	4 months
10-16	6-12	6 months
12-18	8-14	8 months
15-21	10-16	10 months
18-24	12-18	12 months
21-27	15-21	15 months
24-30	18-24	18 months
27-33	21-27	21 months
30-37	24-30	24 months
33-41	27-33	27 months
37-46	30-37	30 months
41-51	33-41	33 months
46-57	37-46	37 months
51-63	41-51	41 months
57-71	46-57	46 months
63-78	51-63	51 months
70-87	57-71	57 months
78-97	63-78	63 months
87-108	70-87	70 months
97-121	78-97	78 months
108-135	87-108	87 months
121-151	97-121	97 months
135-168	108-135	108 months
151-188	121-151	121 months
168-210	135-168	135 months
188-235	151-188	151 months
210-262	168-210	168 months
235-293	188-235	188 months
262-327	210-262	210 months
292-365	235-293	235 months
324-405	262-327	262 months
360-life	292-365	292 months
Life (offense level 43)	324-405	324 months
Life (offense level 44)	360-life	360 months

Example: assume your original guidelines range was 262-327 months, but you were sentenced to 120 months. Even with the two-point reduction, your new guidelines range would be 210-262 months, so you are *not* eligible for any reduction at all.